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Friday 2d January 1835.

At a Court of the Foujdaree Adalut

Present,

John Bird Esqre acting 1st Puisne Judge

Thomas Alexr Oakes Esqre acting 2d Do

Read Letter dated the 22d December 1834 from the acting 3d Judge of the Provincial Court of Circuit in the Northern Division, transmitting in conformity with the orders of the Foujdaree Adalut under date the 22d November 1834, English translation of the Proceedings in Cases Nos 25. 26. 27 and 28 on the Masulipatam Calendar for the 2d Session of 1834.

(Here enter No 1834 of 1834)

From a consideration of the proceedings now submitted, the Court are of opinion, that the sentences in the above cases should be set aside. There is no proof, that Bhogavalos was at Vasuly on the day on which the Robbery was committed and further, the Court see no reason to conclude, even if the depositions of the Prisoners did accord with fact, that they were wilfully false and corrupt.

Ordered

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Under these circumstances the Court resolve to direct that the Prisoners—

Collapully Cammiah (No. 25)

Goodevada Reddy (— 26)

Vamoory Suggyanaickloo (— 27)
and
Yanugondla Condiah (— 28)

be immediately and unconditionally set at Liberty.

Ordered that Extract from 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 No. 2.)—

P.C.

P.C.

P.C.

by the 3d Judge in this number.

Ordered, that extract from these proceedings be sent to the 3d Judge on Circuit in the Southern Division for his information and guidance by precept, returnable without delay.

(Sent following Precept No 6.

Read order of Government dated 30th Ultimo approving the sentence of the Foujdaree Adalut in No 1 of 1834 Chucacole Special Commission.

(Here enter No 13 of 1835)

The Special Commissioner having quitted his station on sick certificate, Ordered that the Provincial Court of Circuit Northern Division be directed to cause due execution of the sentence of the Foujdaree Adalut, and that the warrant be transmitted to them for that purpose.

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 without delay.

(Sent following Precept No 7)

Read letter dated 2d Ultimo from the officiating 2d Judge of the Court of Circuit in the Western Division, reporting that the first Sessions

Sessions of 1835 will commence at Calicut on Thursday the 8th of January next.

(Here enter No 1738)

Read letter dated 9th Ultimo from the Provincial Court of Circuit in the Western Division, transmitting copy of a return from the Magistrate of Malabar to the Provincial Court's Precept of the 26th November last, having reference to the Zillah Court of Malabar Criminal Report for October last.

(Here enter No 1770)

Read letter dated 10th Ultimo from the acting 2d Judge of the Court of Circuit in the Northern Division, transmitting original death warrant in Case No 58 Igunton Calendar 1st Sessions of 1834.

(Here enter No 1772)

Read letter dated 11th Ultimo from the acting 2d Judge late on Circuit in the Centre Division reporting the death of the Prisoner Mooniasamy in Nos 6 and 12 Cuddalore Calendar 2d Sessions of 1833.

(Here enter No 1778)

Read return dated 12th Ultimo from the Provincial Court of Circuit in the Southern Division to precept of the Foujdaree Adalut dated the 2d Ultimo calling for the Criminal Statements of the Division for the 1st half year of 1834.

(Here enter No 1773)

Read

Read letter dated 12th Ultimo from the Late Officiating Judge late on Circuit in the Southern Division now at Chittoor, reporting the death of the 36th prisoner in Case No 13 on the Tth Calendar of Nellore for 2d Sessions of 1833.-

(Here enter No 1784)

Read letter dated 26th November last from the acting 3d Judge on Circuit in the Centre Division transmitting the death warrant in No 4 of the Bellary Calendar for the present Sessions and a Copy of a communication of the officiating Criminal Judge of Bellary

(Here enter No 1675)

Read return dated 15th Ultimo from the acting 2d Judge late on Circuit in the Centre Division to precept of Sonjeara Ed dalut dated the 12th Ultimo, directing the Court to instruct the acting Joint Criminal Judge of Chingleput to cancel the bail bonds into which the 5th and 9th Prisoners in case No 64 Cuddalore Calendar 2d Sessions of 1833 have entered

(Here enter No 1777)

Read letter dated 15th Ultimo from the Provincial Court of Circuit in the Southern Division, transmitting copies of Returns from the several authorities in the Division in reply to the observations of the Provincial Court on the Criminal Reports for September last.-

(Here enter No 1785)

Read letter dated 16th Ultimo from the 3d Judge on Circuit in the Western Division, Reporting the commencement of the Sessions for the delivery of the Jail at Honore: and the state of the Calendar.-

(Here enter No 1812)

Read Return dated 16th Ultimo from the Provincial Court of Circuit in the Centre Division to precept of Sonjeara Ed dalut dated the 2d Ultimo, communicating their observations on the Provincial Courts return to precept of Sonjeara Ed dalut dated 22d August last, conveying their observations on the Criminal Reports for June last.-

(Here enter No 1787)

Read return dated 16th Ultimo from the Provincial Court of Circuit in the Western Division to precept of Sonjeara Ed dalut dated the 8th Ultimo, directing the disposal by the Criminal Judge of Malabar of the Cases No 383 and 384 of the Calicut Report V for August last.-

(Here enter No 1811)

Read return dated 18th Ultimo from the 3d Judge on Circuit in the Southern Division to precept of Sonjeara Ed dalut dated the 10th Ultimo, authorizing him to pass mitigated sentences in Cases No 12 and 27 on the 1th Calendar, and No 1 on the Supplemental Calendar of Combaconum 2d Sessions of 1834

(Here enter No 1792)

Read

Read return dated 19th Ultimo from the Acting 2d Judge Sate on Circt in the Northern Division to precept of Conjeeveram Edatut dated the 15th Novr last directing him to instruct the acting Joint Criminal Judge of Guntoor to cause the deposition given by the late 3d Witness before the Criminal Court in Case No 34 Guntoor Calendar 1st Sessions of 1834 to be read and proved in the presence of the prisoners, and to transmit English and Persian translation of the same to the Conjeeveram Edatut

(Here enter No 1840)

Read letter dated 19th Ultimo from the Acting 2d Judge Sate on Circt in the Northern Division, reporting the death of the 4th Prisoner in Nos 120 and 121 Guntoor Calendar 7th Sessions of 1834.—

(Here enter No 1842)

Read letter dated 20th Ultimo from the Acting 3d Judge on Circt in the Centre Division, transmitting original Death warrant in Case No 10 Bellary Calendar 2d Sessions of 1834.—

(Here enter No 1816)

Read return dated 20th Ultimo from the 3d Judge on Circt in the Western Division to precept of Conjeeveram Edatut dated the 5th Ultimo, sanctioning mitigated

mitigated punishments in Cases Nos 16, 17, 27 and 48 on the Calicut Calendar and No 11 on the 3d Additional Calendar for the late Sessions.—

(Here enter No 1835)

Read return dated 22d Ultimo from the Acting 3d Judge on Circt in the Centre Division to precept of Conjeeveram Edatut dated the 8th Ultimo, conveying their observations in Case No 5 Cuddapah Calendar 2d Sessions of 1834.—

(Here enter No 1815)

Read letter dated 23d Ultimo from the 3d Judge on Circt in the Western Division forwarding the death warrant in Case No 4 on the Mangalore Calendar for the 2d Sessions 1834.—

(Here enter No 9 of 1835)

Read letter dated 24th Ultimo from the Acting 2d Judge Sate on Circt in the Northern Division, transmitting copy of a letter from the Acting Joint Criminal Judge of Guntoor, reporting the execution of one of the prisoners in Case No 27 Guntoor Calendar 1st Sessions of 1834: and his inability to hang the other prisoner sentenced to death, by reason of his severe indisposition.—

(Here enter No 1841)

Read letter dated 24th Ultimo from the Provincial Court of Circuit in the Centre Division, transmitting for the information of the Judges of the Court

3d January 1835.

Court of Conjeeram Ecdahut, the accompanying copies of Returns connected with the Criminal Reports for April made by the Acting Criminal Judge and Magistrate of Chittoor, the Criminal Judge and Magistrate of Cuddapah, the Magistrate of Bellary, the Criminal Judge and Magistrate of Chingleput and the Magistrate of South Arcot.—

(Here enter No. 2 of 1835)

Read return dated 26th Ultimo from the Acting 2d Judge late on Circuit in the Centre Division, to precept of Conjeeram Ecdahut dated the 15th Ultimo, directing the unconditional release of the Prisoner Gopooroom and six others in No. 23 Chingleput Calendar 1st Sessions of 1834.—

(Here enter No. 1836)

Read return dated 26th Ultimo from the third Judge on Circuit in the Southern Division, to precept of Conjeeram Ecdahut dated the 20th Ultimo, containing their observations on the Salem Calendar for the 2d Sessions of 1834.—

(Here enter No. 1837)

Read letter dated 26th Ultimo, from the Provincial Court in the Southern Division, transmitting copy of Return from the Acting Criminal Judge of Nellore to the further Precept of Provincial Court of 22d September last, having reference to the Criminal Reports for February 1834.

(Here enter No. 8 of 1835)

Read

Ent.

3d January 1835.

Read return dated 30th Ultimo from the late officiating Judge late on Circuit in the Northern Division, now at Chittoor, to precept of Conjeeram Ecdahut dated the 15th Ultimo, directing the release of the Prisoner in Case No. 69 Nellore Calendar 1st Sessions of 1834.—

(Here enter No. 3 of 1835)

WS

WH

L.H.O.

At a Court of the Foujdaree Udalut—

Present,

Monday 5th January 1835—

John Bird Esqr. Acting 1st Puisne Judge

Thomas Alexr. Oakes Esqr. Acting 2d Puisne Judge

Read petition presented on the 22d Ultimo, by Chinna Runguy of the zillah of Chittoor—

(Here enter this Pet. No. 107 of 1834—)

The Petitioner complains of mal treatment by one Mennesawmy of Wallajahpettah, and of his having been unjustly apprehended for a theft in that person's house—He is informed, that he must apply to the Judge holding Quarterly Sessions at Chittoor for redress; and to the Zillah Court for a copy of the proceedings to which he refers; the requests contained in his Petition are not matter for the consideration of the Foujdaree Udalut—

Ordered, that the Petition be rejected and Extract from these proceedings be furnished to the Petitioner on his application—

Read Petition presented on the 22d Ultimo, by Timmah Reddy of Cuddapah—

(Here enter this Pet. No. 109 of 1834—)

The

5th January 1835

The Petitioner must produce the orders of the Court of Circuit before his Petition can be taken into consideration by this Court—

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

Read Petition presented on the 29th December by Angalogee of the Zillah of Combaconum—

(Here enter this Pet. No 110 of 1834.)

This is an application for the release of the prisoners in No 25 Combaconum Calendar 2d Sessions 1832, the petitioner alleging the charge to be false— The Court see no cause for their interference—

Ordered therefore, that the Petition be rejected, and Extract from these proceedings be furnished to the Petitioner upon application—

Read letter dated 22d Ultimo from the Provincial Court of Circuit in the Western Division, Submitting the Criminal Reports for November 1834—

(Here enter No 5.)

The foregoing Reports together with Remark

5th January 1835

from the Zoyglaree Vakeel, they are most Satisfactory and highly creditable to the Subordinate authorities—

Ordered, that Extract from these proceedings be sent to the Provincial Court of Circuit in the Western Division for their information—

(Sent in No 11)

Read letter, dated the 22d Ultimo from the Acting 3d Judge on Circuit in the Centre Division, Submitting "copies of instructions to, and of Returns thereto, from the Officiating Criminal Judge of Bellary accompanied by an authenticated Extract of the Summary enquiry he held, and of the examinations taken by the Assistant Criminal Judge, connected with the Affray and attempt of a large body of the prisoners to escape on the 20th May last—"

(Here enter No 1817 of 1834.)

Read also his letter on the same Subject under date 29th Ultimo—

(Here enter No 1858 of 1834.)

The Judges gather from these proceedings, that the practice of the Bellary Jail, is to examine the prisoners fetters, but once

7th January 1835.

ance in the mark - The Acting 3d Judge will direct the attention of the Officiating Criminal Judge to the 38th Rule of the General Jail Rules of 8th October 1821, and enjoine their observance in future -

Ordered, that Extract from these proceedings be sent to the Acting 3d Judge on Circuit in the Centre Division by speedy returnable without delay -

L.H.C.

Wd

W.

(Sent following Precept No 12)-

J. 16

At a Court of the Foujdaree Udalut -

Present,

Wednesday 7th January 1835.

John Bird Esqre Acting 1st Puisne Judge

Thomas Alexr Oakes Esqre Acting 2d Puisne Judge

Read letter dated 31st December last from the Acting 2d

L.H.C.

Judge late on Circuit Southern Division, proposing

W

with reference to the Court's proceedings of the 25th August, a mitigation of the Sentence in certain numbers of the Rajahmundry Calendar 1st Sessions 1834 -

(Here enter No 25 of 1835 -)

1. In their proceedings of August referred to, it was not intended by the Court to suggest an application for mitigation of punishment to the extent now proposed by the Acting 2d Judge; but merely to the extent of the period, between the prisoner's lodgment in Jail, and trial - The Court have however again referred to the Calendar, and they resolve under the authority vested in them by Clause third Section III Regulation I 1825 to sanction the mitigated Sentences in Nos 3 and 36

Recommended

3d. L.

7th January 1835.

recommended by the Acting 2d Judge-

2. In Nos 19 29 31 32 and 37 they see no Sufficient grounds for mitigation, beyond the extent originally proposed by the Court, and they accordingly authorize the Acting 2d Judge to reduce the terms of imprisonment in each of these numbers, by the period which elapsed between the date when the prisoner was first lodged in Jail, and the date of his trial-

Ordered, that Extract from these proceedings be sent to the Acting 2d Judge on Circuit in the Northern Division by first returnable without delay-

(Sent following Precpt No 19)-

J.H.

At a Court of the Foujdaree Udalut-

Present,

Thursday 8th January 1835-

John Bird Esqre 3d Puisne Judge

Thomas Alexr Oakes Esqre Officiating Judge

Read letter dated 29th Ultimo from the late Additional Judge late on Circuit in the Northern Division, submitting the record in Case No 23 Chicacole Calendar 1st Sessions 1833, called for by the Foujdaree Udalut on 22d August last-

(Here enter No 18.)

In this case the prisoner was charged with perjury under the provisions of Regulation III of 1826- Under that Regulation it is requisite, in order to establish the offence there provided for, and to subject the prisoner to the penalties prescribed by Clause third Section II, that he should have given "two contradictory depositions on oath-"

2. It appears from the record before the Court, that a second deposition was never taken from the prisoner, and that the perjury is assigned on the contradictory Statements in one and the same deposition- It is clear

therefore

therefore, that the prisoner's offence did not come within the provisions of Regulation III of 1826, and his trial and sentence under that Regulation were unauthorized and illegal.

3. Under these circumstances, the Court of Sudder Adalut resolve to quash the proceedings held, and to direct the prisoner to be brought to trial for perjury, under the provisions of Regulation VI of 1811. The Criminal Judge should assign the perjury, either on the fact of his swearing falsely to his being such and such an individual, he well knowing he was not; Or, on the facts deposed by him in evidence, material to the issue, of which the falsity can be established by good and sufficient evidence, or on both, ~~or~~ and it will then rest with the Court of Circuit to try him on both, or on one.

4. The Court desire it to observe, that in the event of conviction, the Judge presiding should bear in mind in passing sentence, the imprisonment the prisoner

prisoner may have suffered under the sentence illegally passed upon him.

Ordered, that Extract from these proceedings, together with the record be sent to the late Additional Judge late on Circuit in the Northern Division, requiring him to carry the orders of the Court into effect, by precept returnable in 3 weeks.

L. P. C.

(Sent following Precept No 20)

At a Court of the Foujdaree Udalut.

Present,

Friday 9th January 1835.

John Bird Esqre. 2.nd Puisne Judge

Thomas Alexr. Oakes Esqre. Officiating Judge

Read letter, dated 3d Instant from the late Officiating Judge Northern Provincial Court, forwarding a communication under date 27th December from the Criminal Judge of Nellore, reporting that "Condorty Goorovadoo" prisoner in No.53 of the Calendar 2d ½ Sessions 1833 is living and has been erroneously entered as "dead"

N/3

T.A.O.

(Here enter No.23)

1 The late Officiating Judge states that he is unable to account for the circumstance, or to offer any explanation, the Circuit establishment not being with him; and he suggests that orders should be issued direct to the Criminal Judge on the subject.

2. The Court of Foujdaree Udalut observe, that the prisoner "Condorty Goorovadoo" is not only marked in the Records No.53 in red Ink, as "dead", but that both his arraignment

(and

9th January 1835.

No 1. 1. The evidence in this case appears to the Court to have been sufficient for conviction, if the prisoner could not satisfactorily account for the sheep being in their possession.

No 13. 2. The Court consider it necessary to direct in this case, that the prisoner, if not already released, should be placed under the charge of the Medical Officer, in accordance with the Standing orders of the Zoyalaree Establishment - and a representation must be made to the Judge presiding at the next Sessions, who will then determine, whether it will be safe to deliver her to the charge of her friends.

No 18. 3. Under the provisions of Clause third Section III Regulation 1 of 1825 the Court authorize the mitigated Sentence proposed in this number.

No 24. 4. The Acting 3d Judge should have shown, when directing the post-ponement of this case, why the attendance of the parties for the prosecution could not be obtained.

No 26. 5. The Court view the post-ponement of the trial in this case with much regret. Under all the circumstances they are of opinion that the Criminal

F. 11.

9th January 1835.

Criminal Judge should be instructed to release the prisoner on Bail for his appearance at the next Sessions.

35. 6. In this case, the Court question in some measure the propriety of the order for unconditional release - It appears to them, that the evidence of the 1st witness if to the same effect before the Court of Circuit as before the Criminal Court, did corroborate the Prosecutor's testimony, and that some weight was due to their statements.

40. 7. The Court have attentively considered the abstract of the proceedings in this case, and they cannot concur in the Acting 3d Judge's recommendation, without having the record of the trial before them - They desire therefore that it may be forwarded with as little delay as practicable.

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

(Sent following precept No 33)

Read again letter dated 15th Ultimo from the Acting 2d Judge late on Circuit in the Northern Division, transmitting the record in Case No 51 on the Rajahmundry Calendar 1st Sessions of 1834.

(Here enter No 1806)

and depositions are wanting - They conclude however that there can be no doubt of the commission of the Criminal Judge's Report, and as he stands in precisely the same circumstances as the other prisoners in the number, who have been released in consequence of the absence of all evidence against them, the Court consider the prisoner "Condoraty Goonawardon" equally entitled to his acquittal, and they direct therefore, that he be forthwith set at liberty -

Ordered, that Extract from these proceedings be sent to the Criminal Judge of Nellore by precept returnable within three days -

(Sent following Precept N° 30 -)

Ordered also, that Extract from these proceedings be sent to the late Officiating Judge late on Circuit in the Northern Division for his information and guidance -

(Sent in N° 31)

Read return, dated 31st Ultimo from the Provincial Court of Circuit in the Northern Division, to the Court's precept of the 23d, calling for "the Calendar of prisoners tried since the date

of the last Calendar received by the Sajdaree Adalut, namely 7th July -"

(How entered N° 36 -)

In their return the Provincial Court call attention to the circumstance, that the Acting 3d Judge submitted a Calendar on the 29th October; and observe, that "the 7th July last is quoted" as the date of the Calendar - On reference to the Calendar the Court find, that although received by this Court on the 7th November, it bears the date, as stated in their proceedings of the 7th July; and contains cases committed for trial in April and May -

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

(Sent in N° 32)

Read letter dated 1st Ultimo from the Acting 3d Judge on Circuit in the Centre Division, submitting the Bellary Calendar 2d Session 1834 -

(How entered N° 1706 of 1834 -)

The

J. C.

9th January 1835

Mr. Bird
and
Mr. Baker.

The Court of Sunjarce Moolut on a deliberate consideration of all the circumstances of the case in evidence before them being of opinion that the proof against the Prisoner,

Sukhena,

is sufficient to commit her of the crime of Theft to enter the authority with which they are vested by Clause first Section II. Regulation V of 1818, commit her thereof, and in conformity with the provisions of Clause second of the same Section, direct their Law Officer to declare by a second Futwa, to what punishment the Prisoner would be liable if committed by full legal evidence of that crime.

Answer.

In the event of the Prisoner above mentioned being convicted of the crime of Robbery, by the evidence of credible witnesses she is liable to Sazeer.

The Court of Sunjarce Moolut under the sentence of Sazeer declared in the foregoing Futwa, sentence the Prisoner,

Sukhena,

to be imprisoned and kept to hard labour without irons on the public roads or other works for and during the period of fifteen years.

(Sent for framing letter No. 84)

J. C.

9th January 1835

Read letter dated the 20th Ultimo from the Acting 2nd Judge late on Circuit in the Centre Division, transmitting the record of Cases Nos. 9 and 18 of the Cuttack Calendar for 1st Session of 1834.

(Here enter No. 1818.)

Mr. Bird
and
Mr. Baker.

The Court of Sunjarce Moolut having maturely considered the proceedings held before the Judge on Circuit, the Futwa of the Provincial Law Officer, and the Futwa of the Cazee cum Cozzat and Mooftee of the Sunjarce Moolut, confirm such part of the said Futwa of the Cazee cum Cozzat and Mooftees aforesaid, as acquits the Prisoners

2nd Jolaurechain

and

3rd Cyapooree,

(of whom the second Prisoner was sentenced in No. 6 of the Chinglepoot Calendar for the 2nd Sessions of 1828 to imprisonment for 14 years, but has since escaped and is still at large)

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

5th Cyapooree,

the Court direct, under Clause sixth, Section II Regulation XV of 1803 that he be required to find two securities in 50 Rupees each

to

surety

surely for his good behaviour and appearance
under the regulation within (2) two years, and that
in default thereof, he be detained for (2) two
years in confinement.-

And being of opinion, that

the Prisoner,

1st Venkatachella Cooliar,

is not convicted on presumptive proof, or
on the evidence of credible eye witnesses
or of credible witnesses to his confession,
notwithstanding the Sentence of the Sessions
the Court do accordingly acquit him. But
seeing that strong suspicion though not
amounting to conviction attaches to him
they direct under clause sixth section 8
Regulation XV of 1803 that he be required
to find two sureties in 50 Rupees each
for his good behaviour and appearance
required within two years, and that in
default thereof he be detained for two years
in confinement.-

(Sent following letter No. 35)

Read letter, dated 31st Ultimo
from the Third Judge on Circuit in the
Division, transmitting the record in Ca
No. 12 on the Salem Calendar 2nd Sessi
of 1834.-

(Here enter No. 1832.)

The Court of Sanjeare

having maturely considered the proceedings
held before the Judge on Circuit, the Sentence
of the Provincial Law Officer and the Sentence
of the Cazee cum Coozat and Mooftees of the
Sanjeare Adawlut, confirm the said Sentence
of the Cazee cum Coozat and Mooftees aforesaid, and under the provisions of Section X
Regulation VIII of 1802, sentence the Prisoner,

Venkatapaty,

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

(Sent in No. 36.)

Read letter dated 18th Ultimo
from the Additional Judge on Circuit in the
Northern Division, transmitting the record
in Case No. 1 on the Vizagapatam Calendar
for 2nd Sessions of 1834.

(Here enter No. 1843.)

Mr. Bird,
and
Mr. Oakes.

The Court of Sanjeare Adawlut,
having maturely considered the proceedings
held before the Judge on Circuit, the Sentence
of the Provincial Law Officer and the Sentence
of the Cazee cum Coozat and Mooftees of the
Sanjeare Adawlut, are of opinion that the
Prisoner,

Pullela Ramachendrooda,

is not convicted on presumptive proof, or
on the evidence of credible witnesses or on
his own confession, notwithstanding the

Sentence

9th January 1835

Sultua of their Law Officers, of the crime of wilfull Murder, and, &c. 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 Sultua what sentence the Prisoner aforesaid would be liable if convicted by full legal evidence of that crime.-

Answer.

In the event of the Prisoner above mentioned being convicted by the evidence of credible witnesses of the crime of Culpable Homicide, his heirs are liable to a Deyut of 1000 Rupees to be paid to the heirs of the deceased in 3 years.-

In commutation of the penalty of Deyut declared in the foregoing Sultua the Court of Sunjaree Adalut sentence the Prisoner,

Pullala Ramachendrudoo

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

(Sent in No. 37)

9th January 1835.

Read letter dated 19th Ultimo from the Additional Judge on Circuit in the Northern Division, transmitting the record in Case No. 30 on the Vizagapatam Calendar 3d Sessions of 1834.-

(Here enter No. 1344.)

Mr. Bird and Mr. Oakes

The Court of Sunjaree 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,

Anthony

is sufficient to convict him of the crime of Murder, do under the authority with which they are vested by clause first Section II Regulation I of 1818, convict him thereof and sentence him to 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 in No. 38)

Read letter dated 26th Ultimo from the Acting 2d Judge late on Circuit in the Centre Division, transmitting the record in Case No. 24 on the Cuddalore Calendar 1st Sessions of 1834.-

(Here enter No. 1353)

9th January, 1835.

Mr. Bird

The Court of Sanjarees Moalut having maturely considered the proceedings held before the Judge on Circuit, the Fatwa of the Provincial Law Officer and the Fatwa of the Cazee wal Coozat and Mooftee of the Sanjarees Moalut, confirm the said Fatwa of the Cazee wal Coozat and Mooftee aforesaid, acquitting the Prisoners,

1st Ponnen alias Veroorengadoo,
2d Mylen,
3d Parcoman,
4th Ramen,
and
5th Kistnan,

and do accordingly acquit them: 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 35 Rupees each surety for their good behaviour and appearance when required within 2 years and that in default thereof they be retained for 2 years in confinement.

(Sent in No. 39.)

As the Prisoners in the above case have been acquitted, the Court direct that the Acting 2d Judge late on Circuit will transmit without little delay as possible the

9th January, 1835 the record of the proceedings in Case No. 25, and that he will order the detention of the Prisoners in confinement till the Court's final judgment in that case shall be made known, and carry into effect the requisition of security contained in the present sentence, only in the event of the Prisoners being acquitted in No. 25 also.

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. 40)

Read letter, dated 27th Ultimo from the 3d Judge on Circuit in the Southern Division, transmitting the record in Case No. 2 on the Salem Calendar 2d Sessions of 1834.

(Here enter No. 1800)

Mr. Bird,
and
Mr. Baker,

The Court of Sanjarees Moalut having maturely considered the proceedings held before the Judge on Circuit, the Fatwa of the Provincial Law Officer, and the Fatwa of the Cazee wal Coozat and Mooftee of the Sanjarees Moalut, confirm the said Fatwa of the Cazee wal Coozat and Mooftee aforesaid, and under the provisions of Clause Seventh Section II Regulation XV of 1803

Sentence

F.C.

9th January 1835

sentence the Prisoner,

2d Nunniadeen,

to be imprisoned and kept to suitable labor within this Province during the period of 1 year and then to be released.

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

1st Cancanah,

the Court 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 two years and that in default thereof he be retained for two years in confinement.

(Sent following letter No 21)

Read letter dated 15th Ultimo from the 3d Judge on Circuit in the Western Division, forwarding bill of Case No 15 on the Mangalore Calendar 2d Sessions of 1834.

(Here enter No 10)

Mr Bird

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 and Mooftee of the Sudder Adawlut, concur in acquitting the Prisoner,

F.C.

9th January 1835

Prisoner,

Para,

is not convicted of murder or culpable homicide on presumptive proof, or on the evidence of credible witnesses, or on his own confession, notwithstanding the Futwa of their Law Officers, and so accordingly 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 42)

Read letter dated 29th Ultimo from the 3d Judge on Circuit in the Southern Division, transmitting the record in Case No 8 on the Salem Calendar 2d Sessions of 1834.

(Here enter No 11)

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 and Mooftee of the Sudder Adawlut, confirm the said Futwa of the Cazee and Mooftee aforesaid, and under the provisions of Clause second, Section VI Regulation I of 1825, sentence the Prisoner

Rowmun,

to be transported to such place beyond sea

9th January. 1835 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 in No. 43)

Read letter, dated 31st Ultimo from the 3rd Judge on Circuit in the Southern Division, transmitting the record in Case No. 7 on the Salem Calendar 3rd Sessions of 1834.-

(Here enter No. 21)

Mr. Bird, and Mr. Oakes,

The Court of Sanjavaree 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 Sanjavaree Adalut, are of opinion that the Prisoner,

Palany,

is not convicted on presumptive proof, or on the evidence of credible witnesses, or on his own confessions, notwithstanding the Futwa of their Law Officers, of the crime of wilful Murder, and so accordingly acquit him thereof, but considering that the proof against him is sufficient to convict him of culpable Homicide, the Court do under the authority with which they are vested

9th January. 1835 by Clause first Section II Regulation I of 1818 convict him thereof, and under Clause second of the same Section, direct their Law Officer 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 abovementioned being convicted by the evidence of credible witnesses of the crime of Culpable Homicide, his heirs are liable to a Decrypt of 5000 Dirhems to be paid to the Heirs of the Deceased in three years.-

The Court of Sanjavaree Adalut, in commutation of the penalty of Decrypt declared in the foregoing Futwa, sentence the Prisoner,

Palany,

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 in No. 44)

Read letter, dated 15th Ultimo from the Acting 2nd Judge late on Circuit in the Northern Division, transmitting the record in

9th January 1835.

in Case No. 45 on the Rajahmundry Calendar
1st Sessions of 1834.

(Here enter No. 1806.)

Mr. Bird,
and
Mr. Baker.

The Court of Tanjore Zealat having maturely considered the proceedings held before the Judge in Circuit, the Futwa of the Provincial Law Officer, and the Futwa of the Cazee ool Cozat and Mooftee of the Tanjore Zealat, confirm such part of the said Futwa of the Cazee ool Cozat and Mooftee aforesaid as acquits the Prisoner,

T. Bonsely Seelaram,

and do accordingly acquit him. But considering that strong suspicion thereof 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 40 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 (three) years in confinement.

And being of opinion that the proof against the Prisoner

2d Pillah Veerunnah,

is sufficient to convict him of the crime of House breaking and theft, the Court do, under the authority with which they are vested

9th January 1835

vested by Clause first Section II Regulation I of 1818 convict him thereof; and in conformity with the provisions of Clause second of the same Section, direct their Law Officers to declare by a second 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, he is liable to amputation of the right hand.

The Court of Tanjore Zealat, in commutation of the sentence of Hud declared in the foregoing futwa, and in conformity with the provisions of Section XXI Regulation VII of 1802, sentence the Prisoner,

2d Pillah Veerunnah,

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 in No. 45 /-

Rias letter dated 29th Ultimo from the late Additional Judge late on Circuit in the Northern Division, submitting the records in Case No. 33 of the Vizagapatam

Calendar

9th January, 1835.

Calendar 1st Sessions 1833, called for by the Sanjdarie Adalut on the 25th July last.

(Here enter No. 20.)

Vizagapatam Calendar No. 33 in this case, that the Presiding Judge 1st Sessions of 1833. taken the evidence of the 1st 2nd and 3rd witnesses, recorded the following order, viz. the "Witnesses already examined in this case "contradict each other, and as no proof is "forthcoming against the Prisoners, and "as the proceedings of the Police and the Criminal Judge does not shew that any "proof was adduced from the remaining "witness - the Court and the Assessors come to a opinion that it is proper to close the trial and it was accordingly closed - and the Record does shew, that the Prisoners were not put upon their defence, but that a Nolle Prosequi was taken from the Law Officer -

2 The Presiding Judge did not however release the Prisoners unconditionally but declaring that the Court entertained a strong suspicion of their guilt, required them to produce each two sureties in the sum of 200 Rupees, for their good behaviour for two years, or in default to be detained in Gaol for two years -

3. The Court will first observe that

9th January, 1835

that as the Additional Judge did not put the Prisoners on their defence, it was manifestly unjust, as it was illegal, to sentence them to what in all probability would amount to imprisonment for two years.

4 It appears further to the Court, that so far from there being grounds sufficient to justify the Additional Judge in closing the trial after the examination of the three first witnesses, there was very material evidence adducible, namely in respect to the statement of the deceased previous to his death, and to the suspicious conduct of the Prisoners when apprehended, which might have proved amply sufficient for the conviction of the Prisoners. There was proof in the Record of the proceedings before the subordinate Authorities in the first place, that the deceased, Senihasy, died in consequence of the blows he received; secondly, that the said Senihasy maintained consistently up to the time of his decease, that the Prisoners were the Persons who spoke him; and thirdly, the 1st and 2nd witnesses supported his statement, by most material corroborative evidence, to the effect, that they found the deceased lying wounded, and saw the Prisoners run

away

9th January, 1835.

away from the spot.-

5th With this evidence on the record the Court consider the conduct of the Additional Judge in abruptly closing the trial to be censuring of censure - and they resolve to direct, that the Prisoners be still in Gaol, that the proceedings, both for closing the trial, and for the requisition of security be quashed; and that the case be again placed on the Calendar at the next Sessions with directions to the presiding Judge, to take the further evidence forthcoming, and proceed regularly with the trial.-

Ordered, that Extract of these proceedings be sent to the Late Additional Judge Late on Circuit in the Northern Division for his information and guidance, with directions to cause the order of the Court for a further trial to be carried into effect provided the Prisoners are still in confinement.-

W.

Sent following letter No. 46. for

Ends D.H.C. 1/6

In Court of the Sessions at Vizagapatam

Present,

Saturday 16th January, 1835 John Bird Esqr. 2nd Puisne Judge;
Thomas Alexr. Oakes Esqr. Officiating Judge.

D.H.C.

W

Read letter dated 30th Ultimo from the late additional Judge late on Circuit Northern Division, submitting the record in No. 4 Vizagapatam Calendar 1st Sessions 1834 called for by the Sessions Court on the 25th July last.-

/Here enter No. 19/

The Court have maturely considered the proceedings in this case, and they concur with the Presiding Judge in distrusting the evidence of the 1st, 2nd and 3rd witness they fully approve therefore of his orders for the release of the prisoner.-

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

/Sent following letter No. 47

Read letter dated 5th Instant from the Acting 2nd Judge of the Court of Circuit Centre Division recommending a mitigation of punishment in No. 15 Chittoor 1st Supplemental Calendar 3rd Quarterly Session 1834.-

/Here enter No. 42./

J. C.

10th January 1835.

The Court of Sunjaree Mahal under the authority vested in them by clause third Section III Regulation I of 1828 sanction the mitigated sentence proposed.-

Ordered that Extract from these proceedings be sent to the Acting 2d Judge of the Court of Circuit in the Centre Division by precept returnable without delay.-

Sent following precept. No 48

Read letter dated 27th Ultimo from the Provincial Court of Circuit South Division submitting a translation of the Magistrate of Sunnuellee's proceedings with a copy of his letter of the 4th November last reporting the result of his enquiry into the charges prefered by Ram Sing against Beram Khan, Head Peon in the Collectors Office. The Provincial Court also submit a copy of a petition from Ram Sing on the subject of the Magistrate's enquiry.-

[Here enter No. 1847 of 1834.]

The Court have given the documents before them mature consideration, and they have no hesitation in recording their opinion, that the evidence adduced against Beram Khan, is entitled to no consideration, and is on its face unworthy and false. They concur fully with the Magistrate, that nothing has been established against

J. C.

10th January 1835

against him. The Court consider the Magistrate to have been in error, in receiving a petition from Beram Khan, he should have examined him and placed his deposition on record.

Ordered that Extract from these proceedings be sent to the Provincial Court of Circuit in the Southern Division by precept returnable without delay with directions to communicate these proceedings to the Magistrate of Sunnuellee.-

Sent following precept. No 49

Read letter dated 27th Ultimo from the Provincial Court of Circuit Northern Division, submitting the Criminal reports for the month of October.-

[Here enter No. 10.]

Chicacole No 134. 1 The evidence in this case against the 3d Prisoner appears scarcely sufficient to have warranted conviction and sentence.

No. 140. 2 The Acting Criminal Judge has overlooked in this case, the provisions of Section II Regulation XIII 1832, as there was clearly no evidence sufficient to justify any expectation of conviction. If all that is material is entered in the report.-

No. 1516. 3 Referring to their remarks in this number, the Provincial Court of Circuit should call upon the Criminal

Court

Court to explain, why the witness was not committed for perjury; and if the contradictions in his evidence before the Assistant Magistrate and the Criminal Court are direct and positive, and there appears ground to suppose a corrupt intention, the Acting Criminal Judge should be directed to take the necessary measures to bring him to trial.-

No. 119. 4 In this number, there was not in the opinion of the Tanjore Court sufficient evidence for the commitment of the prisoners, and the Assistant Criminal Judge acted correctly in releasing them.-

Masulipatam 5 The Provincial Court will notify to the Joint Criminal Judge, that it will postpone the revision and transmission of the result of his report, if instead of receiving his remarks (see Nos. 148 and 150) wholly in their appropriate columns, they were written over the parallel columns.-

Guntoor Nos. 6. 6 The Court of Tanjore doubt concur with the Provincial Court in opinion, that the 5th Prisoner in this number should be tried by the Criminal Court. They will accordingly issue the necessary orders to the Acting Joint Criminal Judge, quashing his order for commitment. The 5th Prisoner's case

case is not clearly before the Court; they consider it better in the whole to leave it to be disposed of with No. 102 by the Court of Circuit.-

Vellore 264 7 The Court doubt, whether a prosecution for perjury could be instituted with the probability of securing conviction, as no evidence is more fallacious than that to an alibi, and they do not deem it expedient to authorize proceedings against the Prisoner.-

Vizag apatam No. 704 8 The Provincial Court will point out to the Native Criminal Judge the insufficiency of the evidence in this case against the 4th and 5th Prisoners; and if there is nothing further against them than what appears in the report, they will direct their release.- If convicted, the Court see no ground for the distinction made in their Sentences.-

No. 105 9 There were no sufficient grounds for commitment in this case, nor for holding the Prisoner to security. The Provincial Court will instruct the Native Criminal Judge therefore, to return the fine, if it has been levied.-

No. 110. 10 The Court do not deem it expedient to disturb the order for commitment in this number, as the depositions will probably be held at an early date; but the demand for security from the 4th. 5th. 6th. and 8th Prisoners was not warranted by the evidence, and they

should

should accordingly be released, or their bonds, as the case may be, cancelled.

Rajahmundry - N. The Court observe a note in the Statement of Extra Peons from the Zillah, that they exceeded the rate sanctioned by Government of one to 4 Prisoners. The Acting Criminal Judge must be called upon to explain this circumstance.

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

Sent following letter. 1150

Read letter dated 29th Ultimo from the Acting Joint Criminal Judge of the Auxiliary Court at Tellicherry, reporting the employment of Six Extra Cail Peons.

/Here enter No. 17./

Read letter dated 29th Ultimo from the 1st Judge of the Court of Circuit in the Western Division, Returning the death warrant in No. 4. 3d Quarterly Sessions Tellicherry 1834.

/Here enter No. 24./

Read letter, dated 4th Instant from the Acting 3d Judge on Circuit in the Centre Division, Returning the death warrants in Nos. 33 and 33 Bellary Calendar 2d Sessions of 1834.

/Here enter No. 35./

Read letter dated 3d Ultimo from the Provincial Court of Circuit in the Western Division, transmitting transcripts of the returns of the Magistrates of Malabar and Canara, regarding Criminal Reports for November 1834.

/Here enter No. 37./

Read return dated 29th Ultimo from the Provincial Court of Circuit in the Western Division, to precept of Tanjore Sessions of 17th Ultimo, forwarding observations on the Criminal reports for October.

/Here enter No. 38./

Read letter dated 31st Ultimo from the Acting 2d Judge Circuit on Circuit in the Centre Division. Returning death warrant on Prisoner in No. 6. 4/2 Cuddalore Calendar 2d Sessions of 1834.

/Here enter No. 43./

Read return dated 5th Instant from the Provincial Court of Circuit in the Centre Division, to precept of Tanjore Sessions of 29th Ultimo, communicating the remarks of the Court on the Chittoor Calendar 3d Quarterly Sessions of 1834.

/Here enter No. 44./

Read letter dated 2d Instant from the Provincial Court of Circuit in the Northern Division. Explaining the cause

of

10th January 1835.

of the delay in the transmission of the Criminal report for November.

(Here enter No. 51.)

Read return dated 9th Instant from the Acting 3d Judge on Circuit in the Centre Division, to precept of Toujdaree Adalut of 5th Instant, with the Court remark on the attempt at Escape in the Bellary Jail.

(Here enter No. 53.)

Read return, dated 31st Ultimo from the 3d Judge on Circuit in the Western Division, to precept of Toujdaree Adalut of 30th Ultimo, replying to the remarks of the Toujdaree Adalut upon his Calendar 2d Sessions of 1834, Mangalore.

(Here enter No. 58.)

F. H.

At a Court of the Toujdaree Adalut.

Present,

Wednesday 14th January 1835. John Bird Esqre 2d Puisne Judge.

Read letter, dated 5th Instant, from the acting 2d Judge late on Circuit in the Centre Division, referring Case No. 3. Cuddalore Supplemental Calendar 1st Sessions 1834, for the ultimate decision of the Toujdaree Adalut.

(Here enter No. 48.)

It appears that the Law Officer, in this case declared the prisoners liable only to strong suspicion, "Tohmat", and under the Mahomedan Law therefore, to discretionary punishment. But under Clause Sixth Section II Regulation XV 1803, as construed by the Toujdaree Adalut, a punishment cannot be adjudged under that futwa; and as the Presiding Judge concurred in the finding of the Law Officer, that the prisoners were not convicted, it was competent to him to release them on security or unconditionally. It will now be his duty to pass sentence in the trial, as no grounds exist for

14th January 1834.

for its reference to the Foujdaree Adalut.

Ordered, that Extract of these proceedings be sent to the acting 2d Judge late on Circuit in the Centre Division with the record of the trial for his information & guidance by Precept returnable without delay.

(Sent following Precept No. 62.)

J. C.

At a Court of the Foujdaree Adalut.

Present,

Saturday 17th January 1835.

John Bird Esqr. 2d Puisne Judge.

Read letter dated 17th Ultimo from the additional Judge on Circuit in the Northern Division, transmitting the Record in Cause No. 31 on the Vizagapatam Calendar 2d Sessions of 1834.

(Here enter No. 1830.)

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 Vadooroo Boraboo alias Poligaroo,

2d Vaitoodah Bootelegaroo,

and

3d Bandaroo Cunnegaroo,

is sufficient to convict them 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 them thereof, and in conformity with the Provisions of Clauses third and fifth Section IV Regulation XV of 1803, sentence them to be imprisoned

J. C.
1. R. J. C.
J. C.
17th January, 1835

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 in No. 53)

Read letter, dated 10th November last, from the 1st Judge on Circuit in the Northern Division, transmitting the record in case No. 77 on the Nellore Calendar 2nd Sessions of 1834.

(Here enter No. 1845.)

The Court of Sunjaree 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 wh Coozat and Mooftee of the Sunjaree Adalut, confirm such part of the said Futwa of the Cazee wh Coozat and Mooftee aforesaid as acquits the Prisoner

2d Bocah Mullick,

and do accordingly acquit him, but considering that strong suspicion, though not amounting to conviction attaches to him, they direct under clause third Section V Regulation VIII of 1831 and clause sixth Section II Regulation XV of 1803, that he be required to find two sureties in 70 Rupees each surety for his good behaving, and appearance when required within two years and that in default thereof, he be detained for

J. C.
17th January, 1835

for two years in confinement.

And being of opinion that the proof against the Prisoner,

1st Sauterlah Unkaroo,

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 under the provisions of Clauses third and fifth Section IV Regulation XV of 1803 sentence him to be imprisoned and kept to hard labor in irons on the public roads, or other public works for and during the period of [7] seven years.

(Sent in No. 54)

Read letter, dated 23d Ultimo from the Acting 2d Judge late on Circuit in the Northern Division, transmitting the record in Case No. 62 on the Guntoor Calendar for 1st Sessions of 1834.

(Here enter No. 1846.)

The Court of Sunjaree 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 wh Coozat and Mooftee of the

Sunjarees

F.G.
No. 7.
F.G.
17th January, 1835.

Sanjeevee Naaiket, confirm the said Sentence of the Cazee and Coorgat and Mooftee aforesaid convicting the Prisoners,

2d. Bundaroo fully Tevaia Beastamah,
3d. Mungala Pariah,
4th. Ranchanuay Seshamooroo,
6th. Pinnyeelly Alekunah,
7th. Cota Cotiah,
9th. Aracanty Vencatroo,
11th. Goorala Ramarao,

and

13th. Sooraguntty Yelliaroo,

and under the provisions of Clause third, Section V Regulation VIII of 1831, and Clause second Section IV Regulation XV of 1808 Sentenced them to be transported to such places beyond sea as the Governor in Council shall appoint, there to be imprisoned and kept to hard labour in irons on the public roads or other public works, for and during the term of their natural lives respectively.

(Sent in No. 55)

F.G.

At a Court of the Sanjeevee Adaulut.

Present,

Monday 19th January 1835. John Bird Esqre. ..... 2d Puisne Judge,
William Sudlerton Esqre. 3d Puisne Judge,

Read Petition presented on the 22d Ultimo by the Mokhtar Vakeel Maharajah Pillay on behalf of Varee Comara Boye of the Zilla of Chingleput.

(Here enter Mis: Let: No 108 of 1834)

Read again return dated 24th December from the Provincial Court of Circuit in the Southern Division, to this Court's Precept of the 4th August last, directing the Magistrate of Chingleput to institute an enquiry into the allegations of the Petitioner.—

(Here enter No. 1857)

1. In her present application, the Petitioner refers to her former Petition, and prays the Court, to order a further investigation, and direct the apprehension of the persons charged by her, as parties in the case No. 8 of the Chingleput Calendar 2d Sessions 1832.—

From the report of the Magistrate

2 it appears to the Court, that every exertion has been made to do justice to the Petitioner, and they are satisfied with that Officers assurance, that he will exert himself to the utmost in bringing

the

19th January 1836.

the Parties concerned to Justice.— The Court sees therefore no ground for their interference.—

Ordered therefore, that the Prayer of the Petition be rejected, and that extract from these Proceedings be furnished to the Petitioner on her Application.—

Read Petition presented on the 5th Instant by C. Kistniah of the Zilla of Rajahmundry

(Here enter Extra Dr. & Nos 1 of 1836)

The Petitioner complains, that he has been unjustly dismissed from his office of Shist Ameen in the Rajahmundry District, and prays the Court to order his re-instatement.—

An application of the kind to this Court is irregular, and it is accordingly rejected.—

Ordered that extract from the Proceedings be furnished to the Petitioner on his Application.—

In the Court of the Circuit Judges

Present,

Wednesday 27th January 1836. Colin Bird Esqre ... 2d Circuit Judge,
William Huddleston Esqre 3d Circuit Judge

Read Letter dated the 12th Instant from the Acting 2d Judge, late on Circuit in the Cuddalore Division, submitting the Record of Case No 8 on the Cuddalore Calendar for the 2d Session of 1833.—

(Here enter No 89 of 1835)

The Court observe, that the Acting 2d Judge has not only failed to conform with the Circular Order of the 19th January 1825, which directs, that wherever Police Proceedings may be annulled, there be exhibited on the face of the Record the title or nature of the Property, the Remuneration of which the Circuit Judge has considered to be unnecessary, but that he has not even forwarded the Confessions of the 1st and 5th Prisoners, without which they are unable to pass any decision upon the case.—

The Court accordingly resolve to return the Trial to the Acting 2d Judge and to direct that Officer to complete the Record both in English and Persian and to retransmit it to them with the least possible delay.—

Ordered

27th January 1836.

Ordered, that extract from these proceedings be sent to the Acting 2d Judge Salem on Circuit in the Centre Division for his guidance by Precept returnable without delay.

(Sent following Precept No 12)

Read return dated the 15th Instant from the Additional Judge on Circuit in the Northern Division to the Court Precept of the 23d Ultimo directing the early transmission of the Vizagapatam Calendar and the referrible trials.

(Here enter No 65)

In their proceedings of the 23d Ultimo it was not the intention of this Court to enjoin any measure on the Additional Judge their sole object was to expedite the receipt of the Calendar and the referred trials. They have since been gratified by the receipt of the Calendar in question, and nearly the whole of the referred trials.

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

(Sent in No 63)

J. U.

At a Court of the Zoujdaree Adaulut

Present,

Thursday, 22d January, 1835

John Bird Esqr. 2d Puisne Judge,

William Hudleston Esqr. 3d Puisne Judge,

Read letter dated 5th November last from the Acting 3d Judge on Circuit in the Centre Division, transmitting the record in Case No 19 of the Bellary Calendar for the 2d Sessions of 1834.

(Here enter No 19)

Mr Bird.

The Court of Zoujdaree Adaulut on a deliberate consideration of all the circumstances of the Case in evidence before them, being of opinion that the proof against the Prisoner,

1st Dandoorapoo,

is sufficient to convict him of the crime of Gang Robbery by open violence, so 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 in conformity with the provisions of Clause third Section IV Regulation XV of 1803 sentence him to be imprisoned and kept to hard labor in irons on the public roads or other public works, for and during the term of fourteen years.

(Sent following letter No 64)

J.C.

19th 21st 22nd January 1835

Read again 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 Vellore and the Acting Joint Criminal Judge of Guntoor regarding the number of Peons necessary to form an efficient fixed Guard for the interior of the Jails at those stations -

/Here enter J.C. Nos 1635 & 1794 of 1834/

Read also again letter from the Provincial Court of Circuit in the Centre Division dated the 19th Ultimo, transmitting with reference to the Sarjeance Court's letter of the 15th December 1834, copies of letters from the Acting Criminal Judge of Chittoor and of the Provincial Court's proceedings thereon on the subject of a fixed Guard for the interior of the Chittoor Jail -

/Here enter J.C. No 1802 of 1834/

Read also again letter dated the 26th November 1834 from the Provincial Court of Circuit in the Southern Division to precept of the Court of Sarjeance dated under date the 10th of that month, directing them again to call upon the Criminal Judge of

J.C.

22nd January 1835

of Salem to state the number of Peons which in his opinion will be sufficient to form an efficient fixed Guard for the interior of the Jails under his charge -

/Here enter J.C. No 1680 of 1834/

Read also Extract from the Minutes of Consultation under date the 13th Instant, conveying the orders of the Governor in Council upon the proceedings of the Sarjeance Court dated the 31st December 1834 -

/Here enter J.C. No 80 of 1835/

Ordered, that copy of paras 1 and 2 of the Extract from this Court's proceedings of the 31st December last, and of para 1 of the Extract from the Minutes of Consultation under date the 13th Instant be sent to the Provincial Court of Circuit in the Northern Division with instructions to transmit to the Criminal Judge of Vellore, and to the Joint Criminal Judge of Guntoor for their information and guidance, such part as may apply to those Officers respectively, by Precept returnable with all convenient delay -

/Sent following precept No 85/

Ordered also, that copy of para 3 of this Court's proceedings of the 31st December last, and of the Extract from the

1

22nd. January. 1835.

the Minutes of Consultation under date the 15th Instant, be sent to the Provincial Court of Circuit in the Centre Division with instructions to transmit a copies of the same to the Acting Criminal Judges' Letters for that officer's information and guidance by precept, returnable mittant delay.-

(Sent following precept No 166)

Ordered further, that copy of para's 4. 5 and 6 of the proceedings of this Court of the 31st December last, and of the Extract from the Minutes of Consultation under date the 15th Instant, be sent to the Provincial Court of Circuit in the Southern Division, with instructions to transmit to the Criminal Judge of Salem, and the Magistrate of Trichinopoly, for the information and guidance of those officers, such parts as may apply to them respectively by precept returnable mittant delay.-

(Sent following precept No 167)

Read letter dated the 22d Ultimo from the Acting 2d Judge Salem Circuit in the Northern Division, transmitting the English and Persian Record of Case No. 62 on the Quarter Calendar for the 1st Session of 1834.-

(Here enter F.R. No 1546 of 1834.)

Read

22d. January 1835

Read also Extract from the Minutes of Consultation under date the 15th Instant sanctioning at the recommendation of the Superintendent Madras, the grant of a reward of 70 Rupees to each of the two persons Veerunnah and Venkiah: and directing that in the event of the death of either of those persons having taken place before the trial, the reward be paid to his family.

(Here enter F.R. No 82 of 1835.)

Ordered that copy of the letter from the Register to this Court to the Officiating Secretary to Government in the Judicial Department dated the 9th Instant, and of the Extract from the Minutes of Consultation under date the 15th Instant, be sent to the Acting 2d Judge Salem Circuit in the Northern Division, and that he be required to instruct the Magistrate of Guntoor to carry the orders of Government into effect by publicly bestowing upon each of the two persons Veerunnah and Venkiah the sum of 70 Rupees at the same time intimating to them that it is a reward by Government for their meritorious conduct on the occasion of the attack of the Prosecutor's house by a Gang of Robbers.-

Ordered, that Extract fr

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. 68

Read return dated 7th. Instant from the Provincial Court of Circuit in the Southern Division, to precept of Sanjeevee Adalut of the 26th. Ultimo containing the Sanjeevee Courts observations on the Criminal Reports for August last.

(Here enter No. 57.)

Read return dated 5th. Instant from the Acting 2d. Judge late on Circuit in the Northern Division to precept of Sanjeevee Adalut of the 29th. Ultimo ordering the sentence for security on the 15th. Prisoner in Case No. 60 on the Rajahmundry Calendar to be modified.

(Here enter No. 58.)

Read letter, dated 8th. Instant from the Acting 2d. Judge of the Court of Circuit in the Northern Division, returning the dead warrant in No. 27. Guntoor 1st. Calendar 1st. Sessions of 1834.

(Here enter No. 59.)

Read letter dated 8th. Instant from the Officiating 2d. Judge on Circuit in

the Western Division, reporting the opening of the 1st. Sessions of 1835 at Calicut.

(Here enter No. 73.)

Read return dated 5th. Instant from the Third Judge on Circuit in the Western Division, to precept of Sanjeevee Adalut of the 8th. Ultimo, directing the offer of a reward for the apprehension of an individual absconded, concerned in No. 1 Second additional Calendar at Calicut 2d. Sessions 1834.

(Here enter No. 75.)

Read letter dated 13th. 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 Tinnevelly on the 1st proximo.

(Here enter No. 83.)

Read letter dated 12th. Instant from the Acting 1st. Judge on Circuit in the Centre Division, reporting the opening of the Sessions at Cuddapah.

(Here enter No. 84.)

Read letter dated 14th. Instant from the Acting 1st. Judge on Circuit in Centre Division, transmitting the statement required by the Sanjeevee Adalut Circular Order No. 8 of 1834, and omitte

from

J. C.

22d. January 1835

from his letter of the 12th. Instant.

(Here enter No. 95.)

Read letter dated 11th. Instant from the Acting 3d. Judge late additional Judge late on Circuit in the Northern Division transmitting original warrant of execution issued in Case No. 12 on the Chicacole Calendar 1st. Sessions of 1833.

(Here enter No. 99.)

Read return dated 11th. Instant from the Acting 2d. Judge of the Court of Circuit in the Centre Division to precept of Tanjaore Vakeel dated the 12th. Instant sentencing the Prisoners in Case No. 15 of the 1st. Supplemental Calendar for the Chittoor 3d. Quarter Sessions of 1834.

(Here enter No. 105.)

Read return dated 14th. Instant from the Criminal Judge in the Zillah of Nellore to precept of Tanjaore Vakeel dated the 9th. Instant, directing the release of the Prisoner Comeraty Gharamdoo in No. 53 of the Calendar 2d. Sessions of 1833.

(Here enter No. 114.)

Read return dated 11th. Instant from the Provincial Court of Circuit in the Centre Division to precept of Tanjaore Vakeel of 30th. August containing the orders of the Tanjaore Vakeel on the Half yearly Criminal

Statements

J. C.

22d. January 1835

Statements for the 1st. Half year of 1832.

(Here enter No. 117.)

Read return dated 19th. Instant from the Acting 2d. Judge late on Circuit in the Centre Division to precept of Tanjaore Vakeel dated the 11th. Instant returning the record of the trial in Case No. 1 of the Cuddalore Supplemental Calendar for the 1st. Sessions of 1834, with direction to release the Prisoners with or without security.

(Here enter No. 121.)

At a Court of the Foujdary Udalut—

Present,

Saturday 24th January 1835. John Bird Esqre 2nd Puisne Judge.
William Huddleston Esqre 3rd Puisne Judge.

Read letter dated the 3d Instant from the Acting 1st Judge of the Court of Circuit in the Centre Division, transmitting the record in Case No 11 of the Chittoor Calendar 3d Quarterly Sessions of 1834—

(Here enter No 55.)

The Court of Foujdary Udalut having

Mr Bird 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, 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 Clauses Third and Fifth, Section IV Regulation XV of 1803 sentence the Prisoner

Margasahayem

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.

The Court can discern reason why the "Sentence"

sentence on the prisoner should have been withheld from the 26th July, which is the date of the Fatwa, until the 1st December.

Ordered, that Extract from these proceedings be sent to the acting 1st Judge of the Provincial Court of Circuit in the Centre Division for his information.

(Sent following letter No 75

Read letter dated the 27th Ultimo from the Additional Judge on Circuit in the Northern Division, transmitting the record in case No 19 on the Vizagapatam Calendar 2nd Sessions of 1834.

(Here enter No 22.)

Mr Bird

The Court of Foujdary 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

Bobava Naugooloo.

is sufficient to convict him of the crime of Gang Robbery by open violence attended with aggravating circumstances &c, under the authority with which they are vested by Clause Third Section V Regulation XII of 1831 and Clause First Section II Regulation I of 1818 convict him thereof and in conformity with the provisions of Clause Second Section III 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 76.

Read letter, dated 19th Instant from the late officiating Judge late on Circuit in the Northern Division, now at Cuddapah, reporting the present state of the 4 remaining Referred Trials from the Nellore Calendar.

(Here enter No 129)

S:H:

At a Court of the Foujdaree Adalut

Present,

Monday
26th January 1835, Charles May Lushington Esq^re 1st Puisne Judge,
John Bird Esq^re - - - - - 2d Puisne Judge,
William Huddleston Esq^re - 3d Puisne Judge,

Read petition presented on the 9th Instant by Maneeram Para Naick of the Zilla of Chingleput.—

(Here enter Mr. P. No 1 of 1835.)

The Petitioner alleges that his elder Brother and his servant, Prisoners in No 23 Chingleput Calendar 1st Sessions 1834, were unjustly condemned, and he prays the Court to order their release. The Court have already received the trial in question, and passed their final order and there are no grounds for a compliance with the prayer of the petition.—

Ordered, that the Petition be rejected, and that extract from these proceedings be furnished to the petitioner on his application.—

Read petition presented on the 19th Instant by Sroomachella Padiachy of the Zilla of Trichinopoly.—

(Here enter Petr's Petn. No 2 of 1835.)

The petitioner complains that his

Brother

Brothers were unjustly apprehended on a charge of gang robbery, and his elder brother sentenced to 14 years' imprisonment. He prays the Court to direct the Magistrate to institute an enquiry and report the result.—

The Petitioner is informed that the Court see no ground for their interference, and direct that his petition be rejected.—

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

The Court of Conjoint Judicature resolve to issue orders to the Acting 3d Judge Late on Circuit in the Northern Division, directing him to submit without any further delay the Civil № 5 of the Zigzag Pattam Calendar for the 1st Sessions of 1833, which was called for in this Court proceedings of the 25th July last.—

Ordered that extract from these proceedings be sent to the Acting 3d Judge Late on Circuit in the Northern Division by express returnable within one week from and after its receipt.

(Sent following Receipt № 79)

Read letter dated 12th Instant from the Acting 3d Judge on Circuit in the Central Division, submitting the Criminal Calendar for the 2d Sessions of 1834.—

(Here enter № 71.)

26th January 1835.

№ 2. 1. Under all the circumstances, the Court deem it proper to call up this number for their revision.—

№ 3. 2. The Court of Conjoint Judicature sanction, under the authority vested in them by Clause third Section III Regulation I. 1825. the mitigated sentence of 3 years' imprisonment upon the 2d Prisoner.—

№ 5. 3. Upon a consideration of the abstract of the evidence in this case, it appears to the Court to be open to question, whether the false swearing was intentional and deliberate, and on a point material to the issue, they decree therefore that the record of the trial be submitted to them.—

№ 6. 4. The Court concluding that the Acting 3d Judge pointed out to the Assistant Criminal Judge his error in committing this case, should he not have done so, he will make the communication without delay.—

№ 8. 5. The Acting 3d Judge has fallen into an error in part of his remarks in this number, when he observes, that "the evidence of the Prisoner "was not material to the charge in № 4 of the "Calendar as the same has been established by "other competent witnesses". It is not necessary in order

order to establish a charge of perjury, that the evidence of the prisoner, on which it is assigned, should be requisite to the full proof of the case in which he was a witness. All that is required, either under Section IV Regulation VII of 1811, or Section II Regulation III of 1826, is, that the deposition, on which the perjury is assigned be on a point or matter of fact material to the issue. It is clearly of no consequence in the trial of the prisoner for perjury, whether his testimony as a witness, was considered comparatively of minor importance by the evidence of other good and competent witnesses to the same point.—

Ordered, that extract from these proceedings be sent to the acting 3d Judge on Circuit in the Centre Division by Precept returnable in ten days from and after its receipt.—

(Sent following Precept No 80

Read letter dated 16th instant from the officiating Secretary to Government in the Judicial Department, conveying the observations and orders of Government on the proceedings of the Sessions Circuit 18th ult. last, reviewing the Grand report of the 1st Judge of the Provincial Court in the Southern Division 2d Session 1833.—

(Here enter No 93)

Ordered

Ordered, that Paras 2-4-6-7 and 8 be communicated to the 1st Judge of the Provincial Court of Circuit in the Southern Division for his information.—

(Sent in No 81

Kistnama Naik moves the Court to return the enclosures in his Miscellaneous Petition No 91 of 1834.—

Ordered accordingly.—

26th January 1835.

F. 46.

At a Court of the Foujdary Udalut

Present

Wednesday
28th January 1835

Charles May Lushington Esqre 1st Puisne Judge
John Bird Esqre ..... 2nd Puisne Judge
William Rudleston Esqre 3d Puisne Judge

Read letter dated 3rd Instant from the 3d Judge on Circuit in the Southern Division, transmitting the record in Case No. 25 Calendar 2nd Sessions of 1834.

(Here enter No. 46.)

Mr. Bird

The Court of Foujdary 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

2nd Cara Oorroomon.

is sufficient to convict him of the crime of Torturing and Burning, 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 provision 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 case of the prisoner above mentioned being

being convicted of the crime aforesaid by the evidence credible witnesses, he is liable to Oborohut-

Under the sentence of Oborohut laid in the foregoing Futwa the Court of Foujdary Udalut adjudge the Prisoner

2nd Para Oroomon

to be imprisoned and kept to hard labour in irons on the publick roads or other publick works for and during the period of (4) four years-

(Sent following letter No 84

Read letter dated the 31st Instant from the Acting 3d Judge on Circuit in the Centre Division submitting the English and Persian translated proceedings in Case No 4 of the Chingleput Calendar for the 2d Sessions 1834, for the final sentence of the Court of Foujdary Udalut.-

(Here enter No 57.-)

Mr Bird

The Court of Foujdary Udalut on due deliberate consideration of all the circumstances of the case as in evidence before them, being of opinion that the proof against the prisoner

Vencatasawmy

is sufficient to convict him of the crime of Gang Robbery by open violence attended with aggravated circumstances, do, under the authority with which they are vested by clause Third

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 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 publick roads or other publick works for and during the period of his natural life-

(Sent following letter No 85

Read letter dated the 31st Instant from the Acting 1st Judge of the Court of Circuit in the Centre Division, transmitting the record in case No 6 on the Chittoor Calendar 2nd Quarterly Sessions of 1834-

(Here enter No 58.)

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 Mooftees of the Foujdaree Udalut, confirm the said Futwa of the Cazee ool Coozat and Mooftees aforesaid, and under the provisions of Clause Third Section V Regulation VIII of 1831 and Clause Third Section III and Clause Third Section IV Regulation VII of 1811 sentence the prisoner,

Cherchoo Ramoodoo

to be imprisoned and kept to hard labour in irons on the publick roads or other publick works for and during the

period

period of three years and six Months.-

(Sent in N.86

Read letter from the Provincial Cou
of Circuit Centre Division, submitting the Criminal ret
for November.-

(Here enter N.29.)

Chittoor-N.356-7 1 The Court of Foujdary Udalut approve
the orders of the Provincial Court of Circuit in these ca
they will instruct the Acting Criminal Judge to gi
them effect. The Court observe also that in several
instances persons have been sent up to the Crimin
Court with no evidence whatever against them, the ab
if the Magistrate should be specially directed to a
this abuse (see Supplemental Report N.295-297-348)

Cumbum 2 The Provincial Court will communicate
the Foujdary Udalut's concurrence in their observations
paras 13 and 14 to the Native Criminal Judge, direct
the release of the several prisoners in N.86 enumera
in para 14; and caution the Native Judge against re
quiring security upon an uncorroborated police confession
They will point out to him at the same time, that it
is his duty to call for any evidence which may possib
be forthcoming to support the charge, and give proba
to the truth of the confession.-

N.83 3 The Foujdary Udalut concur with the
Provin

Provincial Court in opinion that there may have been ground
for the commitment of this case.-

4 The reports from Bellary require no par
ticular observation from this Court. The Provincial
Court of Circuit will take due care, that their orders
and suggestions are attended to.-

Luckpy Court Cuddalore N.146 5 Upon a consideration of all the circum
stances of this case, the Court of Foujdary Udalut are
of opinion that the Acting Joint Criminal Judge was
justified in requiring security, his order to that effect
must therefore stand.-

6 The other reports and Statements require
no remark.-

Ordered, that Extract of these proceed
ings be sent to the Provincial Court of Circuit in
the Centre Division, with instructions to communicate
the orders of this Court to the Subordinate officers.-

(Sent in N.87

Read letter, dated the 31st Ultimo from
the 1st Judge of the Provincial Court of Circuit in the
Western Division, submitting an Extract of the Calendar
for the 3d, and copies of those for the 4th Quarter Sessions
1834.-

(Here enter N.66.)

Read Return dated the 10th Instant
from

28th January 1835

from the 3d Judge on Circuit in the Southern Division to precept of the Foujdary Udalut of the 3d Instant, with the Remarks of the Foujdary Udalut on the Satara Calendar 2nd Sessions of 1834.-

(Here enter N°76)

Read letter, dated the 20th Instant, from the 1st Judge on Circuit in the Southern Division, reporting the arrival at Madura on the 18th Instant of the Court of Circuit, and the state of the Calendar-

(Here enter N°735)

Read letter, dated the 14th Instant from the Acting 3d Judge of the Provincial Court of Circuit in the Northern Division, reporting that he has forwarded a precept to the Joint Criminal Judge of Guntoor, directing him to prepare for the Sessions at that station on the 16th February-

(Here enter N°736-)

F: U:

Thursday 29th January 1835.

at a Court of the Foujdary Udalut-

Present

Charles May Lushington Esqre 1st Puisne Judge.

John Bird Esqre ..... 2nd Puisne Judge.

William Hudleston Esqre ..... 3d Puisne Judge.

Read letter dated the 5th Instant from the Additional Judge on Circuit in the Northern Division, transmitting the record of proceedings in case N°32 Vizagapatam Calendar 2nd Sessions of 1834.-

(Here enter N°77.)

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, confirm the said Futwa of the Cazee ool Coozat and Mooftees aforesaid, convicting the Prisoner,

"Combody Tydemmah,"

of Wilful Murder and awarding Kisaâs, and in conformity with the provisions of Section X. Regulation VIII of 1802, sentence her to suffer death by being hanged at the usual time and place of execution-

The

1

The additional Judge in the 9th para of his letter, referring the trial, states the reference to be made "under Clause 1st Section IV. and Clause 1st Section VI. Regulation XV of 1803." This Regulation is not applicable to the case, and Clause second Section XV. Regulation VIII of 1802 should have been the provision quoted.-

2

The standing orders of the Foujdary Udalut direct, that whenever a native date is given in the proceedings held on a Criminal referred trial, the corresponding English date shall be expressed.-

3

This has not been uniformly done in the English Translation of this record.-

4

The Court deem it necessary to bring to the notice of the Additional Judge the numerous inaccuracies in the English translation of the proceedings in this case, which, it would appear, has not been revised by him: and to request that officer that the Foujdary Udalut have on several occasions ruled, that the Judge of Circuit referring a trial, is answerable for the accuracy of the English translation of the entire record.-

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

(Sent following letter No 88

Read

Read letter dated 12th Instant from the 3d Judge late on Circuit in the Southern Division, transmitting the record of proceedings in Case No 5 Salem Calendar 2nd Sessions of 1834.-

(Here enter No 108.)

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 Cozat and Mooftee of the Foujdary Udalut, are of opinion that the prisoners,

1st "Kilausien"

and

2nd "Tavadea Kilausen"

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 that strong suspicion though not amounting to conviction attaches to them, the Court direct, under Clause Third, Section V Regulation VIII of 1831 and Clause sixth Section II Regulation XVII of 1803, that they be respectively required to find two sureties in 25 Rupees each surety for their good behaviour and appearance when required, within (2) two years, and that in default thereof, they be detained for two years in confinement.-

(Sent following letter No 89

Read

Mr. Lushington and Mr. Bird

Read letter dated the 5th instant, from the Acting 2nd Judge late on Circuit in the Northern Division, transmitting in conformity with the orders of the Foujdary Udalut, under date the 10th July 1834, Persian and English Translations of the Proceedings in Cases Nos. 61. 64. and 103 of the Guntoor Calendar for the First Sessions of 1834.

(Here enter No. 78)

Cases 61 & 64

1 These cases were called up because, owing to the Abstract of the evidence, there did not appear to be sufficient proof to convict the Prisoner Cotado.

2 The Court observe, that there is in fact nothing against him, excepting his Police confession. Under such circumstances, they deem it necessary to set aside the sentence of the Acting 2nd Judge, and accordingly direct that the prisoner, "Sunnierow Cotado" be immediately and unconditionally set at liberty.

Case 103

3. The remark in the preceding para", is applicable to this case, which also was called up, in consequence of doubts being entertained regarding the sufficiency of the evidence against the Prisoner Venkoya.

4 The Court direct, that he also be immediately and unconditionally released.

5 It is a matter of surprize to the Court that upon grounds so totally insufficient, the Acting 2nd Judge should have deemed himself justified in passing upon the abovenamed Prisoners, a sentence of imprisonment for 14 years.-

6 The Court in conclusion observe, that the preparation of Persian Translations of the Proceedings in the Cases now submitted, was not requisite.-

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. 90

Mr. Bird and Mr. Huddleston

Read letter dated 29th Ultimo, from the Provincial Court of Circuit Southern Division submitting the Criminal Reports for November 1834

(Here enter No. 39.)

Madura No. 112

1 The Court question the propriety of the commitment in this number, as the Assistant Criminal Judge evidently did not consider the evidence likely to lead to conviction - The Court will not however interfere with the order of the Criminal Court, as the Sessions are so near at hand.-

No. 114

2 The Foujdary Udalut approve of the Provincial Courts orders calling for those parts of the proceedings

proceedings in this case, which bear upon the allegation
of cruelty by the Peons: they will eventually submit
their orders for the information of this Court.-

Tinnevelly No. 122

3.

The evidence in this case does not warrant
the requisition of security from the prisoners, and
the Court direct, that if in Jail, they be immediately
discharged, or their bail bonds, if entered into, cancelled.

No. 128

4.

The commitment in this number the
Foujdary Udalut consider not authorized by the Regula-
tions in force.- The cognizance of offences of this
description is specially vested by Regulation V of 18
in the Criminal Judge, and no provision is there made
for the commitment of persons before the Court of Circuit.-
Joint Criminal Judge must be instructed therefore
to dispose of the case himself.-

Combaconum No. 303

5

The Court of Foujdary Udalut consider
the reference to the Magistrate in this case unnecessa-
ry.- The Acting Criminal Judge, if he felt the evidence
be sufficient, should have put the prisoner on his
trial for perjury.-

Salem No. 377

6

The grounds stated by the Assistant
Criminal Judge for the requisition of security in this case
do not in the opinion of the Court warrant the order.
The Provincial Court of Circuit will direct the Criminal
Judge therefore to release the prisoner, or, to cancel the
bail

his bail bond if entered into.-

No. 379

7

This case reached the Court on the
5th of the Month; it would have been more satisfactory
had the reasons for the delay in the disposal been
assigned.- it appears to have been under examination
by the Pundit Sudr Ameen on the 30th.-

No. 389

8

The Court view the punishment adju-
judged in this case to be heavier than the offence
called for, considering the youth of the prisoner.

No. 390

9

The Criminal Judge has failed to state
what order he passed on the prisoners.- It should also
be noticed to him, that it would facilitate the review
and diminish the bulk of his report, if the remarks,
in lieu of being confined throughout to their appropriate
column were written over the parallel columns.-

Coimbatore No. 324

10

The Court under all the circumstances of this
case deem it proper to direct, if the accounts were their
private accounts, that their bail bonds be cancelled,
or, their immediate discharge, if in confinement.- If the
accounts were public accounts, the order of the acting
Assistant Judge should stand.-

No. 373

11

If there is no evidence beyond what is
reported as the ground of commitment, the commitment of
the Prisoner was clearly unnecessary, as there could be
no prospect of conviction upon that evidence.-

12

From the Statement it appears that 64

Peons

Peons were employed in the Auxiliary Court in the m
of November, whilst the prisoners in Jail were 189: a
exceeds the proportion authorized by Government, the
acting Joint Criminal Judge must be required to ex
the circumstance.-

Ordered that Extract from these pr
-ceedings be sent to the Provincial Court of Circuit
the Southern Division by precept returnable without d

(Sent following Precept No. 91

Read letter dated 9th instant from
the 1st Judge late on Circuit in the Western Divisi
submitting copy of an explanation from the Magistra
of Malabar having reference to the 1st Judge's Circu
Report for the 1st Sessions of 1834.-

(Here enter No. 94)

Read letter dated the 10th Instant f
the 3rd Judge on Circuit in the Western Division, forwarding
half yearly Statement required by the Circular or
No. 4 of Fouzdary Udalut.-

(Here enter No. 112.)

Read letter dated the 13th Instant f
the Additional Judge on Circuit in the Northern D
with remarks on the proceedings of the Fouzdary Udal
the Vizagapatam Calendar under date 31st December.

(Here enter No. 116)

Read letter dated the 9th Instant, from
the Provincial Court of Circuit in the Northern Division,
transmitting with reference to their letter of the 22nd October
last, translations of a further communication from the
Native Criminal Judge of Vizagapatam and of the depo-
-sitions which accompanied it, relative to the escape of the prison
-ers reported in his former letter.-

(Here enter No. 122)

Read Return dated the 21st Instant, from
the Provincial Court of Circuit in the Southern Division,
to Precept of Fouzdary Udalut dated the 27th September
last, pointing out instances drawn from the Criminal
Statements for the 1st half of the year 1833, of great dis-
proportion in the entries of the same item in different
Zillas, and requiring it to be ascertained, whether the
entries are in any respect erroneous, or whether the dispari
-ties arise from different modes being observed in fra-
-ming the Statements.-

(Here enter No. 133)

Read Return dated the 19th Instant, from
the Provincial Court of Circuit in the Centre Division, to
precept of Fouzdary Udalut dated the 31st Ultimo, communi-
-cating their observations on the Provincial Courts' Supplemen-
-tal Return to their Precept of the 18th June 1834, conveying
their

29th January 1835

their observations on the Criminal Reports of the Divisi
for the month of March 1834.-

(Here enter No. 141)

Read letter dated 22d Instant from
Acting 1st Judge on Circuit in the Centre Division, re
-ing the death of one of the prisoners in case No. 4 of
Chittoor Calendar for the 3d Quarter Sessions of 1834.-

(Here enter No. 142)

Read Return dated the 16th Instant
the Acting 2d Judge late on Circuit in the Northern Di
to Precept of Fouzdary Udalut dated the 7th instant, re
-ing the recommendation for mitigation of punishment
cases Nos. 3 and 36 on the Rajahmundry Calendar 1st
of 1834, and authorizing the reduction of the term of imp
-ment in cases 19-29-31-32 and 37.-

(Here enter No. 147)

Read Return dated the 26th Instant
the Provincial Court of Circuit on the Centre Divisio
Precept of Fouzdary Udalut dated the 22nd instant, tra
-mitting copy of para 3 of their proceedings of the 31st
1834, and of the Extract from the Minutes of Consultation
under date the 13th instant, sanctioning the permanent
establishment of 35 peons and 2 duffadars for guarding
the interior of the Chittoor Jail.-

(Here enter No. 159)-

F. U.

At a Court of the Fouzdary Udalut

Saturday
31st January 1835

Present

John Bird Esqre ..... 2nd Puisne Judge

William Rudleston Esqre -- 3d Puisne Judge

Read letter dated the 22nd Ultimo
from the Acting 3d Judge late additional Judge
late on Circuit in the Northern Division, trans=
-mitting English and Persian Translations of the Pro=
-ceedings held in case No. 39 on the Chicacole Calendar
for the 1st Sessions of 1833.-

(Here enter No. 185 of 1835)

Mr. Bird
Mr. Rudleston

1. From an attentive consideration of the
Accounts of the witnesses and of all the circumstances
of this case, there appear to the Court of Fouzdary Udalut
to be the strongest grounds for believing, that the "plan"
given in by Mr. Fraser, the late Joint Magistrate
of Ganjam of the buildings v.ca v.ca contained within
the place of the deceased Zemindars' abode is not
correct.-

2. Considering it, however, to be highly desi=
rable, that before coming to any final determination
upon the case, the defect in this respect should be
supplied, the Court resolve to issue a Precept to the

Acting

Acting 3d Judge, directing him to call upon the Magistrate of Ganjam to cause to be prepared with as little delay as possible, an accurate plan of the premises in question, as they stood on the evening of the 11th February 1833, should it be practicable now to furnish one.-

3 The new plan, if furnished, must be sent to the Criminal Judge, accompanied by two persons capable of swearing to its correctness, and their evidence on this point must be taken in the presence of the prisoners by that officer, and liberty given to them to put any questions they please to these witnesses, and to state at the close of their examination any thing, which they may wish to state in reference thereto.-

4 In so important a case the Court desire, that the acting 3d Judge will point out to the Magistrate the expediency of using his best exertions to procure the services of a scientific draftsman for the purpose abovementioned.-

Ordered, that Extract from these proceedings be sent to the Acting 3d Judge late additional Judge late on Circuit in the Northern Division, for his information and guidance by Precept returnable in 21 days.

(Sent following Precept No 94

Read again letter, dated 22d ultimo from

the Acting 2nd Judge late on Circuit in the Northern Division submitting case No 93, Guntoor Calendar 1st Sessions of 1834.-

Mr Bird

(Here enter No 1846)

1 In this case the prisoners

1st Tota Audinaroydoo

2nd Chintala Canakiah

and two others, stood charged with "having on Tuesday "the 11th of August 1833, or 11th decreasing Moon of the "Month of Sravanam year Vizya, conspired with Soondar "Ramoodoo, brother of the 1st Prisoner, to kill Rajah "Maunoor Venkata Narsima Row in revenge for his "having beaten the 2nd 4th and 5th prisoners and threat"ened the 3d prisoner on the Morning of that day, in "pursuance of which Soondar Ramoodoo attacked him "at 4½ o'clock in the morning of the 12th August, while "sitting outside of his House, in his Fort at Chikacolo"pandoo, and gave him some severe wounds, with a "Sword, on the face and body, of which he died "five days afterwards."

The 2nd 3d 4th and 5th prisoners have

2

been acquitted, and released by order of the Court of Circuit and with respect to the 1st prisoner, the Acting 2nd Judge observes in his letter accompanying the trial "that no difference of opinion prevails between himself and the Law Officer" whose fatwa declares the said prisoner

prisoner convicted of being privy to the intention of his
younger brother to kill the deceased, and that he sees
"no reasons why the prisoner Totah Audinaroydoo should
"be exempted from the penalty of death, unless the upper
"Court should be pleased to extend their mercy towards
"him - In the fullest extent of the phrase he was
"aiding and abetting in the Murder of the Rajah of
"Chibacaloopandoo committed by his brother, escaped -"

3 The Court of Foujdary Udalut, having
considered the record of the proceedings held in this case
observe that the only evidence, which it contains against
the 1st prisoner, Totah Audinaroydoo, consists in the
admissions alleged to have been made by him in his
declaration before Moodoonby Ramasawmy, the Head
of Police of the Guntoor Tanah, wherein he acknowledg-
-es that he was privy to the intention of murdering the
deceased, and "consented" to the act, and in the fact,
proved by his declaration before the acting Joint
Criminal Judge, and by the testimony of the 4th and
5th witnesses, that he fled from the Fort immediately
upon the perpetration of the murder by his brother -

4 It appears, however, to the Court that
the 2nd prisoner "Chentala Canakiah", who, as above stated,
has been acquitted of the charge and released accordingly

by

by order of the Court of Circuit - can give highly important
evidence affecting the 1st prisoner, Totah Audinaroydoo"
and there can be no doubt of his being a perfectly
competent witness, under existing circumstances -

5 The Court of Foujdary Udalut resolve,
therefore, to return the English and Persian Translation
of the Record of this case to the Acting 2nd Judge,
late on Circuit in the Northern Division, with in-
structions to issue a precept to the Joint Criminal
Judge of Guntoor, directing him to obtain the attendance
of the said "Chintala Canikeah", and in the presence
of the said prisoner "Totah Audinaroydoo" take his
examination upon oath, in regard to the conduct of
the said prisoner at the time of the Murder - The
Joint Criminal Judge will permit the prisoner to
cross examine this witness, and to offer any thing
further in his Defence, should he wish it, at the
close of his examination -

The Acting 2nd Judge will annex
English and Persian Translations of the additional
evidence, so taken, to the Record, and will retransmit
the same for the consideration and final judgment of
the Court of Foujdary Udalut -

Ordered, that the English and Persian
translations of the Record in case No 93 Guntoor -

Calendar

Calendar 1st Sessions of 1834 be returned to the Acting 2nd Judge late on Circuit in the Northern Division with Extract of these proceedings by precept returnable in twenty one days from and after its receipt.-

(Sent following Precept No 95

Read letter, dated the 6th Instant, from the 3d Judge late on Circuit in the Southern Division submitting the record of proceedings of trial in Case No 33 Salem Calendar 2nd Sessions of 1834.-

(Here enter No 60)

Mr Bird
Mr Rudleston

The Court of Foujdary 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

Ungon

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 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

Read letter, dated the 29th ultimo, from the Additional Judge on Circuit in the Northern Division submitting

submitting the record of proceedings of trial in Case No 37 Vizagapatam Calendar 2nd Sessions of 1834.-

(Here enter No 62)

Mr Bird
Mr Rudleston

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 Mooftes of the Foujdary Udalut, confirm the said Futwa of the Cazee ool Coozat and Mooftes aforesaid convicting the prisoner,

Coppola Gooravadoo

of wilful Murder, and awarding Kisaas 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.-

(Sent in No 97

Read letter, dated 10th Instant, from the Additional Judge on Circuit in the Northern Division transmitting the record of proceedings in Case No 40 on the Vizagapatam Calendar 2nd Sessions of 1834.-

(Here enter No 110)

Mr Bird
Mr Rudleston

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 Mooftes

Mooftees of the Foujdary Udalut, confirm the said Futwa of the Cazee wol Coozat and Mooftees aforesaid, convicting the prisoner

Yenoogunty Lulla Abchy

of Wilful Murder, and awarding Kisaas; and under the provisions of Section X Regulation VIII of 1802 sentence her to suffer death by being hanged at the usual time and place of execution.-

In this case the plea of the prisoner to the arraignment before the Court of Circuit stands thus recorded.-

A. The Prisoner says, that she did not "Commit this crime."

The standing orders of the Foujdary Udalut require, and it is essential to the integrity of the record, that the plea should always be expressed in the words of the prisoner at the bar, and in no other.-

The attention of the Native Criminal Judge should be directed to the Circular order of the Foujdary Udalut, under date the 5th March 1824.- The Court consider the present case to be one, in which, "as calculated to give a more correct idea of the manner in which the crime was committed", "a plan" of the scene of the Murder should have been laid before the Court of Circuit.-

Ordered

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

(Sent following letter No 98

Read Return under date 19th Instant

from the Provincial Court of Circuit Centre Division to precept of the Foujdary Udalut of the 23d October, conveying the observations of the Court upon the Criminal Reports for the Centre Division for July last

(Here enter No 127)

The Court adverting to the delay that has taken place in making this return, deem it proper to call upon the Provincial Court of Circuit to explain the cause They observe also, that the return of the Native Judge at Cumbum is dated the 18th ultimo, they fear therefore that there is great delay in the Provincial Court in forwarding translations of their proceedings to this Office: this is also to be inferred, from the date of the Native Judge's return, copy of which was submitted with the Provincial Courts Letter of the 19th Instant in reference to the Civil Reports for the 2nd Quarter of 1834.-

Ordered that Extract of these proceedings be sent to the Provincial Court of Circuit Centre Division

by

by precept returnable in eight days.-

(Sent following precept 99

The Court of Foujdary Udalut have observed with much dissatisfaction the neglect of the Acting 3d Judge of the Provincial Court of Circuit Northern Division, to make due return to the precepts and orders of the Foujdary Udalut. In their proceedings of the 30th September last para 12, the Court remarked upon his omission to comply with their instructions of the 22nd August preceding, and he was enjoined to make his return to the precept of August in five days, and to the precept of the 30th September then forwarded to him, in 15 days. To neither of these requisitions has he yet paid attention. In both these precept orders of importance were conveyed; the trials called for, it is true, have been submitted, but the explanations respecting other cases on the calendar have not been afforded.- The Court resolve to call upon the Acting 3d Judge to make an immediate return to the precepts in question, affording at the same time a full explanation of his neglect.-

Ordered that Extract of these proceedings be sent to the Acting 3d Judge Northern Division by precept returnable in five Days.-

(Sent following precept 100

Read letter dated the 23d October last

from the Provincial Court of Circuit in the Northern Division transmitting Translations of a communication and of its enclosures received from the Native Criminal Judge of Vizagapatam relative to the escape of certain Prisoners from his Gaol.-

(Here enter No 1556 of 1834)

Read letter dated the 12th November last

from the Acting 2d Judge late on Circuit in the Centre Division, reporting the death of a Prisoner in Case No 50 of the Bellary Calendar 2nd Sessions of 1833.-

(Here enter No 1646)

Read Return dated the 17th November last

from the 3d Judge on Circuit in the Southern Division to Precept of the Foujdary Udalut of the 8th November 1834, directing him to dispose of the Case No 19 on the Combaconum Calendar 2nd Sessions of 1834.-

(Here enter No 1647)

Read letter dated the 19th November last

from the 3d Judge on Circuit in the Western Division, reporting that the Court of Circuit will commence the Sessions at Honore on the 15th December, and that the Gaol delivery there will, possibly not be closed before the second week in January.-

(Here enter No 1664)

Read letter Dated the 15th November

last from the Provincial Court of Circuit in the

Northern

Northern Division, transmitting copy of a Return from the Acting Criminal Judge of Nellore, reporting, that his establishment of Peons has been reunited according to the orders of Foujdary Udalut dated the 28th August

(Here enter No. 1670).

Read letter dated the 21st November last from the Provincial Court of Circuit on the Western Division forwarding copy of a Return of the Magistrate of Canara and of its accompaniment, having reference to the Criminal Report for September 1834.—

(Here enter No. 1671)

Read letter dated the 18th November from the Special Commissioner at Chicacole, reporting that all the Prisoners in Case No. 7 Chicacole Special Commission excepting the 1st and 2nd, have been set at liberty.—

(Here enter No. 1672)

Read Return dated the 26th November last from the 1st Judge of the Provincial Court of Circuit in the Northern Division to Precept of the Foujdary Udalut of the 21st November 1834, calling for an explanation of the difference in the numbers of the Calendars reported by himself and Mr. Wrey.—

(Here enter No. 1673)

Read Return dated the 25th November last from the 2nd Judge late on Circuit in the Southern Division to Precept of the Foujdary Udalut of the 23d September 1834 calling

calling for the evidence of the son of the Zemindar of Shevagery.—

(Here enter No. 1674)—

F. 46.

At a Court of the Faujdaree Adalut

Present

Charles May Lushington Esq.re 1.st Puisne Judge

Monday 2.nd February 1835 — John Bird Esq.re 2.nd Puisne Judge

William Ruddleston Esq.re 3.d Puisne Judge

Read Extract from the Minutes of Consultation of the 13.th Ultimo, containing the observations of the Right Honorable the Governor in Council on the proceedings of the Faydaree Adalut of the 20.th December

(Herewith No. 91.)

Ordered, with reference to para.h 1, that a circular order be issued, prohibiting the Criminal Judges from making any extra allowance whatever to prisoners under sentence of execution—

Ordered also, that copy of para.h 5 of the Minutes of Government be transmitted to the 2.nd Judge of the Provincial Court of Circuit in the Western Division, for his information.—

Sent in No. 107

At a Court of the Foujdaree Udalut

Present

Wednesday 11th February 1835. Charles May Lushington Esqr. 1st. Puisne Judge

John Bird Esqr. 2nd. Puisne Judge

William Huddleston Esqr. 3rd. Puisne Judge

Circular Order No. 29.

The Judges of the Foujdaree Udalut having observed, that a difference exists in practice, in the disposal of cases of escape, & brought before the Criminal Courts, under clauses second and third Section V. Regulation VII of 1822 resolve, with reference to their Circular Order of the 13th July 1829 to direct, that all such cases in future be invariably disposed of by the Criminal Judge, and in no instance, committed for trial before the Court of Circuit.

Sent to Govt. No. 18.

(Sent following Circular order No. 110

Thursday 5th. February 1835.

At a Court of the Foujdaree Udalut.

Present,

Charles May Lushington Esqre. 1st. Puisne Judge.

John Bird Esqre. ..... 2d. Puisne Judge.

William Hudleston Esqre. ..... 3d. Puisne Judge.

Chd. W.

Read Return dated the 25th. Ultimo, from the Acting 2d. Judge late on Circuit in the Centre Division, to Precept of the Court of Foujdaree Udalut, under date the 3d. November 1834, calling for an English Translation of the Records of Cases Nos. 56. 57. 58. 59. & 60 of the Cuddalore Calendar for the 2d. Sessions of 1833.

(Here enter No. 138 of 1835.)

1 The Court of Foujdaree Udalut after an attentive consideration of all the circumstances of these cases, see no sufficient grounds for disturbing the sentence passed by the Acting 2d. Judge which will accordingly be carried into execution.

2 In all these cases the Joint Criminal Judge, & the Judge presiding at the trials, have entirely neglected the orders contained in the proceedings of this Court of the 31st. January 1820, in respect to the form of the charge against Prisoners in cases of Perjury.

It

3

It appear to the Court of Toujdaree Udalut that the trials 57. 58. 59. & 60. were not conducted with the attention which ought to have been bestowed upon them. The Presiding Judge being satisfied of the guilt of the Prisoners in Case No. 58 would seem to have considered a minute inquiry into the facts of the case in the others trials, as unnecessary.

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. 114)

Read letter dated 25th Ultimo transmitting returns by the Subordinate Authorities in the Centre Division to the Precepts of the Provincial Court of Circuit conveying their observations and orders on the Criminal Reports for August 1834.

(Here enter No. 146.)

Cumbum Cases 69 & 70.

It appears to the Court of Toujdaree Udalut from the present return of the Native Criminal Judge at Cumbum, that the 3d prisoner in the case 69, & both the prisoners in case 70, have been held to security on insufficient grounds; and they accordingly resolve to

to direct the Provincial Court of Circuit to issue orders for their immediate release, if in Jail, or for the Bailbonds to be cancelled, if entered into.

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 in 10 days after its receipt.

(Sent following Precept No. 115)

Read return, dated the 23d Ultimo from the Provincial Court of Circuit Centre Division to Precept of the Court of Toujdaree Udalut of the 18th November last, conveying their observations and orders upon the Criminal Reports of the Division for the Month of September 1834.

(Here enter No. 150.)

Bellary Report V case 225.

1 The officiating Criminal Judge in his return now before the Court states, that "orders are awaited whether the 3d prisoner should be rearrested". The Provincial Court of Circuit will point out to him, that the Court of Toujdaree Udalut, in recording the observation in para 18. of their procedings of the 18th November 1834, had not intention

intention of requiring the reapprehension of the prisoner in question.

Cuddalore Supt.s Report Case 118.

2 The Provincial Court of Circuit having issued the appropriate order in this case on the 29th. December, no further remark appears necessary.

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 in 5 days after receipt.

(Sent following Precept. No. 116)

Read letter, dated the 12th. Ultimo from the acting 3d. Judge on Circuit in the Centre Division Reporting his intention to open the Sessions at Cuddalore on the 31st. instant.

(Here enter No. 70.)

Read Return, dated 18th. Ultimo from the Provincial Court of Circuit in the Centre Division to precept No. 76 of 24th. September last, containing the observations of the Foujdaree Udalut, on the half yearly Criminal Statements from 1st. half year of 1833.

(Here enter No. 118.)

Read Return dated 19th. Ultimo from

from the Provincial Court of Circuit in the Centre Division, to Precept of Foujdaree Udalut dated the 27th. October last, conveying their observations upon the Criminial Reports of the Division for the Month of August 1834.

(Here enter No. 130.)

Read Further Return, dated the 15th. Ultimo from the Provincial Court of Circuit in the Northern Division, to Precept of Foujdaree Udalut dated the 27th. August last, directing them to adopt the necessary measures for carrying into effect the orders of the Foujdaree Udalut for sending up to the Criminal Court, the witnesses to the confessions before the late Head of Police of Chintalapoody of the prisoners in Case No. 187 of the Rajahmundry Criminal Report for October 1833, with the view to their commitment to take their trial for Perjury.

(Here enter No. 148.)

Read letter, dated the 28th. Ultimo from the acting 1st. Judge of the Court of Circuit in the Centre Division, forwarding explanation regarding the delay in intimating his sentence to the Prisoner in Case No. 11 Chittoor Calendar 3d. Quarterly Sessions

of

of 1834, as noticed in Extract of proceedings of the Foujdaree Udalut which accompanies their sentence in that case.

(Here enter No. 166.)

Read Return dated the 26th ultimo from the Provincial Court of Circuit in the Southern Division to Precept of Foujdaree Udalut dated the 22d January last, transmitting copy of Extract from their proceedings of 31st December last and of Extract from Minutes of Consultation of 13th January 1834, regarding the Jail establishments of the Criminal Judge of Salem and of the Magistrate of Trichinopoly.

(Here enter No. 173.)

Read letter dated 27th ultimo from the Provincial Court of Circuit in the W Dn Reporting the Suspension of a Delayut for neglect of Duty and disobedience of Orders.

(Here Enter No. 184)

5

F. U.

At a Court of the Fouzdaree Adaulut

Saturday, 7th February, 1835.

Present,

Charles May Lushington Esqr. 1st Puisne Judge

John Bird Esqr. - - - - - - - - - 2d Puisne Judge

William Hudleston Esqr. - - - - 3d Puisne Judge

Read letter, dated 31st December last, from the Acting 2d Judge stationed on Circuit in the Northern Division, submitting the Record of trials in Cases Nos. 3 and 30 of the Gaunloor Calendar for Sessions of 1834.

(Here enter No. 64.)

No. 3. 1

In this Case the Prisoners,

1st Valumpully Kotaranje,

2d Ditto Suttadoo,

3d Cannantoo Bootchenah,

4th Chanety Vemkoo,

5th Soomanty Cristamah,

6th Goonasanabayena Catanya,

7th Bommah Soobbiah,

and

8th Mahommed Selamaun,

stood charged before the Court of Circuit with having together with six other persons, during the night of the 10th November 1832, proceeded in a gang with sticks, Matchlocks,

and

and other weapons to the house of the Pro-
-tor Beeranelly Pariah in the Village of Jo-
-pully, entered the house, burnt the Pros-
-tor and his elder brother Veerumal with
lighted Grass, beaten them severely, a
robbed them of property consisting of go
and silver ornaments, clothes &c. to the
value of 43 Rupees.-

2 In his second Petition, the
Provincial Law Officer complains the Pro-
-ers and pronounced the 8th and 10th Pris
Lazers, and the others to Rokshut. And
Presiding Judge concurring in this fi
-ing, sentenced them severally to im-
-prisonment with hard labour in irons for
years.-

3 On receiving the Calend
the Court of Inquiry Mr. Oakley, saw re
to doubt the sufficiency of the evide
for the conviction of the Prisoners, and
consequence directed that an Engli
Translation of the Proceedings shou
be submitted to them: and that in the
meanwhile the sentence should be s
-pended.-

4 After an attentive consid
-tion of all the circumstances of this
the Court observe, that there is no evid
on which the least reliance can
plac

placed against any of the Prisoners, except
-ing the 10th, but their confessions before
the Police Officer.-

5 Against the 10th there is
evidence to shew that clothes were found
in his house: but it is not sufficiently
proved what kind of clothes they were,
or whether they are the property of the
Prosecutor.-

6 Under these circumstances the
Court resolve to set aside the sentence of
the Circuit Judge, and direct that the 1st,
2nd, 3rd, 5th, 6th, 7th and 9th Prisoners aforesaid
be immediately and unconditionally released.
And that the 10th Prisoner Mahommud
Selamaun, be required previous to his
release, to find two sureties of 30 Rupees
each, for his good behaviour and appear-
-ance when required within (2) two years,
and that in default thereof, he be detained
for that period in confinement.-

7 The Court further observe,
that it appears from pages 52 and 53 of
the English Record, that divers articles of
alleged stolen property were produced
before the Criminal Court, and evidence
was given on the trial in respect to the
identification of certain articles as
being before the Court, but of which

no

no particular specification is given.

8. The standing order of the Sujdaree Adalut, of the 16th May 1822, says that in cases of this description, all sorts of stolen property which may be produced in a case before the Court of the Magistrate or Criminal Judge be numbered, that the witnesses by whom the property may have been discovered be invariably examined as to the particular articles found on each individual Prisoner, and that throughout the examinations before the Criminal Judge and the Court of Circuit the number of every article referred to be specified."

9. To this order no attention whatever has been paid either by the Acting Joint Criminal Judge or by the Acting 2d Judge on Circuit: and the Court consider that the neglect of these officers in this part of their duty is deserving of censure.

10. In conclusion the Court observe, that the Acting 2d Judge has neglected to revise the English Translation of the Record of this case, and even his "sentence" (V page 115) is drawn up in bad English. They take this opportunity of informing him, that the Sujdaree Adalut, have repeatedly ruled, that the Judge on Circuit is responsible for the correctness of the English Translation of the entire Record, and they desire accordingly that the Acting 2d Judge will in future take care that any trials which may be referred to or called up by this Court, may be free from those gross and discreditable inaccuracies observable throughout the English Translation of the case under review.

Ordered, that Extract from these proceedings be sent to the Acting 2d Judge late on Circuit in the Northern Division by precept returnable within forty days from and after its receipt.

(Sent following precept No. 125

No. 30. In this Case the Prisoners

1st Nayambuttoory Moocaleya,
3d Mantungy Jungeley gaudoo,
5th Parapoyoo Pitchegaudoo,
and
6th Varaganey Cotaloo,

stood charged before the Court of Circuit with having on the night of the 6th February 1833, proceeded in a gang with clubs, locks, sticks, torches &c to the house of the Prosecutor Ungarakoola Veerapha in the Village of Neelaswarapandoo, in the

J. C.
7th February. 1835

the Zillah of Guntoor, entered it by breaki
open the tat which was secured to the fa
and plundered therefrom Brass Utensil
Grain, iron implements, clothes &c. t
the value of Rupees 37-13--

2 In his second Intima, the
Provincial Law Officer, convicted the
Prisoners and awarded acquittal, a
the Presiding Judge, concurring in
decision, sentenced them severally
imprisonment and hard labour in
for 14 years.-

3 On reviewing the Ca
the Court of Sudder Adalut, saw th
grounds for doubting the sufficien
of the evidence for the prosecution,
accordingly directed the Acting 2d
to prepare and transmit to them wi
delay an English Translation of t
Proceedings held in the case.-

4 After an attentive cons
ation of the Record now submitted, t
Court observe that there is nothing in
support of the charge against the
Prisoners, excepting their confessi
before the Police Officer, which ca
be depended upon, and are totally
sufficient for the conviction of the
cused.-

J. C.
7th February 1835.

5 Under these circumstances
the Court deem it necessary to set aside
the sentence of the Presiding Judge, and
accordingly direct that the Prisoners
abovementioned, be immediately and
unconditionally set at liberty.-

6 The Court observe in conclu-
sion that the Presiding Judge has un-
necessarily entailed upon his establish-
ment the labour of preparing a Persian
Transcript of the Proceedings in this
case. although in their order of the
10th July 1834, an English Translation
of the Trial is not distinctly specified.

Ordered, that Extract from
these proceedings be sent to the Acting
2d Judge late on Circuit in the Northern
Division, by Precept returnable with-
in five days, from and after its receipt.

Sent following precept No. 126

Read letter, dated the 31st
December last, from the Acting 3d Judge
late Presiding at the Court of Quarter
Sessions of Masulipatam, transmitting
in conformity with the order of the
Sudder Adalut, under date the 28th
July 1834, an English Translation of
the Proceedings in case No. 29 on the
Masulipatam Calendar for the 2d
Quarterly

Quarterly Sessions of 1834.-

(Here enter S. C. No. 63 of 1834.)

1 In this case the Prisoner, 'Bullapatoo Venkayah' was charged before the Court of Quarter Sessions with having been leader of the Gang of Robbers who, on the Morning of the 28th June 1833 resisted and discharged their firelocks at the detachment of the Honorable Company's Troops, near a channel called Poolebellum, by which means Battana Dyalos the 4th witness, who was one of the said detachment was wounded on one of his thighs: and further with rebellion against the authority of the company.-

2 The Provincial Law Officers acquitted the Prisoner: and the Presiding Judge concurred in the Futwa: but considering him to be liable to strong suspicion, directed that he should not be released until he furnished security in the sum of 500 Rupees for his appearance when required within 3 years.-

3. On reviewing the Calendar the Court of Sunjarce Adalut deemed the evidence so strong against the Prisoner, that they directed the Acting

3d

3d Judge to forward to them an English Translation of the Trial.-

4 After a mature consideration of the Proceedings now submitted, it appears to the Court, that the fact of the Prisoner having been either a Rebel or a leader of a Gang of Robbers is by no means clearly established; and they also concur with the Acting 3d Judge in opinion that the possibility of the identification of the Prisoner is very doubtful.-

5 Under these circumstances the Court approve of the sentence passed by the Presiding Judge.-

6. The Court have observed with surprize and displeasure, the gross inaccuracies of idiom, extending even to the sentence of the Court of Circuit, and the general incorrectness pervading the Translation of the Proceedings in this case, and affording ample evidence that the Acting 3d Judge did not revise it, as it was his bounden duty to do, before submitting it for their consideration.-

7 The Court of Sunjarce Adalut have on several occasions noted that the

the Judge presiding at a Trial, is responsible for the correctness of the English Translation of it's entire record: and they now desire that the Acting 3d Judge will distinctly understand, that any future neglect on his part of this important duty will be visited with their severe displeasure.-

Ordered, that Extract from these proceedings be sent to the Acting 3d Judge late presiding at the Masulipatam Quarter Sessions, for his information.-

(Sent following letter No. 127)

Read letter, dated 3d Ultimo from the Acting 1st Judge of the Court of Circuit in the Centre Division, transmitting the record in Case No. 4 of the Chittoor Calendar third Quarterly Session of 1834.-

(Here enter No. 104.)

Mr Bird.

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 Cozat and Mooftee of the Sudder Adalut, confirm the said Futwa of the Cazee ool Cozat and

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 Regulation XV of 1803, sentence the Prisoner,

3d Vulloona Chinnun,

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 Prisoner,

4th Venkatun,

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 No. 128)

Read letter, dated 26th Ultimo from the 3d Judge on Circuit in the Western Division, forwarding original warrant of Execution in Case No. 6 Mangalore Calendar 2nd Session of 1834, with an endorsement thereon by the Assistant Criminal Judge

in

in charge and copy of the report made by that Officer upon the subject.-

(Here enter No. 182.)

Read return, dated 3d. Instant from the Provincial Court of Circuit in the Centre Division, to precept of Tanjore Usalut dated the 31st. Ultimo, calling upon them to explain the cause of delay in making return to their precept of the 23d. October, conveying their observations on the Criminal Reports of the Division for the month of July last.-

(Here enter No. 180.)

Read return, dated 30th. Ultimo from the Acting 3d. Judge of the Court of Circuit in the Northern Division to precept of Tanjore Usalut dated the 15th. November last, conveying their observations and orders upon the Masulipatam Calendar for the 3d. Quarterly Sessions of 1834.

(Here enter No. 203.)

Read return, dated 30th. Ultimo from the Acting 3d. Judge of the Court of Circuit in the Northern Division to precept of Tanjore Usalut dated the 8th. Ultimo, directing that the conviction and sentence in Case No. 23 on the Chicacole Calendar

Calendar be quashed, and that the Acting Criminal Judge of that Station be required to bring the Prisoner again to trial on a charge of Perjury framed under the provisions of Regulation VII. of 1811.

(Here enter No. 204.)

Read return dated 2d. Instant from the Acting 3d. Judge of the Court of Circuit in the Northern Division to precept of Tanjore Usalut dated the 2d. Ultimo directing the immediate and unconditional release of the Prisoners in Cases Nos. 25. 26, 27. and 28 on the Masulipatam Calendar for the 2d. Quarterly Sessions of 1834.-

(Here enter No. 206.)

Read letter, dated 30th. Ultimo from the Additional Judge on Circuit in the Northern Division, reporting that he has issued his precept for the opening of the 1st. Sessions of 1835 at Vizagapatam on the 9th. Proximo.-

(Here enter No. 207.)

At a Court of the Fouzdaree Udalut

Present,

Monday 9th Febuary 1835.

Charles May Lushington Esqre 1st Puisne Judge.

John Bird Esqre 2nd Puisne Judge.

William Mudleston Esqr 3d Puisne Judge.

Read petition, presented on the 19th January 1835 by Cosjee Mookhtar Vakeel on behalf of Ramsing of Tinnevelly.

(Here enter Mis. Pet. No 3 of 1835)

Adverting to his Petition of the 8th December, the Petitioner submits an Extract from the proceedings of the Provincial Court in the Southern Division dated 28th November 1834, and prays the Court to dispose of his case.

The Court have already passed orders on the case of the Petitioner, under date the 10th Ultimo, and they resolve to allow the Petitioner to be furnished with copy of their proceedings of that date.

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

Read again Petition, presented on the 19th Ultimo by Ammalye of the Zillah of Combaconum

9th February 1835.

Combaconum.

/ Here enter Fl. Mis. Pet. No 4 of 1835 /

The Petitioner repeats in this petition, much of the matter, set forth in her prior petition of the 29th December. The Court see no cause for altering their former opinion, and they accordingly refer her to their orders of the 5th Ultimo.

Ordered, that Extract from these proceedings be furnished to the petitioner upon her application.

Read Petition, presented on the 2d Instant by Krishnasawmy Naiken of the Zillah of Chingleput.

/ Here enter Mis. Pet No 8 of 1835 /

The Petitioner represents, that his elder brother Vencatasawmy Naicken, was apprehended on a false and malicious charge of being concerned in a Gang Robbery, committed in the house of one Valuppa Chitty of Adagalochery in the above Zillah; and having been forwarded to the Criminal Judge was by that Officer committed to take his trial before the Court of Circuit, who have referred the case (No 4 on the Chingleput Calendar for

9th February 1835.

for the 2nd Sessions of 1834) to the Foujdaree Adalut.

He prays the Court to issue orders

2

for his release.

3

The Petitioner is informed, that this Court have already, after a mature consideration of the case, convicted, and sentenced the prisoner in question to imprisonment and transportation for life: and that that Sentence will not 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.

Read letter, dated the 16th Ultimo, from the 1st Judge of the Provincial Court of Circuit in the Western Division, submitting for the consideration and final orders of the Higher Court, copy of a letter from the Magistrate of Malabar, as also copies of the letters, having reference thereto, regarding that Officer's remark on the order of the Foujdaree Adalut, under date the 21st May 1829.

(Here enter No 137.)

The Judges of the Foujdaree Adalut, having upon several recent occasions had the question submitted to them, whether the

9th February 1836.

the bare confession of a prisoner before the Head of Police, is sufficient to warrant his transmission to the Criminal Court, & to allow the following Circular Order on the Subject -

Circular Order № 30

An uncorroborated confession before the Police has been constantly declared by the Foujdaree Adalut to be of no weight, not even sufficient to warrant an order for the requisition of security; and it might at first seem, therefore, that the transmission of a prisoner to the Criminal Court on his confession alone, was useless and virtually prohibited - But it must be borne in mind, that although a Police Offier may not be able, or may neglect to discover corroborative evidence, a full examination of the Prisoner with the matter in the confession, may furnish to the Criminal Judge, a clue to further evidence which may lead to conviction, or establish such strong suspicion, as to justify the requisition of security -

On these grounds, therefore, the Judges are of opinion, that whenever a prisoner confesses the commission of an offence, which is proved by the testimony of the prosecutor, or other evidence, to have been committed, he should be sent up to the Criminal

2) Fll

9th February 1835.

Criminal Court - But that in cases, where there is nothing to shew, that the crime was committed, except the prisoner's Statement of the fact in his confession he ought not to be forwarded -

To the Provincial Court of Circuit in the Western Division alone -

* The Judges will observe, that the foregoing Circular Orders renders any Answer to their letter of the 16th Ultimo, unnecessary -

Sent to Court № 22

(Sent following Circular Order № 129)

Read Extract from the Minutes of Consultation of the 20th Ultimo, conveying the orders and observations of the Right Honorable the Governor in Council upon the proceedings of the Foujdaree Adalut of the 19th November last, reviewing the report of the 2d Judge late on Circuit in the Southern Division for the 1st Sessions of 1834.

(Here enter № 1464 -)

1. The Right Honorable the Governor in Council having approved of the suggestion contained in para" 2. of the Court proceedings, and directed that it be adopted - Ordered accordingly, that copy of para" 2 of the proceedings of the 19th November last, and para" 1 of the Extract from the Minutes of Consultation be forwarded to the 4 Provincial Courts of Circuit, with directions to forward

9th February 1835.

forward to all Military authorities in charge of prisoners in their Divisions, the several forms of monthly Statements, now submitted by the Judicial authorities; requiring them at the same time to transmit them by the 10th of each month to the Provincial Court of Circuit, for the information of the Foujdaree Adalut.

2. Ordered also, that copy of para 2 of the Minutes of Consultation be forwarded to the Provincial Court in the Southern Division, with instructions to communicate the same, with copy of para 3 of this Court's proceedings, and para 4 of the 2d Judge's report, to the Magistrate of Madura.

3. Ordered also, that copy of paras 4 and 5 of the Minutes of Consultation be communicated through the Provincial Court of Circuit to the Assistant Judge at Tinnevelly, who will furnish the information required by Government in para 4 without delay.

4. With reference to para 6. of the Extract from the Minutes of Consultation, the Court resolve to transmit copy thereof, and of paras 10 and 11 of their proceedings, to the late Acting Assistant Judge at Tinnevelly for his information.

Ordered

9th February 1835.

Ordered, that paras 2 and 3 of these proceedings be sent to the Provincial Court of Circuit in the Southern Division by precept returnable in one month.

(Sent following Precept No 130)

Ordered also, that para 1 of these proceedings be sent to the 4 Provincial Courts of Circuit by precept returnable in one month.

(Sent following Circular Precept No 131)

Ordered also, that para 4 of these proceedings be sent to Mr Sparkes at Tellicherry for his information.

(Sent in No 132)

Read letter, dated the 26th Ultimo, from the Provincial Court of Circuit in the Southern Division, transmitting the Reports prescribed by Section XXXV Regulation X of 1816. for the months of December 1834.

(Here enter No 172.)

1. The Reports from Madura do not appear to call for any remark from the Court of Foujdaree Adalut.

2. The reference by the Joint Criminal Judge to the punishment of the 3d prisoner in No 125 of 1834, does not fulfil the intention of the

Tinnevelly Supplemental Report Case 127.

the Circular Order of 16th November 1831, which requires the grounds of the sentence, and the provision of the law, under which it may be passed, to be quoted in each case. The Provincial Court of Circuit will communicate this observation to the Joint Criminal Judge.

Report No V Case 130. 3. The grounds of suspicion should have been stated in this case, in consonance with the Circular Order above cited.

Case 131. 4. It will be proper for the Provincial Court of Circuit to ascertain, whether or not the Prosecutor in this case has rendered himself liable to the penalties of perjury, and to issue the requisite orders. From the Statement contained in the report it would seem, that there are grounds sufficient for putting him upon his trial.

Combaconum Supplemental Report Case 320. 5. The Provincial Court of Circuit will convey to the Acting Criminal Judge the opinion of the Court of Foujdaree Udalut, that in such an atrocious case of false complaint of murder, the prisoner would not have been too severely punished by a sentence of imprisonment to the full extent authorized by Regulation IX of 1832.

Report V Case 324. 6. The detention of the 1st prisoner in this case, from the 11th to the 27th November, is not

not satisfactorily accounted for, and the Provincial Court of Circuit will accordingly require a further explanation of the cause of it.

Case 325. 7. The Provincial Court of Circuit will communicate to the Acting Criminal Judge, that the Court of Foujdaree Udalut do not consider that Regulation IX of 1832 extends to witnesses, supporting a false charge.

Salem Report V Cases 399-401 402. 8. The Court of Foujdaree Udalut conclude from the orders passed by the Criminal Judge in these cases, that they were supported by the difficulty of identifying stolen grain, and the insufficiency of the evidence to this point.

Case 408. 9. In this case it should be explained, how the Pensioned Sepoy (the 1st prisoner) is liable to the punishment, awarded under Clause first Section XI Regulation XIII of 1832. If employed as a Peon, the circumstances under which he took the employment should be specified.

Coimbatoor 10. The Reports from Coimbatoor call for no remark from the Court of Foujdaree Udalut. It would seem, however, from the "Statement of the labor of prisoners", that more than 1/7th of the Convicts are sick. the Court presume, that the cases of

corporeal

corporal punishment have been inducted in this numb
The Provincial Court of Circuit will obtain and forw
information on this point -

11.

The Provincial Court of Circuit will
instruct the Magistrate of Coimbatore to furnish in
future, monthly, the "Statement of the Cases of the
prisoners" under his charge in the form, prescribed by
the Circular Orders 29th January and 29th August
1831, copy of which should be forwarded to him -

Ordered, that Extract from these
proceedings be sent to the Provincial Court of
Circuit in the Southern Division for their inform
tion and guidance by precept returnable in 30
days, after its receipt -

(Sent following Precept No 133).

F. 16.

At a Court of the Foujdaree Adalut -

Present,

Wednesday 11th February 1835 - Charles May Lushington Esqr 1st Puisne Judge
John Bird Esqr 2nd Puisne Judge
William Hudleston Esqr 3rd Puisne Judge.

Read return, dated the 9th Ultimo,
from the Acting 2nd Judge late on Circuit in the
Centre Division, to precept of the 16th Decr last, di-
recting him to transmit the records of cases Nos 7-8-11 and
14 of the Cuddalore Calendar for the 2nd Sessions
of 1833 -

(Here enter No 87.)

Case No 14. The 1st Prisoner has already been
sentenced to transportation for life in another
case on the Calender.

The Court of Foujdaree Adalut
Mr Lushington & 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 Foujdaree
Adalut, are of opinion that the prisoner
2nd Choonambacara Ramasawmy
is not convicted on presumptive proof, or on
the evidence of credible witnesses, or on his own

own confession notwithstanding the Futwa of their Law Officers, and do accordingly acquit him: but direct, that he be not set at liberty, as he is concerned in other cases on the Calendar, not yet disposed of.-

Sent following letter No 144

Read letter, dated the 14th Ultimo, from the Acting 2nd Judge late on Circuit in the Centre Division, transmitting the record in Case No 7 on the Cuddalore Calendar 2nd Sessions of 1833.

(Here enter No 106)

The 1st Prisoner has already been sentenced to transportation for life in another case on the Calendar.-

Mr Lushington & 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

4th Soonamboocara Ramasawmy

but direct, that he be not set at liberty as he is concerned in other cases on the Calendar, not yet disposed of.-

And

And being of opinion that the

prisoners

2nd Komaren

3rd Veerah Naiken

and

5th Yerramottoo Naiken-

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; but direct, that they be not set at liberty, as they are concerned in another case on the Calendar, not yet disposed of.-

Sent following letter No 142

Read letter, dated the 13th Ultimo, from the Acting 2nd Judge late on Circuit in the Centre Division, transmitting the record in Case No 11 on the Cuddalore Calendar 2nd Session of 1833.-

(Here enter No 88-)

The 1st prisoner has already been sentenced to transportation for life in another case on the Calendar.

Mr Lushington & Mr Bird.

The Court of Foujdaree Udalut having maturely considered the proceedings held

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 Cheenambeecana Ramasawmy

and

3rd Yeramootoo Naiken

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 50 Rupees each surety for their good behaviour and appearance when required, until two (2) years, and that in default thereof, they be detained for (2) two years in confinement.

The Prisoners, being concerned in case No. 8 on the Calendar, not yet disposed of, are to be detained in confinement, till the final decision regarding it shall be made known; and the above sentence is to be carried into effect, only in the event of their acquittal in that Number also.

(Sent following letter No. 143)

Read letter, dated the 12th Ultimo, from the Third Judge late on Circuit in the Southern

Southern Division, transmitting the record in Case No. 34 on the Salem Calendar 2d Sessions of 1834.

(Here enter No. 109)

Mr. Lushington & 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

"Timmarayen"

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

(Sent following letter No. 144)

Read letter dated 31st December 1834 from the First Judge on Circuit in the Northern Division, transmitting the record in Case No. 61 on the Nellore Calendar 2d Sessions of 1834.

(Here enter No. 92)

Mr. Lushington. Mr. Bird.

The Court of Foujdaree Udalut having maturely considered the proceedings held before the Judge

11th February 1835. F.C.

Judge on Circuit, the Fatwa of the Provincial Law Officer and the Fatwa of the Cazee wil Cozat and Mooftee of the Foujdaree Adalut, confirm such part of the said Fatwa of the Cazee wil Cozat of Mooftee aforesaid, as acquits the Prisoners -

3d Woopperellah Buchah Naugadoo
&
4th Cullah Unkadoo

and direct that they be set at liberty -

And being of opinion, that the proof against the prisoners -

1st Boneegalah Venkatasoogaudoo
&
2d Valeecherlah Naugadoo

is sufficient to convict them of the crime of Highway Robbery, 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 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 (7) Seven years -

(Sent following letter No. 145)

Read

11th February 1835. F.C.

Read letter, dated the 8th Ultimo from the Additional Judge on Circuit in the Northern Division - transmitting the record in Case No. 33 of the Vizagapatam Calendar 2d Sessions of 1834 -

(Here enter No. 93.)

Mr. Lushington
&
Mr. Hudleston

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

"Pundoory Somalutteedoo"

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 1818, convict him thereof, and in conformity with the provisions of Clause First, Section IV. Regulation XV. of 1803, sentence him to suffer death by being hanged at the usual time and place of execution -

The Additional Judge of Circuit in the 10th para of his letter, referring the trial observes, that if the Foujdaree Adalut "shall considers presumptive proof, however strong, to be insufficient ground to proceed on, in awarding the highest penalty

"penally of the law", he" would record" his "opinion"
"that there is enough on the face of the record
"fully to justify a sentence of transportation
"for life"-

2 The doctrine, here intimated, has ever been repudiated by the Foujdaree Adalut, as opposed to all sound principles of judicial proceeding, and to the established rules of evidence; it being in fact neither more nor less, than that, denounced in the preamble to Regulation XV of 1803, of apportioning the punishment to the" degree of proof "against the party accused, rathers than the "degree of guilt and criminality of the act, "established against him"

3 If upon the trial, the proof, whatevers be the charge, or the penalty involved in it, do not suffice for conviction, the accused must be acquitted; and the rule is of course the same in all cases-

Ordered, that Extract from these proceedings be sent to the additional Judge on Circuit in the Northern Division for his information and future guidance-

(Sent following letter No. 146)

Read

Read letter, dated the 6th Ultimo, from the 3d Judge late on Circuit in the Southern Division - Submitting the record of trial in Case No. 19 - Salem Calendar 2d Sessions of 1834-

(Here enter No. 61)

Mr. Lushington & Mr. Bird

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-Coyat and Mooftees of the Foujdaree Adalut, confirm the said Futwa of the Cazee-ool-Coyat and Mooftees aforesaid, convicting the Prisoner -

"Timmon"

of wilful Murder and awarding Kissaas, and under the provisions of Section X Regulation XIII of 1802 sentence him to suffer death by being hanged at the usual time and place of execution -

(Sent following letter No. 147)

Read letters dated the 9th and 27th January 1835 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 November 1834-

(Here enter No. 111 and 181.)

Chicacole Report V Cases 148 & 154

1 The Court of Foujdaree Udalut do not see sufficient grounds for disturbing the orders passed on these cases.

Case 156.

2. In this case, there is nothing in the Report to shew, that there was any breaking, or any circumstance of aggravation to bring the case under Regulation VI 1822. The Provincial Court of Circuit will accordingly direct the Acting Criminal Judge's Sentence to be amended in conformity with Section VII. Regulation X 1816.

Vizagapatam Report V Case 119.

3 In this case, the proceedings of the Native Criminal Judge were clearly illegal. He was quite incompetent to convert the Prosecutor into a prisoner and pass sentence of fine of 2 Rupees, or in default of payment imprisonment for 4 days. The observation of the Provincial Court of Circuit is quite correct, in respect to the course which the Native Criminal Judge ought to have adopted, and if the fine was levied, it should be at once restored.

Cases 120 & 122.

4. The prisoners in these two cases should be brought to trial for the offence of escape by the Native Criminal Judge, although committed

Love

for trial before the Court of Circuit for other offences. The resolution of the Court of Foujdaree Udalut to this effect has been just issued in Circular Order No. 29. in 1835. and the Provincial Court of Circuit will be in possession of it before the receipt of the extract of these proceedings. The Provincial Court of Circuit will point out to the Native Criminal Judge, that his sentence against the prisoners must succeed the disposal of the cases by the Judge on Circuit, and the punishment awarded be in addition to the sentence of the Court of Circuit. It will be proper on future occasions, to frame the Reports from Vizagapatam, as required by the Circular Orders 29th November 1827, ruled and written crossways. It is desirable also that the Reports from the different Courts should be severally combined, instead of being detached as those from Nellore and Guntoor usually are.

Nellore Report V Case 231

5 The Provincial Court of Circuit will point out to the Assistant Criminal Judge the illegality of his sentencing the prisoner to stripes in this case, under Section VII Regulation X 1816, as he did not stand convicted of theft, but of slight

wounding

wounding. It is only in cases of theft, that corporal punishment can be awarded under the provisions of the Laws; and it is to be regretted that the Criminal Judge and Provincial Court of Circuit have both overlooked the fact of the sentence being illegal, as it is too late now to remedy it. The Provincial Court will at the same time bring to the notice of the Criminal Judge the Circular Order 15th " November 1824, which shows his competency to correct illegal sentences passed by his Assistant

Case 283 6 In this case it does not appear to the Court of Foujdaree Udalut, that theft was committed by the prisoners. The Provincial Court of Circuit will call for explanation, and if so orders for the return to the Prisoners of the fine if levied, and if the proceedings of the Assistant Criminal Judge then appear incorrect.

Case 284 7 The requisition for security from the prisoner in this case appearing to the Court of Foujdaree Udalut to have been made on insufficient grounds, they resolve to direct that the Prisoner be released if in Jail, or the bail bond cancelled if it has been entered into.

Guntoor Report V Case 170 8 It appears from the Report, and the Provincial Court of Circuit find, upon obtaining explanation from the Acting Joint Criminal Judge, the prisoners in this case have been committed for trial on their uncorroborated confessions before the Police. The Provincial Court of Circuit quash the commitment in this particular case.

Case 171 9 The Court of Foujdaree Udalut approve of the suggestion of the Provincial Court of Circuit, that explanations of the reference to the Magistrate, which involves delay in the transmission of the case should be furnished by the Magistrate, and inserted in the Criminal Report. In fact the Circular Orders 8th " February 1830, and 18th " May 1832 are equally applicable to cases of this description, as in others, where delays occur. In the case in question the Proceeding of the Police officer appears to have been borne out by the Circular Order of the 28th " November 1834 No. 22, which admits of such reference in doubtful cases.

10 Adverting to the observations of the Provincial Court of Circuit in para" 5 of their proceedings

on

on this case of "non delivery of the Ghee with which the prisoner was charged to the party to whom it was consigned" — the Court of Foujdaree Udalut would remark, that "fraud", no doubt, is cognizable under the Mahomedan Laws, and it is to be concluded, that the sentence was passed by the Acting Joint Criminal Judge under Circular Order 25th January 1828 which is applicable to cases of this nature: the answer, however, of the Law Officer should have been inserted in the Report, agreeably to the Circular Order just alluded to. The sentence need not be disturbed, as it appears correct —

11 The Provincial Court of Circuit will communicate to the Acting Joint Criminal Judge, that it is considered proper to point his attention to the orders of Government in respect to Officers attaching clear and legible signature to all official documents

12 In transmitting future Criminal Reports the Provincial Court will obtain and forward to this Court, from each of the Magistrates in the Northern Division who have prisoners in their charge, the "Statement of Labor" of prisoners in the forms prescribed by Circular Orders 19th January and 29th May 1831, with which they must be furnished —

Ordered

Ordered, that Extract of these proceedings be sent to the Provincial Court Northern Division for their information and guidance by Precept returnable in 30 days after its receipt —

(Sent following Precept No. 148)

Read letter, dated the 14th Ultimo, from the 1st Judge of the Provincial Court of Circuit in the Western Division, submitting his report for the 4th Quarter Sessions for 1834 —

(Here enter No. 128.)

The report does not appear to call for any remark from this Court —

Ordered, that Extract from these proceedings together with copy of the report be sent to the Secretary to Government in the Judicial Department for the purpose of being laid before the Right Honorable the Governor in Council —

(Sent in No. 149)

Read letter, dated the 25th Ultimo, from the 1st Judge on Circuit in the Northern Division — transmitting translations of the depositions given by the Witnesses examined on behalf of the 5th prisoner, who was released in Case No. 61 on the Calendar for the 2d Sessions of 1834 —

(Here enter No. 154.)

At a Court of the Tongdare Adalat.

Present

Thursday, 12th February, 1835.

Charles . May Lushington Esqr 1st Puisne Judge

John Bird Esqr ---------- 2d Puisne Judge

William Hudleston Esqr ---- 3d Puisne Judge

Read letter dated the 19th December 1834 from the 1st Judge on Circuit in the Northern Division, transmitting the record in Case No 82 on the Nellore Calendar 2d Sessions of 1834.

(Here enter No 1831 of 1834)

Mr Bird and Mr Hudleston

The Court of Tongdare Adalat, 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 Tongdare Adalat, confirm the said Futwa of the Cazee ool Coozat and Mooftees aforesaid, convicting the prisoners of taking part in the murder of the deceased persons, Taloory Pelongadoo, and Veeky and awarding Capital, and Sentence the Prisoners,

2d "Taulloory Goonnadoo,"

3d "Do Tyeegaudoo"

4th "Cannekapogo Pentadoo,"

and

5th "Do Dibbadoo,"

to suffer death by being hanged at the usual time and place of execution, as prescribed by Section X Regulation XII of 1802. and the prisoner,

6th Taulloory Condee,

6

to be transported to such place beyond Sea, as the
Governor in Council shall appoint, there to be impris
and kept to hard labour in irons on the public wo
or other public Works for and during the period of
her Natural life.

The 1st Judge of the Provincial C
of Circuit, who tried the case, makes the following
observations, in para 23 of his letter of reference,
regard to the 8th prisoner Eliz.

"Her declarations before the Head of
"Police and the Criminal Court do not amount to
"full confession of having taken an active part in
"the Murder of Polorgaudor, and Uckys. She appear
"to have relented on seeing Uckys sufferings, and
"left the Scene. I think, therefore, she must be
"acquitted as a principal, and in consequence rela
"as being the wife of the 3d Prisoner. She cannot be
"convicted as an accessary after the fact; and I
"believe it is still undecided if a person acquitted
"as a principal can be convicted as an accessary
"before the fact. I may err in this; if so I shall
"be glad to be put right by the higher Court."

2.

The Court of Sequdaren Udalut would
to communicate to the 1st Judge the following Extract
from Phillipps' on evidence, as containing a Statement
of the law on points, mooted in the above quotation from

from his letter: "If the indictment charges, that
"A gave the mortal blow, and that B and C
"were present aiding and abetting &c, but on the evidence
"it appears that B struck, and that A and C were
"present aiding &c, this is not a material variance, for
"the stroke is adjudged in law to be the stroke of
"every one of them, and is as strongly the act of the
"others, as if they all three held the weapon, and
"had all together struck the deceased. The identity
"of the person supposed to have given the stroke,
"says Mr Justice Foster, is but a circumstance,
"and in this case a very immaterial one. The stroke
"of one is, in consideration of law, and in sound reason
"to the stroke of all. They are all principals in
"law and principals in deed. If two persons are
"indicted as principals, and one is proved only to be
"accessary, he must be discharged on this indictment,
"for in consideration of law their offences are different.
"And one, indicted as an accessary before the fact,
"cannot be convicted upon evidence, proving him
"to have been principal in the second degree (present
"aiding and abetting) at the fact."

Ordered, that Extract from these
Proceedings be sent to the 1st Judge on Circuit in the
Northern Division for his information and future
guidance.

(Sent following Letter No 150)

Read

Read letter dated 28th December last from the Late Officiating Judge-Jale on Circuit in the Northern Division, transmitting the record in case No. 58 on the Sessions Calendar 1st Sessions of 1834.-

/Here enter No. 1852 of 1834/

Mr. Lushington and 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, the Futwa of the Cauzee cul Cozaat and Mooftee of the Foujdaree Udalut, confirm the said Futwa of the Cauzee cul Cozaat and Mooftee aforesaid, and in conformity with the provisions of Clause Third Section Fifth, Section IV, Regulation XV of 1803, sentence the prisoners,

1st "Yedhoola Nurrugunder,"
3d "Polefoga Nurrugunder,"
4th "Polefoga Cotoogunder,"
6th "Polefoga Sulokoogunder,"
7th "Polefoga Teroghur,"
9th Yerakully Chinna "Nauegander,"
11th "Chogula Tunchaloogunder,"
12th "Noorefoga Mekoloogunder,"
13th "Parooa Cheetrupalu,"
14th "Chogula Nurrugunder,"
and
16th "Cuttee Nurrugunder,"

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.-

/Sent following letter No. 151

Read letter, dated the 6th November last, from the Acting 3d Judge on Circuit in the Centre Division, transmitting an English and Persian Translation of the Proceedings held in case No. 22 on the Bellary Calendar for the 2d Sessions of 1834.-

/Here enter No. 12 of 1835/

Mr. Bird and Mr. Huddleston.

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,

"Delado,"

is sufficient to convict him of the crime of culpable Homicide, do, under the authority, with which they are vested by Clause First Section II Regulation I of 1818 convict him thereof, and in conformity with the provisions of Clause Second of the same Section, direct their Law Officers to declare by a second 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 of culpable Homicide being established against the

the prisoner aforesaid, by the evidence of credible
witnesses, his Akilah would be liable to pay a fine
of 10,000 Dirhems to the heirs of the deceased.

The Court Faujdaree Adalut,
commutation of the penalty of Deeyut, declared
the foregoing Futwa, sentence the Prisoner
"Cotaton."
to be imprisoned and kept to hard labour in irons
on the public roads or other public works for
and during the period of 17 (seven years.)

1.

The Court of Faujdaree Adalut
observe, that a delay of seven days occurred in
forwarding the prisoner in this case to "Kaveri
the Head of Police of the Dhurmavaram Talook
for which that individual endeavours to account
and in the opinion of this Court most unsatis-
factorily, in the subjoined note, appended to
his Report of the circumstances of the case, addressed
to the Officiating Criminal Judge of Bellary.

Note.

"The Reddy and Canarese Linguist
"the Prisoner on the 24th and sent him to me
"on the 28th Ultimo - The Head of Police of the
"Talook was at Dhurmavaram, which is about
"60 miles distance from Kurrecondapilly - the prisoner

12th February 1835

"was, therefore, on the road 3 days. the 26th 27th and
"28th and arrived at Dhurmavaram on the 29th
"Ultimo, the Head of Police was gone to Anantapoor
"on Summabundee or Revenue Settlement affairs.
Anantapoor is about 20 Miles from Dhurmavaram -
he was therefore brought to Anantapoor, where he
arrived on the 31st at 7 O'clock at night: he was
on the road to this place on the 30th: he was
examined on the 1st April: and dispatched
on the following day - the delay has thus
occurred."

"Dispatched from Anantapoor on the 2d April 1835"

The Court expect, that whenever
2 his Revenue avocations may require the attendance
of the Head of Police at a distance from his
Station for more than two or three days - the
Magistrate will take care that a competent
person be appointed in his place, to perform
the Police duties of the Talook, during his absence.

The Court desire, that the Acting
3 Jr. Judge will communicate these observations to
the Magistrate of Bellary, whose duty it will be
to make due arrangements for preventing the
recurrence of a proceeding so objectionable as
that, which has attracted their notice upon the
present

present occasion.

Ordered, that extract from the proceedings be sent to the Acting 3d Judge on circuit the Centre Division, with instructions to transmit a copy of the same to the Magistrate of Bellary for that Officer's information and future guidance.

/Sent following letter No 152

Read letter, dated the 2d Instant, from the Provincial Court of Circuit in the Southern Division, transmitting the explanation of the Magistrate of Coimbatore called for under date the 7th Ultimo.—

/Here enter No 191/

On the above date the Magistrate was called upon thro' the Provincial Court of Circuit to explain the circumstances, which led to the transmission of numbers of Petty cases to the Criminal Court at Coimbatore, apparently cognizable by him; and the Provincial Court of Circuit were directed to issue the necessary orders on the Subject. The Provincial Court of Circuit have however overlooked the instructions, and submitted without remark the communication of the Magistrate on the Subject.—

2.

The Magistrate in the 3d para of his letter appears to be under a misapprehension in respect to the general observation, "that Magistrates "cannot pass Sentence of punishment in any case "referred by the Heads of Police except Thefts not exceeding 3

Rupees". This remark, which is in accordance with the Circular Order 30th January 1824. applies exclusively to references under Section IV Regulation IV 1821. The sentiments of the Court of Sudder Adalat, on the point in question expressed in their Proceedings of the 28th September 1818, convey the opinion, which they at present retain, that the amount of Thefts as to value, that Magistrates are empowered to determine is not defined, further than that they should be of a trifling amount. In the Circular Order of the 28th August 1818 it is stated, that the Petty Thefts cognizable by the Magistrate are such as "should not have been attended with any aggravating circumstances or committed by persons of notorious bad character".—

3

On the general principle, that an offender, appearing deserving of severer punishment than the lower tribunal considers itself authorized to inflict, should, when the power is left open, as in the present case be transmitted to the higher Court the Magistrate appears to have been justified in many of the cases which form the Subject of his letter now under consideration.—

Ordered, that Extract of these proceedings be sent to the Provincial Court of Circuit in the Southern Division for communication to the Magistrate and Acting Joint Criminal

Judges

12th February 1835. T:V:

Judge of Coimbatore / to whom copy of the reply of the Magistrate should also be furnished / for his information and future guidance, by Precept returnable in 10 days after its receipt.-

/ Sent following Precept No: 153

Read Return, dated the 2nd instant, from the Acting 3rd Judge of the Provincial Court of Circuit in the Northern Division, to Precept of the Court of Foujdaree Udalut, under date the 21st January 1834, directing the preparation and transmission to them of an English Translation of the Proceedings in cases Nos: 25-26-27 and 28 on the Masulipatam Calendar for the 2nd Quarterly Sessions of 1834 and the Suspension of the Sentence and detention of the Prisoners in Confinement without irons, till the Courts final orders should be known.-

/ Here enter T: V: No: 205 of 1835 /

Observing that the Acting 3rd Judge has allowed a period of very nearly two and a half Months to elapse, before making Return to them Dy: of the 21st November last, the Court of Foujdaree Udalut, resolve to call upon that officer to submit an immediate explanation of the circumstances, which have caused this extraordinary and reprehensible delay.-

Ordered, that extract from these Proceedings be sent to the Acting 3rd Judge of the Provincial

12th February 1835

Provincial Court of Circuit in the Northern Division by Precept returnable within Three days from and after its receipt.-

/ Sent following Precept No: 154

The Court of Foujdaree Udalut, observe that a period of more than one Month has elapsed since the receipt of any reportible trial from the Acting 3rd Judge on Circuit in the Centre Division.-

They accordingly resolve to issue a Precept to that officer, requiring him to forward to them without any further delay, those cases of the Bellaree Calendar for the 2nd Sessions of 1834, which are still due, and to submit an immediate explanation of the circumstances which have prevented their transmission during the period above mentioned.-

Ordered, that Extract from these proceedings be sent to the Acting 3rd Judge on Circuit in the Centre Division, by Precept returnable within two days from and after its receipt.-

/ Sent following Precept No: 155.-

J. U.

At a Court of the Foujdaree Udalut.

Present,

Saturday, 14th February, 1835.

Charles May Lushington Esqre 1st Puisne Judge.
John Bird Esqre — — 2d Puisne Judge.
William Hudleston Esqre 3d Puisne Judge.

Read letter, dated the 23d Ultimo, from the Acting 2d Judge of the Court of Circuit in the Centre Division, transmitting the record in Case No. 1. of the Chittoor 8th Supplemental Calendar for 3d Quarterly Sessions of 1834 called for on the 27th November last.

(Here enter No. 151.)

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 Coozat and Mooftee of the Foujdaree Udalut, confirm the said futwas of the Cazee ool Coozat and Mooftee aforesaid, acquitting the prisoner,

"Chellacootty,"

and accordingly direct that he be set at liberty.

(Sent following letter No. 162)

Read

Read return, dated the 9th Ultimo, from the Acting 2d Judge of the Provincial Court of Circuit in the Centre Division, to precept of the Court of Faujdaree Adalut under date the 26th December 1834 directing that the Sentence of the Court of Circuit in Case No 2 on the 7th Supplemental Calendar, for the Chittoor 4th Quarter Sessions of 1834, be suspended, and that the record of the case be referred for the judgment of the Faujdaree Adalut -

(Here enter Fl. No 86 of 1835)

Mr Bird
Mr Huddleston.

In this case the prisoner,

"Rungadoo,"

was charged with having beaten with sticks the Prosecutor and the first and second witnesses, while they were cutting firewood, maltreated them and robbed them of property valued at Rupees 2-6-3-

2.

The Presiding Judge concurred with his Law Officer in convicting the Prisoner, but deputed the case for mitigation of punishment to the Faujdaree Adalut, who seeing reason to doubt whether the offence actually amounted to Robbery, directed the Acting 2d Judge to refer "for their judgment the record of the trial" -

From

3.

From a perusal of the proceedings now submitted, the Court of Faujdaree Adalut are satisfied, that the offence does amount to robbery, and after a mature consideration of all the circumstances, they sanction under Clause third, Section III Regulation I of 1825, the mitigated punishment recommended by the Acting 2d Judge, and accordingly direct that the said Prisoner,

"Rungadoo,"

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

Ordered, that Extract from these proceedings be sent to the Acting 2d Judge of the Provincial Court of Circuit in the Centre Division by precept, returnable within two days from and after its receipt -

(Sent following Precept No 163-)

Ent'd HH.

F. 2.

At a Court of the Foujdaree Udalut.

Present

Monday. 16th February 1835. Charles May Lushington Esqr. 1st Puisne Judge.

John Bird Esqr. ---------- 2d Puisne Judge.

And William Rudleston Esqr. --- 3d Puisne Judge.

Read letter dated 3d Ultimo, from the Acting 1st Judge of the Court of Circuit in the Centre Division transmitting record in case No. 5 of the Chittoor Calendar 3d Quarterly Sessions of 1834.

/Here enter No. 90/

Mr. Lushington and Mr. Bird. The Court of Foujdaree Udalut on a deliberate consideration of all the circumstances of the case in evidence before them, having opinion that the proof against the prisoner --

1st Lobabo"

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 Sentence him to suffer death as prescribed by Section X Regulation XIII of 1802 by being hanged at the usual time and place of execution --

/Sent in No. 164

Read letter dated 28th November last, from the 3d Judge on Circuit in the Western Division forwarding trial No. 2 on the Mangalore Calendar

2d

2nd Sessions 1834.-

/Exe cuted No 110./

Mr Lushington and Mr Bird

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 Coozat and Mooftees of the Zoujdaree Udalut, confirm the said Futwa of the Cazee ool Coozat and Mooftees aforesaid, and in conformity with the provisions of Clauses Second and Fifth, Section IV. Regulation XV of 1803, sentence the prisoner,

1st "Coonday Munja,

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,

2nd "Slanek Ummuffa",

4th "Vandy",

5th "Pillon",

6th "Rorkoo",

7th "Mahsally Munja",

and

8th "Ganada Munja",

to be imprisoned and kept to hard labour in irons on the public roads or other public Works for and during the period of fifteen years.-

The

The Court further direct that the prisoner,

3rd "Kullipyhee Boatta",

be set at liberty.-

/Sent following letter No 165

Read letter dated 17th Ultimo from the Additional Judge on Circuit in the Northern Division transmitting the record in case No 16 on the Vizagapatam Calendar 2nd Sessions of 1834

/Exe cuted No 156

Mr Bird and Mr Hudleston

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 Coozat and Mooftees of the Zoujdaree Udalut, confirm the said Futwa of the Cauzee ool Coozat and Mooftees aforesaid, convicting the prisoner -

"Boney Malloogandoo"

of theft accompanied by an attempt to commit murder, and under the Sentence of Koodut declared in that Futwa and in conformity with the provisions of Clause Second Section III and Clause Third Section II Regulation VI of 1822, and Clause Second, Section II, Regulation I of 1825, Sentence the said Prisoner to receive 195 Lashes of a cat of nine tails, and to be transported to such place

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

Vide in No. 66.

1 The Court of Foujdaree Adalat observe that the prisoner's plea to the arraignment on his trial is improperly recorded: and that his own words only should have been entered.

2 They further observe, that in para 2 of his letter referring the Trial, the Additional Judge on Circuit describes the 2d Prosecutor as "a "child not sworn" and in the concluding para he makes the following remark "It will be observed "that the 2d Prosecutor has not been sworn upon his "oath. Had there appeared sufficient motive for "it, I would not have omitted to pursue the "measures in such cases laid down by your Court, "but here the remaining evidence was so conclusive "to my mind, that I thought it not only unnecessary "to swear the boy, but advisable rather to avoid "such a solemnity, with the risk of its after all "not being explained so as to be effective, when "it was not imperatively called for.

3 The Standing orders of the Court of Foujdaree Adalat of the 15th April 1819 -

peremptorily

peremptorily prohibit the examination of an Infant as a Witness without oath, and the mode of proceeding incidently known to the Additional Judge on Circuit which should be adopted when an infant, not aware of the nature and obligation of an oath, may be produced as a witness, is also expressly commanded by the Precept of the Foujdaree Adalat to be invariably observed -

The existence of these orders issued

4 for the guidance of the Courts of Circuit, ought to have been "a sufficient Motive" with the Additional Judge for duly conforming to them, and not acting upon his own idea of expediency instead of obeying the instructions before him -

But the Court further observe,

5 that according to the entry in the Record of Proceedings held before the Court of Circuit the said 2d Prosecutor was, before his examination, "duly Sworn according to the custom of his caste, "and the admonition prescribed by Clause Fifth, "Section XVIII Regulation VII of 1802," was "read to him," and at the foot of his examination stands the following entry -

"Taken on oath before me in open Court this 24th day of November 1834 -

"(Signed) W. Barrington,
"Offg Addl Judge on Circuit N.P.C."

Now

now what Stands here recorded on the proceedings of the Court of Circuit, either took place, or it did not: If it did take place, it is impossible to understand the foregoing statements in the Additional Judge's letter of reference, and if it did not, the Record is falsified.—

Under these circumstances an explanation upon the Subject is absolutely necessary, and the Court direct accordingly that the additional Judge will Submit it for their further consideration without delay.—

In the Same letter of reference the Additional Judge also mentions, that he "Sentenced the prisoner to be transported for the period of his natural life". The Court, however, observe that the intimation to the Prisoner, improperly headed "Sentence," contains nothing of the Kind. These are acts of carelessness on the part of the Additional Judge which the Court of Soojdaree Udalut consider to be highly reprehensible.—

In conclusion the Court desire that the Additional Judge will direct the attention of the Native Criminal Judge of Vizagapatam to the Circular orders of the Soojdaree Udalut of the 15th April 1819, and the 12th July 1825 which prohibit the examination of Infants, as Witnesses, without oath, and prescribe the mode of

of proceeding to be adopted by the Criminal Judges whenever the evidence of persons of tender age may appear to them to be material.—

Ordered, that extract from these proceedings be sent to the Additional Judge on Circuit in the Northern Division by Precept returnable within 7 days from and after its receipt.

/Sent following Precept No 167

Read letter dated 3rd Ultimo from the Acting 1st Judge of the Court of Circuit in the Centre Division transmitting record in Case No 2 on the Chittoor Calendar 3rd Quarterly Sessions of 1834.—

/Here enter No 169/

Mr Cushington and Mr Badleston

The Court of Soojdaree 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 "Seemanapah,"

and

2nd "Ava Kah,"

is Sufficient to convict them of having, by the infliction of various cruelties upon her, driven the deceased to throw herself into a well whereby She was drowned, do, under the authority with which they are vested by Clause First, Section III Regulation I of 1818, convict them thereof, and

and under 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 prisoners abovementioned being convicted by the evidence of credible Witnesses of ill treating and torturing the deceased Nangum=mah, they are liable to Ookoobut.

Under the Sentence of Ookoobut declared in the foregoing Futwa, and in Conformity with the provisions of Clause Third, Section VII Regulation XV of 1803, the Court of Sudder Dewanny Adawlut adjudge the Prisoners,—

1st "Lemanapah,

and

2nd "Anakah,

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. 158

Read letter dated the 19th ultimo from the 3rd Judge on Circuit in the Western Division, Submitting the Honors and Sirsie Calendars for 2nd Sessions 1834.—

/Here enter No. 153/

No. VI 1 Under the authority vested in them by Clause third Section III Regulation I of 1825 the Court of Sudder Dewanny Adalat sanction a mitigated Sentence of seven years' imprisonment with hard labour in irons, on the 1st 2d 3d and 4th Prisoners in this case. They consider the term of imprisonment three years, proposed by the 3d Judge insufficient, the case being one of robbery by open violence.—

No. VIII 2 Adverting to the observations of the 3d Judge in paras 2 and 3 of his remarks in this number. the Court of Sudder Dewanny Adalat observe, that if the words in the deponent's answer, are, with reference to the question put to him, false and material to the point at issue, the assign=ment of the perjury upon them is unquestionably good, and in such case the question, to which the words are an answer, being recorded in the indictment, it is complete in that respect.—

No. XII 3. The Court of Sudder Dewanny Adalat are of opinion, that the proceeding held by the 3d Judge in this Case was irregular, and that it was not competent to him, under the Regulations to over rule the first futwa of acquittal, and put a second question to the Law Officer, and under the futwa of Ookoobut so obtained, pass Sentence of punishment upon the prisoner.

4. The first futwa was not grounded upon

upon any scrupulous distinction in Sharba, and Section XXIII Regulation VII of 1802 cited by the 3d Judge as the Authority for his proceeding, declares, "that the Judges of the Courts of Circuit are to "refer to the Cazee or Mooftee of their respective "Courts all questions on points of law that may "arise during the course of any trial and respect- "ing which no Specific rules may have been enacted "by the Governor in Council and shall regulate "their proceedings by the opinion which may be de- "delivered. When such opinion shall appear "to the Judge contrary to the principles of natural "justice, or to the Mohummedan Law, they are "nevertheless (in cases not provided for by the "Regulations) to be guided by them: and after "completing the trial and obtaining the futwa of "the Law Officer upon the case, they shall without "passing sentence upon it transmit the proceedings "and futwa to the Foujdaree Adalut."

5 Section XXII had previously declared the course to be pursued when the Judges should disapprove of "the futwa", and it appears to the Court to be clear from the provisions of these Sections that Section XXIII conveys no authority to the Court of Circuit to over rule the futwa given after the completion of the trial, but merely relates

relates to the disposal of questions on points of law that may arise during the course of the trial.

6 But even supposing the 3d Judge to have been competent to have over ruled the first futwa, the Court consider the question put by him to have been in itself improper. The Law Officer states, "that the prisoner did not abandon her infant with a view to deprive it of life and that she was not the cause of its death." This appears to the Court to be a clear declaration that she did not criminally desert it and indeed her subsequently suckling the child proves the same beyond all doubt. But the question put to the Law Officer assumes the fact of a criminal desertion, for he is asked, whether having abandoned it she is liable to punishment.

7 The Court consider the prisoner entitled to an unconditional release if the 3d Judge assents to the first finding; and if he disapproves of that futwa, the trial must be referred.

8 The Court of Foujdaree Adalut have given due consideration to the petition of the Prisoner in No. 4 of the Honore Calendar forwarded

forwarded with the 3d Judge's letter, and adverting to the observations of the 3d Judge in paras 3 and 4; and to the Statement of the 1st Judge of the Provincial Court of Circuit, in para 42 of his recent report on the 1st Sessions of 1834. They resolve to authorize the Joint Criminal Judge to exercise in future his discretion, in forwarding convicts to Mangalore.

9. In all cases, where he may consider their removal to the Zillah Gaol to be necessary for their safe Custody, it will be his duty to forward them under the orders of this Court of the 27th October 1830. in other cases, they should be retained at Honore.

Ordered, that extract from these proceedings be sent to the 3d Judge late on Circuit in the Western Division for his information and guidance by precept returnable in 15 days.

/Sent following Precept No 789/

Read. letter dated the 30th January 1835 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 December 1834.-

/Here enter No 209/

Malabar / The Provincial Court of Circuit

will point out to the Criminal Judge that it is unnecessary to enter the fixed Guard in the Statement of Extra Peons. They will take the opportunity of noticing to him that the number of Extra Peons appears to be in excess of the authorized proportion, and that in such cases the Judges entertaining the Peons in excess, unless satisfactory explanation can be given, renders themselves personally responsible for the expence.-

2. In the Statement of the Labor of prisoners 9 Convicts appear as detained in Jail for want of Kolkars. If this occurs the Provincial Court of Circuit will instruct the Criminal Judge to enter a note in the Statement explanatory of the Cause of the deficiency of the Kolkars.-

Surgy Suppl. Report Case 37.

3. The prisoners in this case are entered as having been apprehended on the 12th May 1834; and detained in Jail for want of evidence which appears to be procurable. If however the Witnesses in question do not attend at an early period it will be proper for the Provincial Court of Circuit to issue orders for the case to be disposed of on the evidence before the Native Court, without further delay.-

Ordered that Extract of these proceedings be sent to the Provincial Court of Circuit in

in the Western Division for their information and guidance by Precept returnable in 20 days after receipt.—

Sent following Precept N°. 170

Read return dated the 5th Instant from the Acting 3d Judge on Circuit in the Centre Division to precept of the Foujdaree Adalut dated the 28th Ultimo conveying their observations &c on the Belingheat Calendar for the 2d Sessions of 1834.—

(Here enter N°. 197)

Read return dated 3d Instant from the Acting 3d Judge on Circuit in the Centre Division to precept of the Foujdaree Adalut dated the 9th Ultimo, conveying their observations on the Bellaree Calendar for the 2d Sessions of 1834.—

(Here enter N°. 198)

Read letter dated 8th Instant from the Acting 1st Judge on Circuit in the Centre Division reporting the death of a Prisoner named Tatayden.—

(Here enter N°. 212)

Read letter dated 7th Instant from the 3d Judge late on Circuit in the Southern Division transmitting original death Warrant in case N°. 12 on the Salem Calendar 2d Sessions of 1834, together with separate letter from the Criminal Judge of Salem

(Here enter N°. 214)

Read

Read letter dated 6th Instant from the 1st Judge on Circuit in the Southern Division reporting that he has given notice for opening the Sessions at Combaconum on the 14th March next

(Here enter N°. 216)

Read return dated 9th Instant from the Provincial Court of Circuit in the Centre Division to precept of the Foujdaree Adalut dated the 5th instant desiring that orders may be issued for the immediate release of the 3d Prisoner in Case 69 and of both the prisoners in Case 70 Cumbum Criminal Reports for August 1834.—

(Here enter N°. 222)

Read return dated 9th Instant from the Provincial Court of Circuit in the Centre Division to precept of the Foujdaree Adalut dated the 5th instant directing that it be intimated to the Officiating Criminal Judge of Bellaree that the Foujdaree Adalut in para" 18 of their Proceedings under date the 15th November 1834 had no intention of requiring the reapprehension of the 3d prisoner in Case 225 of the Report N°. 5 for September 1834.—

(Here enter N°. 223)

Read letter dated 2d Instant from the Provincial Court of Circuit in the Western Division forwarding the half yearly Statement of cases referred to the Court of Foujdaree Adalut.—

(Here enter N°. 225)

Read

J. M.

18th February 1835.

Read return dated 29th Ultimo from the Provincial Court of Circuit in the Northern Division to precept of the Foujdaree Udalut dated the 27th September 1834 conveying their observations on the Printed Statements for the 2d half of 1833.

(Here enter No. 232)

Read letter dated 10th Instant from the Secretary to Government in the Judicial Department conveying instructions to the Military Board to alter the plan of the Gaols proposed to be erected at Guntoor and Vizagapatam, in the manner suggested by the Foujdaree Udalut.

(Here enter No. 234)

Read further return dated 8th Instant from the late Officiating Judge late on Circuit in the Northern Division to precept of the Foujdaree Udalut dated the 29th December 1834, directing that the reward of 100 Rupees be publickly bestowed upon Lomeetty Chenchoo as a reward of his meritorious Conduct, in resisting the attack of a Gang of Robbers upon his house.

(Here enter No. 237)

Ed. W.

W. M.

J. M.

Thursday 19th February 1835.

Ed. W.

W. M.

At a Court of the Foujdaree Udalut.

Present,

Charles May Lushington Esqre 1st Puisne Judge,

John Bird Esqre ..... 2d Puisne Judge,

William Dudleston Esqre ..... 3d Puisne Judge.

Read letter dated 25th Ultimo from the Additional Judge on Circuit in the Northern Division transmitting the Record in Case No. 54 on the Vizagapatam Calendar for the 2d Sessions of 1834.

(Here enter No. 158)

Mr. Bird & Mr. Dudleston. 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 prisoner

"Pylah Timmadoo"

of Murder, but being of opinion under the circumstances of the case that the punishment to which he is liable under the sentence of Hisaas declared in the

Futwa

Sutwa, would in this instance be too severe, they do
under the authority with which they are vested by
Clause Second Section VI Regulation I of 1825 adjudge
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 Court have observed with
dessatisfaction an instance of carelessness on the
part of the Additional Judge, called for
Translation of the Record, which they consider to be
deserving of censure.

2 Immediately after the Sutwa of
the Provincial Law Officer, declaring the prisoner
convicted of Murder, and liable to suffer death
by Kisas, there is an address to the prisoner
(improperly called "Sentence") as follows - "The
Cauzee has given a Sutwa declaring that you are
entitled to be released. &c."

3 The Court have on a former occasion
pointed out to the Additional Judge, the impropriety

of revising the English Translation of his
Trials, and they trust, that they may not again
have to notice similar inaccuracies.

4 The Court further observe, that the
Additional Judge should not have omitted to cause
the prisoner's confession before the Police Officers
to be read and proved at the Trial.

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

(Sent following letter No. 173)

Read letter, dated the 30th Ultimo,
from the Officiating 2nd Judge on Circuit in the
Western Division, transmitting the record in Case
No. 12 on the Malabar Calendar 1st Sessions of 1835.

(Here enter No. 196)

Mr. Baird
Mr. Sandleston - The Court of Sudder Adalut
having maturely considered the proceedings held
before the Judge on Circuit, the Sutwa of the
Provincial Law Officer and the Sutwa of the
Cazee, Mal. Cazi and Mooftees of the Sudder
Adalut, confirm the said Sutwa of the Cazee, Mal.
Cazi and Mooftees aforesaid, convicting
the

the Prisoner.

Cherookat alias Vayangaree
Ramonny Nair

of Wilful Murder and awarding Kisaas, a
the provisions of Section X Regulation VIII 7
Sentence him to suffer death by being hanged at
the usual time and place of execution.-

1 The Court of Zoujdaree Adalut observe,
that in the English Translation of the proceedings in
this case, their standing orders of the 2d November 1824
have not been obeyed, which direct that in order to a
clear understanding of evidence in Criminal Trials,
touching the distance between places, and Measure-
ment, severally, in the English translations a note
be always inserted of such distance or measurement
in feet and inches, and which further require
Judges of Circuit and Criminal Judges take careful
whenever a Native date is mentioned in examinations
before them, to enter a note of the corresponding
English date.-

2 The Court desire, that the acting
2d Judge will call the attention of the Criminal
Judge to their orders upon the subject, and will
also himself, strictly conform with them in future.-

The

19th February 1835.

3 The Court further observe, that the
arraignment of the prisoner in this Case before the
Court of Circuit, has been drawn up with much
unnecessary and improper detail.-

4 It seems to have been adopted from
the Criminal Judge's indictment: but it must be
borne in mind, that it is the duty of the Court of
Circuit where the indictment is faulty to cause
it to be amended, and not, as a matter of
course, to adopt it as the arraignment. Irrelevant
matter is always to be carefully excluded, in
framing an indictment.-

Ordered, that Extract from
these proceedings be sent to the officiating
2d Judge on Circuit in the Northern Division
for his information.-

(Sent following letter No. 174)

Read Return, dated 7th instant,
from the Provincial Court of Circuit in the Northern
Division to Precept of Zoujdaree Adalut dated
the 3d Ultimo, directing execution of the sentence
of the Court of Zoujdaree Adalut in Case No. 1 of
1834 Chicacole Special Commission.-

(Here enter No. 245.) Read.

19th February 1835.

Read letter, dated 10th instant from the Additional Judge on Circuit in the Northern Division - Reporting his arrival on the 7th instant at Vizagapatam and the opening of the Sessions.

(Here enter No. 253.)

Friday 20th February 1835.

At a Court of the Foujdaree Udalut.

Present,

Charles May Lushington Esqre 1st Puisne Judge,

John Bird Esqre ..... 2d Puisne Judge,

William Hudleston Esqre ..... 3d Puisne Judge.

Read Return dated 2d Instant from the Acting 2d Judge late on Circuit in the Centre Division to Precept of Foujdaree Udalut dated the 9th Ultimo, directing him to transmit, with as little delay as possible the Record of Case No. 25. Cuddalore Calendar 1st Sessions of 1834.

(Here enter No. 194)

Read also letter, dated 2d Instant from the Acting 2d Judge late on Circuit in the Centre Division - transmitting the Record in Case No. 25. on the Cuddalore Calendar 1st Sessions of 1834.

(Here enter No. 195.)

Mr. Bird & Mr. Hudleston having maturely considered the proceedings held before the Judge on Circuit, the Futwa of the Provincial Law Officer and the Futwa of the Cazee-ool-Cozat and Mooftee of the Foujdaree Udalut, confirm the said Futwa of the Cazee-ool-Cozat and Mooftee

Mooftees aforesaid, acquitting the Prisoners—

1st Pounen alias Tiruvengadum

2d Mylen

3d Parooman

4th Ramen
&
5th Kistnen

but as in Case No. 24 on the Calendar, they have been required to find security for their future good behaviour, the Court do not direct their release—

(Sent in No. 175)

Read letter dated 3d Ultimo from the late Officiating Judge late on Circuit in the Northern Division, now at Chittoor, transmitting the record in Case No. 35. on the Nellore Calendar 2d Sessions of 1833—

(Here enter No. 201.)

Mr. Bird
Mr. Hudleston

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, convicting the Prisoners

Prisoners—

1st Astety Vencategaudoo

2d Shaikh Cassim

6th Astety Seppadoo

7th do. Chinna Vencategaudoo

8th Daurah Vencategaudoo

9th Suttanapully Chennoogaudoo
&
11th Dausary Narsegaudoo

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 5 years—

1 The attention of the late Officiating Judge is directed to the standing orders of the Foujdaree Udalut which direct, that the Records of the proceedings held before the Court of Circuit may invariably show, that the confessions of the Prisoners before the Criminal Court were read in Court upon the Trial—

2 The Court of Foujdaree Udalut observe that in the present case, the orders in question have not been conformed to—

as

3 As the prisoners in this case are convicted, the Court of Foujdaree Udalut are of opinion that the transmission to them of the Record of proceedings held in Case No. 36 on the Calendar, in which the same prisoners are concerned, and which in its circumstances is precisely similar to that which they have now decided is unnecessary and they accordingly resolve to dispense with its reference.-

Ordered, that Extract of these proceedings be sent to the Late Officiating Judge late on Circuit in the Northern Division now at Cuddapah, for his information and guidance.-

(Sent following letter No. 176)

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 of 1816 for the Month of December 1834.-

(Here enter No. 165.)

Chittoor Report V Case 3/2

1 With reference to the observations of the Court of Circuit in para 7, the Court of Foujdaree Udalut do not find that the Prisoners were charged with a committable offence. The order for

for the requisition of Security should run "in default to be imprisoned for the space of three Months," without the specification of "Labor", which is left to the discretion of the Criminal Judge.

Case 380.

2 The Court apprehend, that there has been some irregularity connected with this case and that it ought to have been made over to the Police for investigation. The Provincial Court of Circuit will call for an explanation for the information of the Court of Foujdaree Udalut.-

Case 382.

3 The Sentence in this case does not appear to the Court of Foujdaree Udalut objectionable, and instructions should therefore be issued for it to be duly carried into effect.-

4 The Court of Foujdaree Udalut concur in the remark in para 11. of the proceedings of the Provincial Court of Circuit.-

5. As the number of prisoners did not, according to the Statement, amount to 400. the entertaining 100 extra Peons at Chittoor exceeds the authorized establishment. The Provincial Court of Circuit will call for an explanation

for

of the cause, and point out to the acting Criminal Judge, that the orders on the subject are to be strictly enforced, and that he will render himself liable under the orders of Government to defray the unauthorized charges.

6. The Provincial Court of Circuit will take the opportunity of enjoining the acting Criminal Judge to forward his reports combined, and not as at present each Report separately. They will at the same time issue similar instructions to the other authorities in the Division who usually send detached Reports.

Cuddapah Report V
Cases 324. 325. 7. The Court observe that the Criminal Judge has omitted to state the grounds of the committal of the prisoners in the cases noted in the margin, and they will point out to him, that the Cacular Order of the 16th November 1831 requires him to insert the grounds of his order in each case, whether for committal, or otherwise.

Case 328. 8 In the absence of explanation this case appears to the Court of Sayidaree Adalut, as to the Provincial Court of Circuit clearly committable.

committable. If the acts of violence entered in the charge were not proved, the Criminal Judge ought agreeably to the Circular Order of 4th July 1826, to have notified in the Report, that the crime for which the 1st prisoner was punished differed from that with which he was originally charged. The Provincial Court of Circuit will now call upon the Criminal Judge to explain, whether or not, "breaking" was proved, or any act of aggravation.

Case 339. 9 In this case, the Provincial Court of Circuit express their opinion, that the prisoner a Cuttoobady Peon, ought not to have been forwarded to the Criminal Court, but ought to have been punished by the Magistrate under Section XXIII Regulation VIII 1802 by dismissal from the Public Service. The Court of Sayidaree Adalut will not here record any remark, their construction of the provisions of the law on this point being declared in the Circular Order of this date.

Case 340. 10 With reference to the very insufficient grounds on which the 4th 5th 6th and 8th prisoners (Vizt) "that they were found in

in the same place with the three first prisoners, when they were pointed out by the prosecutors") were forwarded to the Criminal Court, the Provincial Court of Circuit will require the Magistrate to issue strict injunctions to his Police Officers on this subject and will direct the attention of the Criminal Judge to the Circular Order 25th May 1823 which enjoins him to communicate instances of this neglect of duty to the Magistrate.

Suppl. Report Case 328. 11 The remark on Case 333 of Report No V. applies to this case.

Cumbum Report V Case 87. 12 In this case the Court of Foujdaree Adalut would observe that unless the Prosecutors proved their assertions there was not sufficient to shew that the charge was false. It appears also to the Court that requisition of security has been made irregularly. In cases of this description either the charge is false or it is not, and should be dealt with accordingly and it becomes necessary to order the discharge of the prisoner if in confinement, or the Bail bond to be cancelled if it has been entered into.

Case 88. 13 The Court do not view the sentence of the Native Criminal Judge in this case as incorrect and it will accordingly remain undisturbed.

Case 91 14 The Court of Foujdaree Adalut do not coincide in the opinion of the Provincial Court of Circuit in this case; the prosecutors, it is to be concluded swore to the robbery, and independently of others evidence that might have been taken, there was the confession before the Native Criminal Court.

15. The replies to the letters, and returns to the proceedings alluded to in para 20 of the proceedings of the Provincial Court of Circuit now under consideration, should be transmitted to the Court of Foujdaree Adalut for their information without delay.

Bellary Suppl. Report Case 32 of 1834. 16 The reference in this case to the remark in the Report of the previous month, is not in due observance of the Circular Orders of the 11th April 1832, which requires a full explanation in the Supplemental Report, when a case remains entered in it as undisposed of at the close of the Report. It appears that the delay

delay is connected with a reference to this Court. The Provincial Court of Circuit will explain this particular.—

Cases 259. 260. 261. 262

17 The Court of Foujdaree Udalut coincide in the opinion of the Provincial Court of Circuit, that the prisoners charged in the cases of Housebreaking noted in the Margin, and who appear to have been convicted, in three out of the four, ought to have been committed for trial. The Provincial Court of Circuit will instruct the Officiating Judge to be guided by these sentiments on future similar occasions, his sentence in the present instance remaining undisturbed.—

Chingleput Report V Case 365.

18 The Criminal Judge should have shewn in his Report what situation the prisoner in this case held; apparently the observations on case 333 of the Cuddapah Report No. V. apply to it.

Cuddalore Report V Case 157.

19 The Court presume that this was a case on which the prisoner laid a false charge, not merely gave a false deposition as a Witness. The Provincial Court of Circuit however will call upon the acting Joint Criminal Judge to explain, whether or not this conclusion is correct.—

Ordered

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 within 30 days after its receipt.—

(Sent following Precept No. 177)

Circular Order No. 31.

1 The Court of Foujdaree Udalut having had under their consideration, the provisions of the law affecting Guards from whom prisoners may escape, resolve to circulate their construction of them.—

2 Under the provisions of Section XXIII Regulation VIII of 1802, and Clause first Section VII Regulation I of 1810, all guards under the Magistrate's authority are declared liable to dismissal for wilful neglect by which a Prisoner may make his escape; and should any connivance, or further criminality appear, they are to be committed for trial before the Court of Circuit. The Criminal Judge being now the only committing Officer, it is of course his duty to commit in such cases.—

3 By Clause first Section XI Regulation XIII A. D. 1832 it is declared, that the Criminal

Judge

19

20th February 1835.

Judge, Joint Criminal Judge, and Native Criminal Judge shall have primary cognizance of cases of gross, and culpable neglect on the part of Peons in charge of Prisoners, whereby they may be enabled to effect their escape; and they are punishable by imprisonment not exceeding six months.

4. The power here given, is not restricted to any particular class of Peons, but is general, extending to all persons coming under that denomination; and the Judges are accordingly of opinion that for such offence, Police and other Peons under the Magistrate are liable to punishment under the clause in question

Sent to Govt. No. 27.

(Sent following Circular No. 178)

Read Return dated the 16th Instant from the acting 2d Judge of the Court of Circuit in the Centre Division, to Precept of Poojdaree Udalut dated the 14th Instant, sanctioning the mitigated punishment of 3 years imprisonment with hard labour in irons on the prisoner Rungadoo, in Case No. 2. of the Supplemental Calendar of Chittoor 4th Quarter Sessions of 1834.

(Here enter No. 268)

F. U.

At a Court of the Poojdaree Udalut.

Saturday, 21st February 1835.

Present

Charles May Lushington Esqr. 1st Puisne Judge,
John Bird Esqr. - - - - - 2d Puisne Judge,
William Hudleston Esqr. - - 3d Puisne Judge.

Mr. Lushington.
and
Mr. Hudleston.

Read letter dated 5th December last from the Third Judge on Circuit in the Southern Division, transmitting the record in Case No. 2 on the Cumbaconum Supplemental Calendar 2d Sessions of 1834.

(Here enter No. 1745.)

The Court of Poojdaree 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,

"Carattoopiel",

is sufficient to convict him of the crime charged against him, do, under the authority with which they are vested by Clause first, Section II Regulation I of 1818, convict him thereof, and under the provisions of Clause second of the same Section, direct their Law Officer to declare by a second Futwa to what sentence the Prisoner would be liable if convicted by full legal evidence of that crime.

Answer

Answer.

In the event of the Prisoner above mentioned being convicted of illtreating the deceased Puckeree and thereby causing his death he would be liable to Asserbut.

The Court of Sujdaree Adalut under the provisions of Clause third Section VII Regulation XV of 1803 adjudge the Prisoner

"Caraltaspiech"

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 in No. 184.)

Read letter dated 3d. Ultimo from the Acting 1st. Judge of the Court of Circuit for the Centre Division, transmitting the Record in Case No. 13 of the Sessions 1st. Supplemental Calendar 3d. Quarterly Sessions of 1834.

(Here enter No. 132.)

Mr. Bird.

The Court of Sujdaree Adalut require their Law Officers, to declare by a second Futwa, to what specific penalty the Prisoners

1st. Gandoogandoo,

and

2d. Chengaloo,

would be liable if the 1st. Prisoner were convicted on full legal evidence of the crime with which he is charged, and if the objection in bar

bar of Huss in favor of the 2d. Prisoner has not existed.

Answer.

In the event of the 1st. and 2d. Prisoners being convicted by the evidence of credible witnesses of the crime of Burglary and Theft, they would both be liable to amputation of the right hand from the wrist.

The Court of Sujdaree Adalut having maturely considered the proceedings held before the Judge on Circuit, the Futwa of the Provincial Law Officer, and the Futwas of the Cazee and Coorjut and Mooftees of the Sujdaree Adalut confirm such part of the said Futwas of the Cazee and Coorjut and Mooftees aforesaid, as convicts the Prisoners,

1st. Gandoogandoo

and

2d. Chengaloo,

and such part as acquits the Prisoner

"4th. Moonee Sammy"

and in commutation of the penalty of Huss declared in the second Futwa of their Law Officers, and under the provisions of Clause third, Section V Regulation VIII of 1831 and Section XXI Regulation VII of 1802 sentence the Prisoners

1st. Gandoogandoo,

and

2d. Chengaloo,

to

to be imprisoned and kept to hard labour-
ions on the public roads, or other public
works, for and during the period of 7
Seven years.-

But being of opinion that
strong suspicion though not amounting to
conviction attaches to the Prisoner,

4th Moonesawmy

the Court direct under Clause third Section
V Regulation VIII of 1831, and Clause sixth
Section II Regulation XV of 1803, that he
be required to find two Sureties in twenty
Rupees each surety for his good beha-
viour and appearance when required
within one year, and that in default
thereof he be detained for one year in
confinement.-

And further being of opinion
that the Prisoner,

3d Moodakal,

is not convicted on presumptive proof or
on the evidence of credible witnesses, or on
her own confession, notwithstanding the
Futwa of this Law Officers, the Court ac-
cordingly acquit her, and under the
provisions of Clause third Section V,
Regulation VIII of 1831, and Clause sixth
Section II Regulation XV of 1803, direct the
she be set at liberty.-

(Sent in No. 185)

Read letter, dated 12th Ultimo, from
the Acting 2nd Judge late on Circuit in the
Centre Division, transmitting the Record in
Case No. 8 of the Cuddalore Calendar 2nd
Sessions of 1833.

(Here enter No. 89)

Read also return dated 26th Ultimo
from the Acting 2nd Judge late on Circuit
in the Centre Division, to precept of Sunjearee
Udalut dated the 21st Ultimo, returning the
trial No. 8 of the Cuddalore Calendar for the
2nd Sessions of 1833 and directing to complete
the record both in English and Persian and to
retransmit it to them with the least possible
delay.-

(Here enter No. 160.-)

Mr Lushington.
and
Mr Bird.

The Court of Sunjearee 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 and Coojat and Mooftees of the
Sunjearee Udalut, confirm each part of the
said Futwa of the Cazee and Coojat and
Mooftees aforesaid, as acquits the Prisoners,

2d Kistnama Naiken
Kitchen Naiken
3d Veerah Naiken,
4th Yerramottoo Naiken
5th Permalgaw,
6th Komaren
and
7th Permal,

and

21st February 1835

and direct that the Prisoners,

2d Kistnama Naiken or
Kitchee Naiken.

3d Veerah Naiken,

4th Yerramoottoo Naiken, (at present
Absent)

6th Komaren,

and

7th Permal,

be set at liberty.

And being of opinion that strong suspicion though not amounting to conviction attaches to the Prisoner,

5th Permalgan,

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 two years; and that in default thereof, he be detained for two years in confinement.

And being of opinion that the proof against the Prisoner

1st Soonamboocara Ramasammy,

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 II Regulation I of 1818 convict him thereof, and under the provisions of Clause third Section IV

Regulation

21st February 1835.

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 fourteen (14) years.

The Prisoner

4th Yerramoottoo Naiken,

now by the sentence of the Court of Sessions Adalut, in Case No. 11 on the Calendar, required to furnish security for his future good behaviour, in the event of his being acquitted in this Case.

Sent in No. 186. 1 v.

F. 16.

At a Court of the Foujdary Udalut—

Present,

Monday 23d February 1835

Charles May Lushington Esqre 1st Puisne Judge

John Bird Esqre ..... 2nd Puisne Judge

Abl William Rudleston Esqre ..... 3d Puisne Judge

Read again petition presented on the 19th ultimo by the Vakeel Hanoomanta Row, on behalf of Salay Krabbo of the Zillah of Canara.

(Here enter M. R. No 2 of 1835)

The petitioner prays the Court to over-rule the order of the Provincial Court of Circuit Western Division, directing, that his wife, who has been charged with a Criminal offence (in No 137 of the Criminal Report for Canara) "should appear in person, and stand her trial, as she would not be thereby subject to loss of caste!!"

The Court have given the Petitioners 2 representation full consideration. It does not appear that loss of caste, or any indelible stigma would be the consequence of her personal appearance in the Criminal Court, and they see no cause therefore for a compliance with the prayer of the petition.—

Ordered therefore, that the Petition be rejected and that Extract of these proceedings be

be furnished to the Petitioner on his application.-

Read Letters Dated respectively the 31st January and 3d February 1835 from the Provincial Court of Circuit in the Centre Division transmitting for the information of the Judges of the Court of Foujdary Adalut the accompanying copy of a return made by the Magistrate of Bellary.-

(Here enter Nos 187 and 189)

1 In the above letters are conveyed returns to Precepts of the Provincial Court of Circuit calling upon the Magistrate of Bellary for explanations of certain cases in the Criminal Reports. The Precepts were dated, it is stated, the 29th September and 29th October 1834, and the returns dated the 26th and 27th January

2 The Magistrate in his return of the 26th January expresses his regret at the delay that has occurred, "but which is entirely owing to his attention having been distracted by urgent business in the Revenue Department." The Court of Foujdary Adalut are concerned to observe that such numerous instances of extraordinary delay on the part of the Magistrate of Bellary in replying to Precepts of the Superior Court have lately occurred that they deem it necessary to repeat their injunction to him, not to fail hereafter in a due observance of the Circular Order 18th November 1831 requiring returns to be made on the periods limited by the

Precepts-

Ordered that Extract of these proceedings be sent to the Provincial Court of Circuit in the Centre Division for communication to the Magistrate of Bellary by Precept returnable in 5 days after receipt.-

(Sent following Precept No 187

Read Return Dated the 6th instant from the Provincial Court of Circuit in the Northern Division to Precept of the Court of Foujdary Adalut under date the 23d December 1834, conveying their observations and orders upon the Criminal Reports of Guntoor for the Month of September 1834.-

(Here enter No 242)

The Court of Foujdary Adalut deem it necessary to call upon the Provincial Court of Circuit in the Northern Division to explain the cause of the delay which has occurred in making return to the above Precept, which was required to be executed "within 15 days from and after its receipt."

Ordered accordingly that Extract from these Proceedings be sent to the Provincial Court of Circuit in the Northern Division by Precept returnable within Three days from and after its receipt.

(Sent following Precept No 188

Read Letter Dated the 11th Instant,

from

from the Acting 2nd Judge of the Court of Circuit in the Centre Division submitting copies of 8th 9th 10th 11th 12th 13th and 14th Supplemental Calendars 4th Quarterly Sessions of 1834 Chittoor-

(Here enter No. 250)

Eighth Suppl: Cal. Nos. 2, 3, 4-

1 In these cases, the Court of Circuit should have taken under the standing orders of the Foujdary Udalut of 8th February 1811, but one futwa upon the three trials; when as the prisoners were convicted in each case, Rud would not have been barred by the exception taken in No. 2, and it would have been competent to the acting 2nd Judge to have awarded the full penalty- The Court will not however disturb the sentence-

Tenth Suppl. Cal. No. 1

2 The Court of Foujdary Udalut having given full consideration to the report of the Acting 2nd Judge in this case, authorize under the provisions of Clause third Section III Regulation I of 1825 the mitigated sentence of three years imprisonment with hard labour in irons- In the following words they observe, that the same prisoner "Ankaboi," is stated to have been unconditionally released" This the Court conclude to be an error, and that in fact, a sentence only of full acquittal was recorded-

3 The Court have also noticed a discrepancy between

between the Calendar and the persian copies of the Futwa In the Calendar, Rud is declared to be barred "and the prisoner liable to Oskoobut" in the Persian, he is declared liable to Rud- The Acting 2nd Judge will take due care to avoid similar inaccuracies in future-

Eleventh Suppl: Cal: No. 1-

4 The Court have given full consideration to the circumstances of this Case, and they cannot concur with the acting 2nd Judge in the sentence he proposes- They authorize him under the provisions of Clause third Section III Regulation I of 1825 to pass a sentence of seven (7) years imprisonment with hard labour in irons, on the prisoner Chengadoo-

Thirteenth Suppl: Cal: No. 1

5 The 1st Prosecutor is declared in the grounds of the sentence, to have expressly denied before the Court of Circuit, that "he recognized the prisoner during the robbery," in direct contradiction, it would appear, to his deposition before the Criminal Court- The Acting 2nd Judge has not stated for what reasons he refrained from ordering him to be brought to trial for perjury; and it is requisite that he should now submit the necessary explanation-

Fourteenth Suppl: Cal: No. 2

6 The first futwa given in this Case of Tahmut-e-Sirkah is not a conviction; and as it would

would appear that the Acting 2nd Judge considers the evidence sufficient for conviction, he must refer the trial. The second question to the Law officers on a futwa of this nature was irregular, and the sentence under it illegal. The Court will also observe, that in this instance, as in No. 1 Tenth Supplemental Calendar, the Persian Copies differ from the Calendar, they do not shew that any second futwa was taken.-

Ordered, that extract from these proceedings be sent to the Acting 2nd Judge of the Provincial Court of Circuit in the Centre Division, by Precept returnable in 10 days from and after its receipt.-

(Sent following Precept No. 189.)

Read letters from the Western, Centre, Southern and Northern Divisions, dated respectively 31st December last, and 2nd, 4th and 6th Instant, transmitting copies of Returns received from the several Criminal and Joint Criminal Judges in their Divisions as to the practice prevailing in their respective Districts, in regard to the mode of disposing of the bodies of Criminals executed.-

(Here enter Nos. 41-188-208-244.)

Circular Order No. 32

The Court of Foujdary Udalut have had under their consideration, the several returns from the Subordinate

Subordinate Courts, reporting the practice hitherto observed in the disposal of the bodies of Criminals executed.- It appears, that it has been usual to bury the body at the foot of the gallows; but that exceptions have been made to this rule in some districts: The Judges are of opinion, that it is expedient that one uniform practice should be followed; and they accordingly resolve to direct by a Circular Order, that in all cases where it is not otherwise especially directed in the warrant, the bodies of all persons executed be invariably buried at the foot, or in the immediate vicinity of the gallows.-

Sent to Govt. No. 28

(Sent following Circular No. 190.)

F. C.

At a Court of the Fouzdaree Adalut

Present,

Tuesday
24th February 1835. Charles Mary Lushington Esqr. 1st Puisne Judge

John Bird Esqr. ——— 2d Puisne Judge

Clk William Gudleston Esqr. ——— 3d Puisne Judge

Read letter dated the 3d Ultimo from the Acting 1st Judge of the Provincial Court of Circuit in the Centre Division forwarding an English and Persian Translation of the proceedings in case No. 2 on the Chittoor 1st Supplemental Calendar for the 2d Quarterly Sessions of 1834

/Here enter No. 152/

The Court of Fouzdaree Adalut require their Law Officers to declare by a second Futwa to what Specific penalty the Prisoners

Mr. Bird and Mr. Gudleston

2nd Faker Laid

and

3d Timmadro

would be liable, if the 2d Prisoner was convicted by full legal evidence of the crime with which he is charged, and the objection in bar of Khud in favor of the 3d Prisoner had not existed.

Answer

If the 2nd and 3d Prisoners were convicted by the evidence of credible witnesses of the crime of Theft, and nothing existed in bar of Khud, they would both be liable to amputation of

of the right hand from the wrist.-

The Court of Foujdara Udalut having maturely considered the proceedings held before the Judge on circuit, the Futwa of the Provincial Law Officer, and the Futwas of the Cazee ool Coozat and Mooftees of the Foujdara Udalut, confirm the said Futwas of the Cazee ool Coozat and Mooftees aforesaid, and in commutation of the penalty of Rudd declared in the second Futwa and under the provisions of Section XXI Regulation VII of 1802, sentence the Prisoners.-

2d Lakin Lall

and

3d Limmadoo

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 under the sentence of Ookoobut declared in the first Futwa and in conformity with the provisions of Clause second, Section IV, Regulation VI of 1822, they sentence the prisoner.-

4th Kasanooloo

to be imprisoned and kept to hard labour in irons on the public roads or other public works for and during the period of seven [7] years.-

+ +

1 From the observations of their Law officer of which a translation accompanies these proceedings

it is evident to the Court of Foujdara Udalut that the Mooftee of the Provincial Court of Circuit, has, in his Futwa upon the above case, committed a gross error in convicting the 4th Prisoner of Theft although he was not charged with the commission of that offence, and made no confession of it before any of the Tribunals.-

2 The Court of Foujdara Udalut desire that the Acting 1st Judge will communicate to the Mooftee of the Provincial Court of Circuit the remarks of the Cazee ool Coozat and Mooftees of the Foujdara Udalut herewith transmitted and call upon him for an explanation upon the subject, and will at the same time caution him against a recurrence of similar remissness in the performance of his duty.-

Ordered, that extract from these proceedings be sent to the Acting 1st Judge of the Provincial Court of Circuit in the Centre Division by Precept returnable within twelve days from and after its receipt.-

Translation of a remark by the Cazee ool Coozat and Mooftees of the Foujdara Udalut upon the Futwa given by the Provincial Law Officer in case No 2 Chittoor Calendar 2d Quarterly Sessions of 1834.-

In this case the Mooftee Wully Mohammud, has committed an evident error in convicting

convicting the 4th Prisoner of theft, and declaring that "Rudd is barred by reason of his present denial" for the said Prisonir is not charged with theft, and did not in any of the Courts confess that he committed that crime: but before the Criminal Judge made a declaration to the following effect "I received an ornament from the 1st Prisonir Knowing that it had been stolen and from fear of the Police buried it in the Ground".-

This is an error on the part of the Mooftee arising from carelessness, and it is necessary that in future he pay more attention to his duty.-

/Sent following precept No. 195/

Read again letter dated 8th September 1834 from the Acting 3d Judge late additional Judge late on Circuit in the Northern Division transmitting the record in case No. 35 on the Chicacole Calendar 1st Sessions of 1833.-

/Here enter No. 1269/

Read return dated 30th Ultimo from the Acting 3d Judge late additional Judge late on Circuit in the Northern Division & Precept of the Faujdaree Adalat dated the 14th November 1834 calling for further evidence on the points therein detailed in case No. 35 Chicacole Calendar 1st Sessions of 1833.-

/Here enter No. 215/

24th February 1835

Mr Lushington
and
Mr Bird

The Court of Faujdaree Adalat 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 Faujdaree Adalat are of opinion that the prisoners.—

1st Mospeena Bubbogadoo
alias
Goorunadoo

2d Cheeka Capoodoo

4th Curruk Chinnoya

and

5th Doss Paregadoo

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, and under the provisions of Clause Sixth Section II Regulation XV of 1803 direct that they be set at liberty.

/Sent following letter No. 196/

Read letter dated 26th Ultimo from the Acting 2d Judge of the Provincial Court of Circuit in the Northern Division transmitting copies of Statements made by the 14th Prisoner Mookoola Paradoo in case No. 68. Guntoor Calendar 1st Sessions of 1834 before the Police, Criminal and Circuit Courts, together with Persian Translates and certain correspondence relative thereto

thereto, in order to the release of the said prisoner who was erroneously reported to be dead by the late acting Joint Criminal Judge Mr Prendergast.—

/Here enter No 1717

Mr Reid and Mr Huddleston.

The Court of Sudder Adalut having maturely considered the proceedings held before the Judge on Circuit, the Futwa of the Principal Law Officer and the Futwa of the Cazee ool Coozat and Mooftee of the Sudder Adalut, confirm the said Futwa of the Cazee ool Coozat and Mooftee aforesaid, and acquitting the prisoner.—

14th Moorkhoola Parador

direct that he be let at liberty.—

/Sent following letter No 1917

Read letter dated the 30th Ultimo from the Acting 3d Judge of the Provincial Court of Circuit in the Northern Division, submitting the copy of the Nizamdepatam Calendar 4th Quarterly Sessions of 1834.

/Here enter No 2207

No 4.

1 In the remarks on this case, in which the charge is for Gang Robbery, it is stated, that the two first prisoners are "declared by the futwa "as fully convicted and subject to amputation "of two limbs;"—and that the penalty against them "was commuted and under Regulation VII of 1802 Section "XXI and Regulation XV of 1803 Section IV Clause "3d a Sentence of 14 years' labor in irons was passed upon

upon them:—

2 The manner in which the Acting 3d Judge has quoted the provisions of the Law in support of his Sentence, has constrained the Court of Sudder Adalut to notice to him, that in Section VII Regulation I of 1802 is indicated the manner, in which provisions of the Regulations should be cited.

3 In this case it is further to be remarked, the Acting 3d Judge has not observed the rule laid down in Clause third Section III Regulation XV of 1803, by which he should have been guided, the Law Officer having declared the prisoners in question convicted and "liable to discretionary punishment."

4 According to the provisions of Clause Second Section II of the Regulation, the Acting 3d Judge should have sentenced the said prisoners "to suffer the punishment" presended by the Regulation, instead of which he put a second question, setting aside a Shoobah declared in the first futwa; which is enjained in Clause fourth of the Section to be done only in cases, where "the "crime of which the prisoner is convicted, may "not have been specifically provided for by any "Regulation."—

No 7 5. This case has not been tried, being postponed

postponed for further evidence having previously been
sent back to the Joint Criminal Judge from the
2d Sessions 1834 by the 1st Judge then presiding."

6. The Court of Foujdaree Udalut deem
it proper to require it to be explained why this
case was not brought on for trial at the 3d
Quarterly Sessions; if it was, this would be a third
postponement which is not warranted by Section
XVII Regulation VII of 1802.

No. 8. 7. The above remarks on No. 4 apply
to this case also.

8. The Court take the opportunity to
notify to the Acting 3d Judge, that it is always
expected that the Sessions should commence at
the beginning of each Quarter, and that the
Criminal Court should continue to send Supple-
mental Calendars to the end of the Quarter the
orders of the Court of Foujdaree Udalut of the 22d of
March 1830 on this point have been hitherto utterly dis-
regarded, but any failure in the due observance of
them hereafter will render it imperative on
the Court to record the severest censure of such
neglect.

9. The irregularity of proceedings in
respect to the Quarterly Sessions is particularly
exemplified in the Calendar under review,
in which cases committed in April, June and August
were

not brought to trial till November and December
and there is no Calendar of cases committed in
October, November and December. It will be equally
the duty of the Criminal Court of Circuit in future
to require from the Crown Court the due transmission
of cases to the Sessions, or to proceed with the trial
of them in conformity with the Circular Order
above referred to.

10. The Acting 3d Judge will explain
why no one of the referred cases in the above Calendar
has yet been submitted to the Court of Foujdaree
Udalut.

Ordered that Extract of these
proceedings be furnished to the Acting 3d Judge
in the Northern Division for his information and
guidance by Precept returnable in 20 days after
receipt.

Sent following Precept No. 198
Read letter dated the 2d Instant
from the 1st Judge on Circuit in the Northern
Division submitting the Yellow Calendar for the 2d
Sessions of 1834 (Vide entry No. 249)

Case No. 21. The Court of Foujdaree Udalut having
duly considered the circumstances reported in the Calendar
in support of the recommendation of the 1st Judge,
that the mitigated Sentence in this case as respects
the

the 1st and 2d prisoners convicted of Gang Robbery of /13/ thirteen years should be passed, resolve under Clause 3d Section III Regulation I of 1825 to sanction it.

Case 6 2. In regard to the 1st prisoner in this case convicted of a similar offence the Court of Foujdaree Udalut under the authority vested in them by the provision of the Regulation above cited, sanction the Mitigated Sentence of /6/ Six years agreeably to the recommendation of the 1st Judge.

Case 19 3. On the same grounds as in the case No 2 the 1st Judge recommends a mitigation of punishment in favor of the three prisoners in this number convicted likewise of Gang Robbery and the Court of Foujdaree Udalut accordingly sanction the Sentence of /13/ thirteen years being passed on these prisoners.—

Case 26. 4. In this case, also one of Gang Robbery, in which the 1st Judge for the same reasons has recommended a mitigated Sentence in favor of the 1st, 2d, 3d and 7th prisoners. The Court of Foujdaree Udalut authorize a Sentence of (13) thirteen years upon each of these prisoners.

Case 39. 5 In favor of the prisoner in this case convicted of a similar crime the Court of Foujdaree Udalut on due consideration of the circumstances stated by the 1st Judge sanction the proposed mitigated

mitigated Sentence of /6/ Six years.

Case 41. 6 This is a case of Highway Robbery and a mitigation of punishment is recommended on grounds specified in the Calendar, which induce the Court of Foujdaree Udalut to authorize a Sentence of /7/ Seven years being recorded upon the prisoner.

Ordered that Extract of these proceedings be sent to the 1st Judge on Circuit in the Northern Division for his information and guidance by Precept returnable in 8 days after receipt.—

Sent following precept No 199/

Read letter dated 9th Instant from the Provincial Court of Circuit in the Centre Division transmitting for the information of the Judges of the Court of Foujdaree Udalut the accompanying Copies of Returns from the Acting Criminal Judge of Chittoor, the Criminal Judge of Cuddapah and the Native Criminal Judge at Cuncheem, and from the Magistrates of Cuddapah, Bellary, Chingleput and South Arcot to the Observations of the Provincial Court of Circuit on the Criminal Reports for October 1834 /Here enter No 230/

Read return dated 11th Instant from the Acting 3d Judge late on Circuit in the Northern Division, to precept of Foujdaree Udalut dated the

13th

13th August 1834 conveying their observations in Case
No. 22 Vizagapatam Calendar 1st Sessions of 1833.

/Here enter No. 257/

Read return dated 8th Instant from
the Acting 3d Judge late on Circuit in the Northern
Division to precept of Sowdars Adalut dated the
21st August 1834, conveying their observations &c.
upon Case No. 72 on the Chicacole Calendar for
the 1st Sessions of 1833.

/Here enter No. 258/

Read return dated 13th Instant
from the Acting 3d Judge of the Court of Circuit
in the Northern Division to precept of Sowdars
Adalut dated the 31st Ultimo, & desiring immediate
conformity to their orders of the 22nd August and
30th September 1834, with explanation of the cause
of the delay in making return to those Precepts.

/Here enter No. 262/

Read letter dated 14th Instant from
the 1st Judge on Circuit in the Southern Division
reporting his arrival at Tinnevelly, and the opening
of the Sessions at that Station.

/Here enter No. 266/

Read return dated 18th Instant from
the Acting 3d Judge on Circuit in the Centre
Division, to precept of Sowdars Adalut dated
the 12th Instant, directing them to refer
the

the remaining referrible trials on the Bellary Calendar
without further delay.

/Here enter No. 269/

At a Court of the Foujdaree Udalut

Wednesday 25th February 1835

Present,

Charles May Lushington Esqre 1st Puisne Judge,

John Bird Esqre ——— 2d Puisne Judge,

Cul

William Hudleston Esqre — 3d Puisne Judge,

Read letter dated the 9th instant from the third Judge late on Circuit in the Southern Division, transmitting an English and Persian translation of the proceedings in Case No. 30 on the Salem Calendar for the 2d Sessions of 1834.

(Here enter No. 218 of 1835.)

1 The Court of Foujdaree Udalut observe that "Bheema Row", the individual who took the confessions of the Prisoners in the Taloky, subscribes himself "Sub-Police Tahsseldar" — while from the proceedings held before the Court of Circuit (Vide page 157) it would appear that he is "a Peishkar."

2 The Circular order of the Foujdaree Udalut of the 30th November 1821 directs "as being "absolutely necessary to enable the Courts of Circuit & "Foujdaree Udalut to determine as to the legality of "Proceedings held, and particularly as to the validity

of

"of confessions taken by the Native Officers of Police,
"in cases before those Courts, that the several
"Zillah Magistrates do in future furnish to the
"Courts of Circuit upon their arrival at the places
"of residence of the Criminal Judges, a return specify-
-ing the names and dates of appointments of all
"subordinate officers who may have been selected
"by them, under the provisions of Section III Regulation
"IV. of 1821, to perform in different parts of each
"Taluk the Police duties assigned to Tahseeldars
"and other Head Officers of Police by Sections
"~~XXVII, XXVIII, XXIX, XXXI, XXXII, XXXIV, & XXXVII~~
"of Regulation XI of 1816"— and declares it to be
"the duty of the several Judges of Circuit to report to
"the Foujdaree Udalut in all cases referred by them,
"whether the proceedings of the Police Officers were
"held by a person duly authorized under the provisions
"of the Regulations."—

3 The Court of Foujdaree Udalut observe that there is nothing on the face of the proceedings in this Case to show, that the individual abovementioned is a person thus "duly authorized"; and it is necessary that they should be assured of the fact previous

to

coming to any final decision regarding the guilt or innocence of the prisoners—

4 The Court in consequence resolve to direct the 3d Judge to institute the necessary inquiry upon the point in question and to report the result—

Ordered, that Extract from these proceedings be sent to the 3d Judge late on Circuit in the Southern Division for his information and guidance by Precept returnable within twelve days from and after its receipt—

(Sent following Precept No. 203)

Read letter dated the 13th instant from the Acting 3d Judge late Additional Judge late on Circuit in the Northern Division at Vizagapatam forwarding "Record of the trial of Case No. 5. of the Vizagapatam Calendar 1st Sessions of 1833."—

(Here enter No. 259. of 1835)

Read also Return from the same Officers, dated the 13th instant to Precept of the Court of Foujdaree Udalut under date the 26th January 1835. desiring immediate conformity

to

F.C.

25th February 1835.

to their order of the 25th July 1834, which required the reference to them without delay of the Trial No. 5. on the Vizagapatam Calendar for the 1st Sessions of 1833.-

(Here enter No. 265 of 1835.)

1 In this Case the Prisoner "Coonchengy Coonchayya" stood charged before the Court of Circuit with having assisted three other persons to murder the husband of the prosecutrix, and rob him of 101 Rupees.-

2 The Provincial Law officers convicted the prisoner of "the crime of concealing the news of murder", and awarded "Dokoobut"- and the Presiding Judge "therefore" sentenced the said Prisoner to 5 years' imprisonment with hard labour in irons.

3. On the Calendar appeared the following observations upon the case by the acting 3d Judge.-

"Trial commenced on the 8th of August "and closed on the 4th September. The Futwah "of the Moofty adjudges the prisoner to Dokoobut, "and he is sentenced to 5 years imprisonment "in irons."-

26th September 1833.

at

F.C.

25th February 1835.

"At first sight this may appear a charge of "murder, but the Futwah declares the prisoner "only guilty of concealing the news of murder, "but it is evident he knew of the intention & "subsequently shared in the spoil. There is no "proof that a murder was even committed, Seyanah "may be alive to this day."

4 It thus appeared clear to the Court of Foujdaree Udalut that the Presiding Judge could not have concurred in the Futwah, and that his sentence was therefore illegal and consequently in para 4 of their proceedings under date the 25th July 1834, they required him to "refer the Trial."-

5 Although the reference of a trial for the final Judgment of the Foujdaree Udalut necessarily involves the transmission of the Persian Translation of the Proceedings, without which this Court cannot dispose of the case, yet after a delay of more than Six Months, the acting 3d Judge has sent up an English Translation only of the Record.-

6 The Court of Foujdaree Udalut are unable to suppose that the acting 3d Judge has

thus

thus erred through ignorance: and the omission in their opinion adds one more to the numerous instances which they have recently had occasion to notice of carelessness in the discharge of his duty and of disrespect to the Superior Court.

7. The Court of Tanjore Adalut now resolve to direct, that the Acting 3d Judge be by Precept commanded to prepare and transmit to them forthwith a Persian translation of the proceedings in the case in question.

Ordered accordingly that Extract from these proceedings be sent to the Acting 3d Judge late Additional Judge late on Circuit at Vizagapatam for his information and guidance by Precept, returnable within twelve days from the date after its receipt.

(Sent following Precept No. 204)

Read letter dated the 19th Ultimo from the Acting 2d Judge late on Circuit in the Northern Division, transmitting English and Persian Translations of the proceedings in Case No. 155 on the Criminal Calendar for the 1st Sessions of 1834.

(Here enter No. 155. of 1835.)

In

In this case the prisoners

1st Mulla Soobbadoo

3d Goonjy Venkadoo

4th do Bolladoo

5th Mulla Cottadoo

6th do Paupadoo

7th do Chinna Paupadoo

stood charged before the Court of Circuit, with having together with some others persons, at midnight of the 23d May 1833, proceeded in a gang with sticks &c to the house of one Atchootа Ramasetty of Parechela, made a hole in the wall near the outer door, opened the door by removing the chain, entered the house, severely beaten with sticks the two prosecutors, inhabitants of Goondlapully who were there sleeping, knocked them down threatened to stab and kill them with a spear, and robbed them of Grain, Cloths, Brass Utensils &c to the value of Rupees 62-1- and further with having attacked the Prosecutors when the latter came to search their houses.

2. In his second Futwa the Provincial Law officer, declared the 1st 5th 6th and 7th Prisoners convicted

convicted of Gang Robbery and the 3d and 4th of being concerned in the perpetration of that crime, and pronounced them all liable to Ookoobut.

3 Concurring in this finding the Presiding Judge sentenced them all to imprisonment with hard labour in irons for the period of 14 years.

4 It is proper to observe in this place that the 1st and 3d prisoners are also concerned and convicted in Case No. 131, and the 4th and 7th in Case No. 108 on the Calendar; and that the 5th and 6th only are concerned in the sentence to be passed in the Case under consideration.

5 On the reviews of the Calendars the Court of Foujdaree Adalut saw reason to doubt the sufficiency of the evidence for the conviction of the prisoners, and, accordingly, in para 7 of their proceedings under date the 10th July 1834, they directed that an English Translation of the proceedings held in the case should without delay be submitted for their consideration.

6 An attentive consideration of the proceedings now submitted has satisfied the Court

of Foujdaree Adalut, that their doubts upon the subject were well founded, and convinced them, that the prisoners were indeed convicted upon most insufficient grounds. They proceed to observe that in point of fact, as far as the evidence taken at the trial goes, there is no proof that any robbery was committed, and no evidence whatever against the prisoners, excepting their confessions before the Police Officer, which, it is hardly necessary to observe, are totally inadequate for conviction, and of which those of the 3d and 4th are not duly proved to have been given, in as much as there is only one witness in support of the /alleged/ fact.

7 The Court of Foujdaree Adalut further observe, that there does not appear to be any identification of the prosecutors stolen property. The Grain of course could not be sworn to, and though "a cloth" is mentioned, the Record does not shew, whether or not it was produced at the trial, and no attempt appears to have been made to prove whose it was.

8 Under these circumstances, the Court

of

of Fouzdaree Udalut deem it necessary to set aside the sentence passed by the acting 2d Judge upon the Prisoners in this case, and accordingly direct that the

5th Mulla Collador
6th & 9th Do — Paupadon

be immediately and unconditionally setat liberty.

9 The Court at the same time resolve to call upon the acting 2d Judge to submit without delay; an English Translation of the proceedings in Cases Nos 108 and 131, that they may be enabled to judge of the propriety of the conviction — of the 1st 3d 4th and 7th prisoners respectively in those trials.—

10 The Court of Fouzdaree Udalut cannot conclude these observations without record-ing their opinion, that the Trial now under consideration, particularly as it regards the examination of the Prosecutor, which they do not hesitate to declare lamentably deficient, is one of the most unsatisfactory which it has ever fallen to their lot to peruse. The mode in which the proceedings have been conducted, and the negligence apparent throughout, reflect most seriously

seriously upon the character of the acting 2d Judge as a Judicial Functionary.—

11 The Court of Fouzdaree Udalut cannot entertain the hope, that they will not have again thus to animadvert upon the acting 2d Judge's official conduct; but that these observations will have the effect of inciting him in future to a more deligent discharge of the duty, which he owes to the Government, the public and himself.—

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 within 28 days from and after its receipt.—

(Sent following Precept No 205)

Read letter dated the 28th Ultimo from the Provincial Court of Circuit in the Northern Division, transmitting (with the exception of the Guntoor Reports) the Criminal Reports of the Division prescribed by Section XXXV Regulation X 1816 for December 1834.—

(Here enter No 225—)

Chicacole Report V Case 162.

1 There appears to be a misapprehension

misapprehension on the part of the Provincial Court of Circuit, from the observations recorded in para 3 of their proceedings on this case, respecting the Regulation (XI 1822) under which sentence has been passed in it, and the Circular Orders on the subject of house breaking under dates 23d January 28th August, and 29th September 1828.- The prisoner stood charged with house-breaking by day, and was sentenced under the proper provision of the law, supposing the charge to have been proved. If merely the simple theft was proved, the Circular Order 4th July 1826 which requires the difference to be specified when the party may be punished for an offence different from the charge, has been over-looked. The Provincial Court of Circuit will forward the explanation to this Court which their remarks may call from the Criminal Court. It is observable that the admission of the prisoner, that he entered the house, bears out the supposition that the charge was established as alone the only exception to "House breaking" is the entry by an "aperture" to which no allusion is made. The term Burglary is one on which the Court of Sujdaree

Sujdaree Adalut have long since recorded their opinion, that it is objectionable to use it in this Country.-

Sup. Report Case 151.- 2 In this case the prisoner was charged with "receiving in pawn stolen property, knowing the same to have been stolen," and the assistant Criminal Judge considered the fact of the Prisoner's receiving a brass lotah, in pawn for 6 toons of arrack (the usual mode of disposing of stolen property among the hill people) such a suspicious transaction, as to justify him in passing a sentence of 6 months hard labors under Section IX Regulation XIII 1832.-

3 To the Court of Sujdaree Adalut however it does not appear that the "suspicious circumstances" attending "the receiving" of the property were such as to bring the case within the provisions of the section cited, and they accordingly resolve to direct that the sentence be set aside and the prisoner released.-

Rajahmundry Report N. Case 130.- 4 The Provincial Court of Circuit will point out to the Acting Criminal Judge of Rajahmundry, and also to the Native Judge of Vizagapatam, that the use of the terms "Burglary" and

and "Burglarious" entry unobjectionable: and enjoin them to avoid these terms in future in framing the charges in the Criminal Reports.

Masulipatam Report V Cases 157/158.

5 The persons in these cases appear to have been very improperly sent up to the Criminal Court. It is concluded from their being forwarded by the Head of Police of Godewadah, that they are the parties to whom the orders of Government of the 3d Instant refer, and respecting whose apprehension the Court of Foujdaree Udalut calls for explanation on the 11th Instant - the Court therefore will not here remark further upon it. The Provincial Court of Circuit will not however omit to bring to the attention of the Magistrate the impropriety of the 1st prisoner, having been forwarded simply on the criminations of the 2d prisoner.

Supt. Report Case 152.

6. If the Provincial Court of Circuit have not already obtained an explanation from the Magistrate of the detention of the prisoner (since deceased) in this case - they will now call for and submit it.

Report No. 8.

7 With reference to this Report shewing 25 Cases including 77 Persons to have been committed

committed for trial the Court of Foujdaree Udalut require the Provincial Court of Circuit to explain the cause of these arrears - As far as these returns may be depended upon, no trial has been disposed of for a period of four months.

Vizagapatam Report V Case 124.

8 The Court of Foujdaree Udalut see room to question the sufficiency of the evidence against the 2d prisoner in this case, and accordingly direct the Provincial Court of Circuit to call for the proceedings and set aside the sentence if there is nothing to corroborate his confession.

Vizagapatam Supt. Report Case 32 of 1834.

9 The Court do not clearly understand the explanation attached to the reappearance of this case in the Criminal Report - The Provincial Court of Circuit will therefore transmit the particulars for their information.

10 The Criminal Reports of Guntoor being again detained so long beyond the prescribed period, the Court of Foujdaree Udalut cannot conclude their review of the other Reports of the Division without calling upon the Provincial Court of Circuit to intimate to the acting Joint Criminal Judge, that if they are not

in

in future forwarded within the time limited by the Circular Order 23d January 1832, or good & sufficient explanation of the delay afforded serious notice will be taken of such failure of duty.

Ordered, that Extract of these proceedings be sent to the Provincial Court of Circuit in the Northern Division for their information and guidance by Precept returnable in 15 days.

(Sent following Precept No. 106)

Read letter from the Provincial Court of Circuit in the Western Division dated the 11th Instant, transmitting copies of returns from the Magistrates of Malabar and Canara to the proceedings of the Provincial Court of Circuit in the Western Division on the Criminal Reports of December 1834.

(Here enter No. 267.)

1 In two cases of the Criminal Report No. V. (Nos. 525 and 533.) it appears from the return now before the Court, that the Report did not shew the cause of the delay by the Police to have been satisfactory to the Magistrate. This delay tho' not excessive

was beyond the prescribed time, and, under the circumstances the notice of it by the Provincial Court of Circuit was incumbent on them.

2 This is not the first occasion in which a similar circumstance has been brought to the attention of the Court of Foujdaree Udalut, and it will be proper for the Provincial Court of Circuit to enjoin the Magistrate to notice all delays exceeding 5 days, and the Criminal Judge always to communicate in the Report the explanation of the Magistrate in such cases, seeing that from the defect in this respect unmerited censure is likely to ensue. The Circular Order No. 22 of 1834 dated 28th November quite bears out the Magistrate in his proceedings as regards the cases in question, it is therein shewn, that the Court anticipate the occurrance of cases in which "if the grounds assigned by the Officers of Police are satisfactory no blame can be attached to him" and that "he may often deserve commendation for the exercise of a sound discretion, & for his exertions to obtain the requisite evidence."

Ordered, that Extract of these proceedings

F. C.

25th " February 1835

proceedings be sent to the Provincial Court of Circuit in the Western Division for their information and guidance & for communication to the Magistrate and Criminal Judge of Malabar by Precept returnable in 8 days after receipt.—

(Sent following Precept No" 207)—

At a court of the Foujdaree Udalut—

Present,

Thursday 26th " February 1835. Charles May Lushington Esq^re " 1st " Puisne Judge,

John Bird Esq^re " —— 2d " Puisne Judge

William Hudleston Esq^re " —— 3d " Puisne Judge,

Read letter dated the 15th " instant from the 3d " Judge late on circuit in the Southern Division, now at Madras, transmitting the Record of proceedings in Case No" 3 of the Coimbatore Calendar for the 2d " Sessions of 1834—

(Here enter No" 251.)

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 the said Futwa of the Cazee-ool-Cozat and Mooftees aforesaid, and, under the Sentence of Rohoobut declared in the Futwa, and in conformity with the provisions of Clause Third, Section VII Regulation XV of 1803, Sentence the prisoner—

"Chinnandy"

to be imprisoned and kept to hard labour in irons

Mr" Bird & Mr" Hudleston.

on

on the public roads or other public works for and during the period of ten (10) ten years-

The Court of Foujdaree Udalut desire that the 3d " Judge will in future pay strict attention to their standing orders, which requrie that the formers confessions of Prisoners be read aloud in open Court after the vivâ voce examination of the attesting Witnesses as to their contents, and that in every instance a Remark to that effect be entered on the Record of the Proceedings-

Ordered that Extract of these proceedings be sent to the 3d " Judge late on Circuit in the Southern Division for his information and future guidance-

(Sent following letter No " 211)

Read letter dated 5th " Ultimo from the Acting 2d " Judge of the Court of Circuit in the Northern Division - Reporting the death of the 8th Prisoner in No " 3 1st " Guntoor Calendar 1st " Sessions of 1834-

(Here enter No " 52.)

Read letter dated 31st December 1834. from the 1st " Judge of the Provincial Court of Circuit in the Western Division - Submitting an Extract of the Calendar for the 3d ", and copies of those from the 4th "

4th " Quarter Sessions of 1834-

(Here enter No " 66.)

Read letter dated 20th " instant from the Provincial Court of Circuit in the Centre Division transmitting for the information of the Judges of the Court of Foujdaree Udalut the accompanying copy of a return from the Magistrate of North Arcot-

(Here enter No " 282.)

Read letter dated the 20th " instant from the Acting 1st " Judge on Circuit in the Centre Division - reporting the date fixed for opening the First Sessions of 1835 at Bellaree-

(Here enter No " 284.)

Read Return dated the 20th " instant from the Acting 3d " Judge of the Provincial Court of Circuit in the Northern Division, to Precept of the Foujdaree Udalut dated the 12th " instant, calling upon him to account for the delay in returning the Precept of the 25th " November last-

(Here enter No " 293.)

Read letter dated the 17th " instant from the Add " Judge on Circuit in the Northern Division Reporting that he has issued his precept for opening the 1st " Sessions of 1835. at Rajahmundry on the 5th " March next-

(Here enter No " 286.)

A. U.

At a Court of the Foujdaree Udalut

Present,

Friday 27th February 1835. Charles May Lushington Esqre 1st Puisne Judge

John Bird Esqre 2nd Puisne Judge

William Hudleston Esqre 3rd Puisne Judge

Read letter dated the 9th Instant from the Acting 2nd Judge of the Court of Circuit in the Centre Division, transmitting the record of Proceedings in Case No. 13 of Chittoor 1st Supplemental Calendar for the 3rd Quarterly Session of 1834.-

(Here enter No. 238)

Mr. Hudleston. 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 Syed Boofsain alias Hunnah,

and

2nd Mohieddeen

is sufficient to convict them of the crime with which they are charged, do under the authority with which they are vested by Clause first 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 Second of the latter Section and Regulation, direct their Law Officer

Officers to declare by a Second Futwa, to what sentence the said Prisoners would be liable if convicted by full legal evidence of that crime.

Answer

In the event of the 1st and 2nd Prisoners being convicted by the evidence of credible witnesses of the crime of Burglary and Theft, they would both be liable to amputation of the right hand from the wrist.

In Commutation of the penalty of Hudd declared in the foregoing Futwa, and under the Provisions of Clause First, Section V Regulation VIII of 1831 and Section XXI Regulation VII of 1802, the Court of Foujdaree Udalut sentence the prisoners

1st Syed Hoosain Alias Munnah
and
2nd Mohieddeen

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.

1 The standing orders of the Foujdaree Udalut dated the 16th May 1822 direct, that "all articles "of stolen property which may be produced in a case "before the Court of the Magistrate or Criminal Judge "be numbered, that the witnesses by whom the "property may have been discovered be invariably examined

"examined as to the particular articles found on "each individual prisoner; and that throughout "the examinations before the Magistrate, the Criminal "Judge and the Court of Circuit, the number of "every article referred to be specified."

2 These orders have been neglected by the several functionaries who have held proceedings in this case.

3 The Court of Foujdaree Udalut direct that the Acting 2nd Judge will enjoin on the Subordinate Tribunals, the strictest attention in this particular, and will himself not fail to conform to the orders in question on any future occasion.

4 In conclusion the Court of Foujdaree Udalut observe, that the Acting 2nd Judge should have particularly examined the prosecutor as to his ownership in the articles produced at the Trial, and proved to have been found upon, or delivered up by the prisoners respectively.

Ordered, that extract from these Proceedings be sent to the Acting 2nd Judge later Presiding at the Third Quarter Sessions for Chittoor for his information and future guidance.

Sent following letter No. 212

Read

F. Uc.
27th. February 1835.

Read Return dated the 11th. Instant from the Acting 3d. Judge late Additional Judge late on Circuit in the Northern Division at Vizagapatam, to Precept of the Court of Foujdaree Udalut, under date the 4th. August 1834, conveying their observations and orders upon case No. 31 on the Vizagapatam Calendar for the 1st. Sessions of 1833.

(Here enter No. 255 of 1835)

With the above return is submitted the following translation of an explanation of the Native Criminal Judge of Vizagapatam, regarding the non-examination by that officer of Cotty Poloyah the 2nd. witness in the above case before the Police Officer, required by the Court of Foujdaree Udalut in para 3 of their proceedings under date the 4th August 1834.

"Cotty Polaiya &c. .....
.....attended the Court on the 8th. April 1833.

"When on the 4th. of that month, brought
"for examination before the Court, he appeared to be
"a boy of 8 or 9 years old: as he said that he does
"not know what was an oath, and as it did not
"appear in the deposition given by him before
"the Police, that he knew the Prisoner Borah
"Narsimloo committed the murder, and as

"I

F. Uc.
27th. February 1835.

"I thought it was not proper for taking deposition
"from him on oath, I passed a proceeding accordingly
"for which reason no deposition is enclosed in the
"Record: none having taken."

The Court of Foujdaree Udalut direct, that the Acting 3d. Judge will call the attention of the Native Criminal Judge of Vizagapatam to their circular order of the 12th. July 1825, which prescribes the mode of proceeding to be adopted by Criminal Judges, in cases in which persons of tender age may appear before them as witnesses, and their evidence be considered material.

Ordered, that Extract from these proceedings be sent to the Acting 3d. Judge late Additional Judge late on Circuit in the Northern Division.

(Sent in No. 213)

Read Return dated the 11th. Instant from the Acting 3d. Judge late on Circuit in the Northern Division, to Precept of the Court of Foujdaree Udalut under date the 4th. August 1834, conveying their observations on case No. 12 of the Chicacole Calendar for the 1st. Sessions of 1833.

(Here enter No. 256 of 1835)

In

27th February 1835.

1 In para 3 of the above return the Acting 3rd Judge makes the following observation. "In reference to the delay in returning this and several other similar Precepts the Acting 3rd Judge begs to say, that he conceived the remarks of the Faydarce Udalut were forwarded more for his information and guidance hereafter than calling for any particular reply from him."

2 It appears to the Court of Faydarce Udalut extraordinary that the Acting 3rd Judge should have hitherto entertained so erroneous a conception of the nature of a "Precept", and have supposed that their "remarks" called for no "particular reply from him" although they were accompanied by a Precept which was required to be executed or good and sufficient reason shown why it was not executed, and what might have been done in pursuance thereof without delay.

3 The Acting 3rd Judge will however understand that in future whenever any observations of the Superior Court may be communicated to him "by Precept" it will be his duty punctually to return that Precept, within the specified time even though the remarks accompanying it may appear to him to be intended for his information and future guidance only.

ordered

27th February 1835.

Ordered, that Extract from these proceedings be sent to the Acting 3rd Judge late Additional Judge late on Circuit in the Northern Division for his information and future guidance.

(Sent in No. 214.)

Sd/J.

Sd/

WS

J. U.

At a Court of the Sayidaree Adalut

Present,

Saturday 28th. February. 1835. Charles May Lushington Esqr. 1st. Puisne Judge.

Ct. John Bird Esqr. - - - - - - - - - 2nd. Puisne Judge.

WS William Hudleston Esqr. - - - 3rd. Puisne Judge.

1 In para 7 of their proceedings under date the 10th. July 1834, the Court of Sayidaree Adalut required the acting 2nd. Judge then on Circuit in the Northern Division, to forward to them an English Translation of the proceedings in Case No. 52 on the Criminal Calendar for the 1st. Sessions of 1834.

2 That order has not yet been obeyed, although a period of more than seven months has elapsed since it was issued.

3 The Court of Sayidaree Adalut now direct that the Acting 2nd. Judge be by precept commanded to submit without any further delay an English Translation of the Trial in question; and at the same time to explain the circumstances which have prevented an earlier compliance with their order upon the subject.

Ordered, that Extract from these proceedings be sent to the Acting

2nd.

2nd Judge late on Circuit in the Northern Division by precept returnable within three days from and after its receipt.

(Sent following precept No. 222

Read return by the Provincial Court of Circuit in the Centre Division dated the 6th Instant to precept of the 20th December 1834, conveying the observations of the Court of Sanjeeve Vaalut on the Criminal Reports for October 1834.

(Here enter No. 210)

1 In explanation of an apparent excess in the number of Beons employed to guard the working convicts at Chittoor, the Acting Criminal Judge merely states in the return forwarded by the Provincial Court of Circuit, that the six proportion noticed was occasioned in consequence of the release of some of the Prisoners having taken place on the 28th and 29th of the said month and some Prisoners having been received in the beginning of the following month, the two Beons in excess of 108 were not dismissed

2 From this the Court of Sanjeeve Vaalut conclude, that the establishment of Beons shewn in the Statement of October refers to the number of Prisoners in Column 4 of the Statement of the labor of prisoners in September last

which was 446. The Court however observe that in the "Statement of labor" of October, 512 is the number entered in the first Column - the same column and statement for the previous month shewing 626 Prisoners to be in Jail and the Report No. 607 and the supplemental Report not accounting for the reduction to that extent, either by Casualties or Release, the Provincial Court of Circuit will call upon the Acting Criminal Judge to explain how the diminution from 626 to 512 has occurred which may probably have occurred in consequence of the order of this Court of the 26th of September last to transfer 100 convicts to Arcot, but in that case, they should have been entered in Column fourth of the Statement No. 6.

Ordered, that Extract from these proceedings be sent to the Provincial Court of Circuit in the Centre Division by precept returnable in 10 days after receipt.

(Sent following precept No. 223

Read supplemental return dated the 13th Instant from the Acting 3rd Judge, late Additional Judge late on Circuit in the Northern Division, to precept of the Court of Sanjeeve Vaalut under date the 25th July 1834, conveying their observations

and

and orders on the Vizagapatam Calendar for the 1st. Sessions of 1833.

(Here enter F.H. N. 207 of 1835)

Case N. 1. 1 In reply to the remark of the Court of Sanjdaree Adalut, that "as torture was charged the case came within the jurisdiction of the Court of Circuit," the Acting 3d. Judge in his Supplemental Return now under consideration states, that "it was because "he was convinced from an examination of "the Record that there was no torture resorted "to, and that it was a mere assault that "he returned the Record to the Native Criminal Judge".

2 The Court of Sanjdaree Adalut observe, that if this be the case, the "abstract of Examination" No. in the Calendar must be incorrect. for that abstract, after recapitulating the Prosecutor's accusation distinctly shews, that while the 1st. Prisoner in the Court of the Native Criminal Judge confessed "only that he beat" the Prosecutor the 2d. Prisoner before the same tribunal confessed, that "he committed the crime "charged" - namely - the "tying rags to the fingers of the Prosecutor, and sealing his body with hot oil in 10 or 12 places" and further that the 1st, 2d. and 3d. witnesses saw much of the severe ill treatment experienced

by the Prosecutor. and that the 4th. and 5th. observed when he appeared before the Police ten wounds on his body caused by the "burning oil". Under such circumstances, the Court of Sanjdaree Adalut are unable to view the case in the light of a "mere assault".

Case N. 13. 3. The Court of Sanjdaree Adalut are surprised that the Acting 3d. Judge should consider the Prisoners in this case less Criminal, and deserving of a more lenient punishment because they inflicted the wounding "from a vindictive feeling" and "to satisfy their vengeance on the Prosecutor". In the opinion of the Court motives such as these, enhance rather than palliate the criminality of the act.

Case N. 19. 4 The Acting 3d. Judge states that he "returned the record" of this case "because from "a consideration of the facts as set forth "in the depositions of the witnesses, and not "from the statement in the Calendar he "believed it was a case of burglary wilfully "misrepresented".

5 If this be the case, the Court of Sanjdaree Adalut observe, that the "abstract of examination" No. in the Calendar must be falsified; for from the evidence of the several witnesses as given in

that

that abstract, the circumstances of the case were such as clearly constitute "Daring Robbery by open violence" all the witnesses speak to acts of personal violence and intimidation on the part of the Robbers, whom the 2nd. witness describes as "a mob in the Prosecutor's house", and who it appears repeatedly uttered cries of "Beat, Beat" and "stab and Beat"

6 If however it proved to be as the Acting 3rd. Judge considers it to have been, a "case of burglary wilfully misrepresented", the Court of Sanjdaree Adalut desire that the Acting 3rd. Judge will call upon the Native Criminal Judge of Vizagapatam to report in letter to be committed the witnesses in the case to take their trial before the Circuit Court for Perjury: and if he did not, to explain upon what ground he refrained from accepting that proceeding which their "wilful misrepresentations" fully warranted.-

7 Before bringing these remarks to a close, the Court of Sanjdaree Adalut, deem it necessary to record their marked disapprobation of the highly reprehensible conduct of the Acting 3rd. Judge, with regard to the return under consideration.-

They observe that the original precept was issued under date the 25th. July 1834, of which no notice having been taken, the Acting 3rd. Judge was again called upon on the 30th. September last to make return "within five days". On the 13th. October 1834, that Officer replied to this second requisition by representing that illness had incapacitated him from attending to the Courts first order, but that a subsequent return would be submitted in the course of a very few days. Instead however of doing so the Acting 3rd. Judge has allowed a further period of four months to elapse, and at length has submitted the required explanations regarding his Vizagapatam Calendar on the 12th. February 1835, or nearly seven months after this Courts orders upon the subject were issued to him.-

9 This proceeding evinces in the opinion of the Court of Sanjdaree Adalut a culpable neglect of duty, and a flagrant contempt of their authority on the part of the Acting 3rd. Judge, for which as he has not attempted, so they are loath to conclude, that he is unable to offer any excuse.-

10 By Section XXIV Regulation VIII of 1802, "in all cases wherein a covenanted servant

servant of the company, employed in any of the Criminal Courts, or in any office of Police may appear to the Tanjore Vakeel to have been guilty of neglect of duty, or other misconduct, not expressly provided for by the Regulations that Court is either to report the same to the Governor in Council, or to advise and admonish the party, as the case may require, under the provisions contained in Section XXXIX Regulation V of 1802; the whole of which is declared applicable to such cases". and the manifold irregularities of the Acting 3d. Judge (for the present is by no means a solitary instance) appear not only to warrant, but imperatively to call for the adoption of the most severe measure which that enactment authorizes.-

11 The Court of Tanjore Vakeel however are willing that an opportunity should be afforded to the Acting 3d. Judge to redeem his public character, and they accordingly on the present occasion resolve seriously to warn that Officer, against a recurrence of such objectionable conduct and at the same time to intimate to him, that any future instance of neglect or disobedience will immediately be brought to the notice of Government.-

Ordered

Ordered, that Extract from these proceedings be sent to the Acting 3d. Judge late Additional Judge late on Circuit in the Northern Division by precept, returnable within twelve days from and after its receipt.-

Sent following precept No. 224

Read return dated the 12th. Instant from the Acting 3d. Judge late additional Judge on Circuit in the Northern Division to precept of the Court of Tanjore Vakeel under date the 22d. August 1834, conveying their observations upon the 1st. portion of the Chicacole Calendar for the 1st. Session of 1833.-

(Here enter F.U. No. 263 of 1835.)

Case No. 4. 1 In the above return the Acting 3d. Judge reports, that this case "was not resubmitted, as no supplemental Calendar was taken." "The Acting 3d. Judge regrets that he did not call for the new records".-

2. The Court of Tanjore Vakeel consider that this circumstance reflects much discredit both upon the Criminal Court and the Court of Circuit.-

No. 10. 3 In reply to the observations of the Tanjore Vakeel upon this case, the Acting 3d. Judge reports, that "it was

in

in the hope that some of the villagers who could speak to facts might be induced to give evidence, that the case was postponed

4 The Court of Enquiry Madras observe, that the Acting 3d. Judge was not required to explain the cause of the postponement. In their proceedings of the 22nd August 1834, the Court did not object to the order for further evidence; but they considered the Acting 3d. Judge to be open to censure for leaving the case entries, unless his order was dated the 31st. October 1833 and he did not quit the station till the middle of May following. It is presumed, that the Acting 3d. Judge is unable to offer any satisfactory explanation upon the subject.

Case No. 24.

5 The Court of Enquiry Madras cannot but consider the explanation offered by the Acting 3d. Judge in this case to be very unsatisfactory.

6. In conclusion the Court of Enquiry Madras observe, that the explanation now submitted might without the least difficulty have been furnished within one week from and after the receipt of the precept: and that the withholding this return for a period of upwards of 5 months, exhibits another instance on the part of the Acting 3d. Judge of culpable and inexcusable

remissness in the discharge of his duty.-

Ordered, that Extract from 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. 225 &c

J. U.

At a court of the Soujdaree Udalut.

Present,

Monday 2d. March 1835. Charles May Lushington Esqre. 1st. Puisne Judge,

John Bird Esqre. 2d. Puisne Judge,

William Hudleston Esqre. 3d. Puisne Judge,

Read Petition presented on the 19th. January 1835, by Gumpala Unkiama of the zillah of Nellore.

(Here enter Mis. Pet. No. 6. of 1835.)

1 The object of this Petition is to induce the Court of Soujdaree Udalut to issue orders for the release from confinement of the Six sons of the Petitioner, who, she alleges, being prisoners in Case No. 53 on the Nellore Calendar for the 2d. Sessions of 1834, have on a false and malicious charge of Gang Robbery been sentenced by the Circuit Judge Mr. Paske, to imprisonment Vea. for fourteen years.

2 The Petitioner is informed, that appeals from the sentence of a Court of Circuit are inadmissible.

Ordered, that the prayer of this Petition be rejected, and that extract from these proceedings

proceedings be furnished to the Petitioner upon her application.-

Read Petition presented 9th February 1835. by Yaterajummah of the Zillah of Chittoor.-

(Here enter Dist. No. 12 of 1835)

1 The Petitioner represents the circumstances under which, she alleges, her husband has been imprisoned by the Criminal Court on a false charge: & prays for his release.-

2 The Petitioner is referred to the Provincial Court of Circuit.-

Ordered that Extract of these proceedings be furnished to the Petitioner upon her application.-

Read Petition presented on the 9th Ultimo by Soobarow of the zillah of Coimbatore.-

(Here enter Misc. Pet: No. 13 of 1835.)

1 The Petitioner prays to be furnished with a copy of certain proceedings held by the Criminal Judge of Salem, on a complaint preferred against him, which he states have been submitted to this Court; also, with a copy of the order of the Sudder Adalut passed on the petition of Appajee Jyah Tasildar of Caroor.-

The

2 The Court refer the petitioner to the Criminal Court of Salem for a copy of the proceedings of that Court, required by him; and they decline giving him a copy of their proceedings in a petition to which he was not a party.-

Ordered, therefore that the Prayer of the Petition be rejected and that Extract from these proceedings be furnished to the Petitioner on his application.

Read Petition presented on the 23d. February 1835. by Putchayammaul.-

(Here enter Misc. Pet: No. 15 of 1835.)

1 The petitioner prays the Court to issue orders for the release from confinement of her brother, Mooneappah Moodely, who, she represents has on a false and malicious charge of Gang Robbery preferred against him by his "old enemy" Vengoopillay of Arombaukum in the Zillah of Chingleput, been sentenced by Mr. Davis, the acting 2d. Judge late on Circuit in the Centre Division to imprisonment &c. for 14 years.-

2 The Petitioner is informed that there is no appeal from the sentence of a Court of Circuit, and that her request is inadmissible.-

Ordered

F:C:
2d March 1835.

Ordered that the prayer of this Petition be rejected and that extract from these proceedings be furnished to the Petitioners upon her application.-

Read Petition presented on the 23d February 1835, by Chellummay and Rammy of the Zillah of Chingleput.-

(Here enter Mis: Pet: No 16 of 1835.)

1 The Petitioners represent that Rungiah and Polliah, prisoners in Case No 11. on the Chingleput Calendar for the 2d Sessions of 1834, and of whom the former is son of the Petitioner Chellummah, and the latter, is the husband of Rammy, have been sentenced by the Acting 2d Judge late on Circuit in the Centre Division to 14 years imprisonment, upon a false charge of Gang Robbery preferred against them by one Vengoo Pillay, of Aroombaucum in the abovementioned Zillah.-

2 The Petitioners pray that an order may issue from the Sudder Adalut directing the release of the Prisoners in question.-

3 They are informed, that there is no Appeal from the Sentence of a Court of Circuit,

and

F:C:
2d March 1835.

and that their request is inadmissible.-

Ordered that the prayer of this Petition be rejected and that extract from these Proceedings be furnished to the Petitioners upon their application.-

Vanum Coopiah Mooklerjan Vakeel of Ramsing of Tinnevelly moves the Court to return the enclosure in his Miscellaneous Petition No 100 of 1834.-

Ordered accordingly.-

At a Court of the Faujdaree Adalut

Present,

Wednesday 11th March 1835

Charles May Lushington Esqre 1st Puisne Judge

John Bird Esqre ——— 2d Puisne Judge

William Hudleston Esqre 3d Puisne Judge

Read letter dated the 24th Ultimo,

from the Acting 3d Judge on Circuit in the Centre Division, submitting an English and Persian Translation of the Proceedings in Case No. 5 on the Chingleput Calendar for the 2d Sessions of 1834.

(Here enter J.C. No 297 of 1835)

The Prisoner

"Aeyah Chavy"

Stood charged before the Court of Circuit with wilful and corrupt Perjury, in having on the 28th February 1833 when a witness in Criminal case No. 47 of 1833 before the Criminal Judge of Chingleput deposed in words to the following effect, " The prosecutor Vydeah-chavy called out saying his house was on fire; when I was going to the Prosecutor's house I saw Vencatasawmy (Prisoner in case No 290 of 1834) Vencataroyen

(and

"and another man whose Ide not know running
"away from" and afterwards on the 15th October 1834,
when examined as a witness before the same tribunal
touching the charge against the same prisoner
Veeratasawmy in Criminal case No 290 of 1834
wilfully and deliberately deposed in order to the
following effect-, "I saw three men running from
"the Prosecutor's house; Ide not know who they
"were as it was dark". The said depositions being
in direct and positive contradiction one to the
other; and one of them being therefore false and
corrupt, and the matter of fact thus deposed to
being material to the issue of the charge then
pending against the said Veeratasawmy-

2

The Provincial Law Officer in
his futwa convicted the prisoner and awarded
Sentence-

3.

Concurring in this finding the
Presiding Judge sentenced the prisoner "under
Clause first Section III Regulation VI of 1811" to
imprisonment with hard labor in irons for four
years-

4.

On a review of the Calendar, the
Court of Sujdanee Adalut observed that from a
consideration of the abstract of the evidence in this
case

case it appeared to be open to question, whether the false swearing was intentional and deliberate, and on a point material to the issue- Accordingly in their proceedings under date the 26th January 1835, they directed the transmission of the record of the trial-

5. The Court of Sujdanee Adalut having attentively considered all the circumstances of the case, proceed to record the following observations upon it-

6. Clause first Section II Regulation III of 1826 declares, that "if a party or witness shall wilfully, and deliberately give two contradictory depositions on oath, or under a solemn declaration taken instead of an oath, on a matter or matters of fact material to the issue of a judicial proceeding, such party or witness shall be liable to be committed for trial before the Court of Circuit for wilful and corrupt perjury"

7. In this case, the 1st deposition of the prisoner was delivered upon the investigation of a charge against one person, the second upon that of a charge against a different individual, and the perjury is supposed to consist in the

the contradiction between his Statement in the two depositions, touching the person concerned in the latter case.

8. It is obvious, in the first place, that the prisoner's mention, in his examination in the case № 47 of 1833 of "Veeralasawmy", the accused in № 290 of 1834, could in no way be material to the issue of either "judicial proceeding" and the Court of Faujdaree Udalut are of opinion that to bring a case, properly within the scope of the provisions of the above clause, each of the contradictory depositions must be on a matter of fact, material to the issue of the judicial proceeding, in the course of which such deposition is given.

9. But further the clause in question appears to the Court of Faujdaree Udalut to intend exclusively one and the same judicial proceeding, - that is to say, its meaning is, that the contradictory swearing shall respect one and the same matter of charge. The object of the law being to provide for punishment in cases such as are described in the preamble to "have occurred", in which "a party, or witness has given two

"two contradictory depositions in regard to the "same matter, or matters of fact". The "cases" here referred to were exclusively cases, in which upon the preliminary examination evidence was given, which on the subsequent trial of the same charge was contradicted, or retracted.

10. Under this view of the subject the Court of Faujdaree Udalut are of opinion, that the prisoner in this case was not "liable to be committed" for perjury on account of contradiction between his Statements in the above two separate cases.

11. But even admitting that he was so liable, it does not appear to the Court of Faujdaree Udalut, that the prisoner committed wilful and corrupt perjury at all, and they therefore deem it necessary to set aside the Sentence of the Acting 3d Judge, and to direct that the said prisoner

Aneya Charry

be immediately and unconditionally set at liberty.

12. The plea of the prisoner to his

the contradiction bet...

his arraignment at the bar of the Court of Circuit, is in the English translation of the proceedings couched in the following terms – "I did wilfully commit the crime of perjury according to the contents above detailed and I have nothing further to say"

15

Entertaining doubt of the correctness of the translation in this particular, the Court of Foujdaree Udalut direct, that the Acting 3d Judge will furnish them with the original words of the said plea as uttered by the prisoner –

14 In conclusion the Court of Foujdaree Udalut deem it necessary to notice the irregularity of the Acting 3d Judge, in omitting to have the depositions of the prisoner first sworn and proved at the trial in the prescribed manner –

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 five days from and after its receipt –

(Sent following Precept No 230)

Read letter, dated the 28th February 1835, from the Acting 2d Judge of the Provincial Court

Court of Circuit in the Centre Division, transmitting copies of the Primary and first Supplemental Criminal Calendars for the First Quarter Sessions of 1835.

(Hereunto entered No 326.)

On the three cases, including three prisoners, in the above Calendar the Court of Foujdaree Udalut do not find occasion to record any observation – Adverting however to the return No 8 of the Reports for December last it is observed, that there were nine trials with 9 Prisoners committed or held to bail, and the Court of Foujdaree Udalut deem it proper to require the reasons to be explained for the delay in the disposal of the 6 cases and prisoners, respecting which no information has been yet submitted to them –

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 in 6 days after its receipt –

(Sent following Precept No 231)

Read letter dated the 20th Ultimo from

from the Chief Secretary to Government, with instructions to afford information on Jail discipline to a Committee formed at Madras for a revision of the rules of the Jail.

(Here enter N° 291.)

Read letter dated the 23d January last from the Provincial Court of Circuit in the Centre Division, transmitting for the information of the Judges of the Court of Foujdaree Adaulut the accompanying copies of returns from the Acting Criminal Judge and Magistrate of Chittoor, the Criminal Judge and Magistrate of Cuddapah the Native Criminal Judge at Cumbum, the Magistrate of Chingleput and the Acting Joint Criminal Judge at Cuddalore on the Criminal Reports for September.

(Here enter N° 1116.)

Read return dated the 25th Ultimo from the Provincial Court of Circuit in the Southern Division, to precept of Foujdaree Adaulut dated the 12th Ultimo, conveying their observations on the explanation of the Magistrate of Coimbatore, regarding the transmission of number of petty cases to the

the Criminal Court.

(Here enter N° 305.)

Read letter dated the 28th Ultimo from the 3d Judge late on Circuit in the Southern Division (now at Tanjore) forwarding a list of causes referred to the Foujdaree Adaulut between July and December (inclusive).

(Here enter N° 308.)

Read letter dated the 25th Ultimo from the Provincial Court of Circuit in the Southern Division transmitting returns from the several authorities in the division, in reply to the communications made to them regarding the Criminal Reports for October last.

(Here enter N° 311.)

Read letter dated the 26th Ultimo from the Acting 1st Judge on Circuit in the Centre Division transmitting Original warrant of execution in Case N° 5 Outturn Calendar 3d Quarter Sessions of 1834.

(Here enter N° 312.)

Read return dated the 27th Ultimo from the Provincial Court of Circuit in the Centre

Division

4th March 1835.

Division to precept of Foujdaree Udalut dated the 23d Ultimo, conveying their observations on the returns of the Magistrate of Bellary dated the 26th and 27th January 1835, to the Precepts of the Provincial Court of the 29th September and 29th October 1834.

(Here enter N° 323)

Read letter dated the 28th Ultimo from the Provincial Court of Circuit in the Southern Division, transmitting copies of returns received from the different authorities in the Division, in reply to the communications made to them regarding the Criminal Reports for the month of November last.

(Here enter N° 328.)

F. U.

At a Court of the Foujdaree Udalut.

Present.

Thursday 5th March 1835.

Charles May Lushington Esqr 1st Puisne Judge.
John Bird Esqr ——— 2nd Puisne Judge.
William Audleston Esqr 3d Puisne Judge.

Read return dated the 24th Ultimo, from the Additional Judge on Circuit in the Northern Division, to precept of the Court of Foujdaree Udalut under date the 16th February 1835, conveying their observations and orders upon the referible trial, N° 16 on the 1st Calendar of the Zillah of Vizagapatam for the 2nd Sessions of 1834.

(Here enter F.U. N° 310 of 1835)

1. The Court of Foujdaree Udalut observe that in para" 8 of their proceedings of the 16th Ultimo, the Additional Judge was directed to call the attention of the Native Criminal Judge of Vizagapatam to their Circular Orders of the 15th April 1819, and the 12th July 1825: but from the return now submitted, it does not appear, whether or not the required

communication

communication was made to that Officer.

2.

The Court of Tajdaree Adalut in consequence resolve to call upon the Additional Judge to report, whether their order upon the Subject was duly conformed to.

Ordered, that Extract from these proceedings be sent to the Additional Judge of Circuit in the Northern Division by Precept returnable within three days from and after the receipt.

(Sent following Precpt No 139)

Read letter dated the 12th Ultimo from the Acting 3d Judge on Circuit in the Centre Division to Precpt of the Court of Tajdaree Adalut under date the 27th November 1834, desiring him to transmit an English translation of the Proceedings before the Court of Circuit, and of the depositions of the 1st, 2d and 3d witnesses before the Criminal Court in Case No 16 on the Cuddapah Calendar for the 1st Sessions of 1834.

Were enter'd Ll. No 235 of 1805

1.

In this case the prisoner

1st Paulagherry Gungadoo.

2d Singamala Sunnasegandoo

3d Nobalum Dasaregandoo

4th

4th Jattee Bojeegandoo

5th Reppala Nobegandoo.

6th Booddagandla Rachaooddo.

7th —d— Nobegandoo.

8th Hoospaingandoo.

9th Junkatee Banlegandoo.

and

10th Yerrabbegandla Ramegandoo.

Stood charged before the Court of Circuit, with having, together with some other persons proceeded in a gang with lighted torches, at midnight of the 1st August 1833, to the Village of Narrainapally in the Talook of Chennoor in the Zillah of Cuddapah, broken open the door of the 1st Prosecutors house with a hatchet, entered the house, beaten him with Sticks, and his wife with their hands, and plundered from the house property valued at 36 Rupees: and further with having compelled the 2d prosecutor to open the door of his house, which they entered, and after beating him with Sticks, plundered property valued at 32 Rupees: and with having broken open the door of the 3d prosecutors house with a hatchet and plundered therefrom property valued at 2 Rupees: and with having broken the door of the 4th Prosecutors house with Sticks, and robbed it of 8

Rupees

53

J. U.

6th March 1835

Read letter dated the 4th Ultimo from the Additional Judge on Circuit in the Northern Division, submitting the record of Proceedings in Case No. 48 on the 1st Calendar and No. 1 on the Supplemental Calendar for the 2d Sessions of 1834 at Vizagapatam.

(Here enter No. 2148.)

Mr. Bird
&
Mr. Huddleston.

The Court of Sunjdaree Uealut having maturely considered the proceedings held before the Judge on Circuit, the Futwa of the Provincial Law Officers, and the Futwa of the Cazee col Coozat and Mooftees of the Sunjdaree Uealut, confirm such part of the said Futwa of the Cazee col Coozat and Mooftees aforesaid, as convicts the Prisoners,

1st Sheyadry Bydegandoo

and

2d Jannalagudda Venkaroo,

and direct their Law Officers to declare by a second Futwa to what specific penalty these Prisoners would be liable, if the objection in their favour in bar of Huss had not existed.

Answer.

In the event of the 1st and 2d Prisoners being fully convicted by the evidence of credible witnesses of the crime of theft, they would both be liable to amputation of the right hand from the wrist.

In commutation of the penalty of Huss declared in the foregoing Futwa, and in conformity with the provisions

J. U.

6th March 1835

of Section XXI Regulation VII of 1802. the Court of Sunjdaree Uealut sentence the Prisoners,

1st Sheyadry Bydegandoo,

and

2d Jannalagudda Venkaroo,

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 being of opinion that the Prisoner,

3d Dullakala Appaya,

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, 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 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 /3/ three years, and that in default thereof he be detained for /3/ three years in confinement.

The Court of Sunjdaree

Uealut

F.U.

6th March 1835

Ucalut have been precluded from convicting the 3d Prisoner in this case in consequence of the grounds exhibited by the record for believing that his confession before the Police Officer was not free and voluntary; but the result of the ill-usage which he received from the Prosecutor.

2. The Court of Sangdarce Ucalut observe that the plea of the Prisoners to the arraignment at the bar of the Court of Circuit, instead of being separately recorded as delivered by them respectively is expressed in the first person plural.-

3. This is an irregularity which the additional Judge must in future be careful to avoid.-

Ordered, that Extract from these proceedings be sent to the Additional Judge on Circuit in the Northern Division for his information and future guidance.-

(Sent following letter No. 342

Read letter dated the 3d Instant from the Acting Criminal Judge in the

F.U.

6th March 1835.

the Zillah of Chittoor, reporting that the 100 convicts have been forwarded to Arnee on the 1st Instant, and transmitting copy of a letter from the Officer Commanding that Station.-

(Here enter No. 335.)

Read letter dated 28th Ultimo from the third Judge late on Circuit in the Southern Division transmitting original warrant issued in Case No. 34, Salem Calendar 2d Sessions of 1834, with the separate letter &c.

(Here enter No. 338.)

Read return dated 25th Ultimo from the Provincial Court of Circuit in the Western Division to precept of Sangdarce Ucalut dated 9th Ultimo, directing that the Provincial Court furnish the Military authorities in their Division, who may be in charge of Prisoners, with the several forms of monthly Statements now submitted by the Judicial authorities &c.

(Here enter No. 341.)

Read return dated 9th Ultimo from the Provincial Court of Circuit in the Western Division to precept of Sangdarce Ucalut dated the 16th February 1835 containing their observations on the Criminal Reports of the Division for December last.-

(Here enter No. 342) &c

At a court of the Foujdaree Adalut

Present

Saturday 7th March 1835 — Charles May Lushington Esqr 1st Puisne Judge

John Bird Esqr ———— 2d Puisne Judge

Abd — William Rudleston Esqr —— 3d Puisne Judge

JM — Read letter dated 18th Instant from the Acting 2d Judge of the Court of Circuit in the Centre Division, transmitting the record of proceedings in Cases No 6 on the Primary Calendar 3d Quarterly Sessions and No 1 on the 5th Supplemental Calendar 4th Quarterly Sessions of 1834 for the Zillah of Chittoor

Here enter No 274

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 Coozat and Mooftees of the Foujdaree Adalut, confirm such part of the said Futwa of the Cazee ool Coozat and Mooftees aforesaid as convicts the Prisoner

6th Gorovaedo

and

7th Comme Ceuradaeun.

and under the provisions of Clause First Section V Regulation VIII of 1831 and Clause Third Section IV Regulation XV of 1803 Sentence them to be imprisoned and kept to hard labour in irons

on

7th March 1835.

on the public roads, or other public works for and during the period of [14] fourteen years.—

And being of opinion that the proof against the prisoners.

1st Chinnegaudoo

2d Venkatarayadoo

3d Boochegaudoo

and

4th Madareegaudoo

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 V Regulation VIII of 1821, 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 following letter N° 248

Read letter dated 18th Ultimo from the Acting 3d Judge on Circuit in the Centre Division, transmitting the record of Proceedings in Case N° 6 of the Bellary Calendar 2d Sessions of 1834.—

[Here enter N° 275]

The Court of Sudder Adalut so having

Mr Bird
and
Mr Huddleston.

7th March 1835.

having maturely considered the proceedings held before the 3d 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 such part of the said Futwa of the Cazee ool Coozat and Mooftees aforesaid as acquits the prisoner.—

2d Luckah

and do accordingly acquit him, but considering 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 100 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] Three years in Confinement.—

And being of opinion that the proof against the prisoners.—

3d Lutchmah

4th Mostah

5th Kurah

and

6th Kursah

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

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 respectively.-

The Court of Zoujdaree Udalut direct that the Acting 3d Judge will in future strictly conform to their Circular Order No. 10, dated the 14th August 1834. regarding the numbering of Prisoners before the different Tribunals to which in the present case they observe no attention has been paid.-

Ordered, that extract of these proceedings be sent to the Acting 3d Judge on Circuit in the Centre Division.-

Sent following letter No. 217.

At a Court of the Zoujdaree Udalut-

Present,

Monday, 9th March 1835. Charles May Lushington Esqr 1st Puisne Judge,
John Bird Esqr - - - - - - - - - 2d Puisne Judge,
William Hudleston Esqr - - - 3d Puisne Judge.

Read again petition presented on the 1st September and the 26th January last by Sookaram late Peshkar in the Zillah of Chinglepute-

(Here enter Extra Mise Nos 21 of 1834 and 2 of 1835.)

Also read again return from the Acting 2d Judge late on Circuit Centre Division under date 14th November to this Court's precept of the 10th calling for the original Police proceedings held in the referred trial No. 5 Chinglepute Calendar 2d Sessions 1833-

(Here enter No. 1619 of 1834-)

In their proceedings of the 16th June last, the Court of Zoujdaree Udalut entered fully into a consideration of the conduct of the Petitioner, as it appeared in the proceedings before the Court in referred trial No. 5 Chinglepute Calendar 2d Sessions 1833, and they at that time recorded the opinion, "that his conduct had been most culpable and renders him

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 respectively.-

The Court of Sonjdara Adalut direct that the Acting 3d Judge will in future strictly conform to their Circular Order No 10, dated the 14th August 1834 regarding the numbering of Prisoners before the different Tribunals to which in the present case they observe no attention has been paid.-

Ordered, that extract of these proceedings be sent to the Acting 3d Judge on Circuit in the Centre Division.-

Sent following letter No 245.-

J. H.

J. U.

At a Court of the Sonjdara Adalut.

Present,

Monday, 9th March 1835. Charles May Lushington Esqr 1st Puisne Judge,

John Bird Esqr ..... 2d Puisne Judge,

William Hudleston Esqr ... 3d Puisne Judge.

Read again petition presented on the 1st September and the 26th January last by Sookaram late Peshkar in the Zillah of Chinglepet.-

(Here enter Extra Mis Dets 21 of 1834 and 2 of 1835.)

Also read again return from the Acting 2d Judge late on Circuit Centre Division under date 11th November to this Court's precept of the 10th, calling for the original Police proceedings held in the referred trial No 5 Chinglepet Calendar 2d Sessions 1833.-

(Here enter No 1619 of 1834.-)

In their proceedings of the 16th June last, the Court of Sonjdara Adalut entered fully into a consideration of the conduct of the Petitioner, as it appeared in the proceedings before the Court in referred trial No 5 Chinglepet Calendar 2d Sessions 1833, and they at that time recorded the opinion, "that his conduct had been most culpable and renewed him

him unworthy of holding his situation of Police Ameen." They were subsequently induced in his representation that the censure of the Sunjdaree Uealut was not applicable to him, but to his predecessor, also named Soobaraw, to require from the Magistrate a full report of the case, and eventually to call for the original Police proceedings.

2 Upon a careful review of the former proceedings, and the Magistrate's return of the 7th October, as well as of the statement of the Petitioner, the Court have satisfied themselves without an examination of the original Police proceedings, that their observations of the 16th June last apply to the Petitioner alone, and that his conduct amply deserved the notice there taken of it. The Magistrate's explanation in his return cited above is most satisfactory, and is confirmed by a reference to the dates of the Police proceedings; and it is clear that the Petitioner's allegations are not true; and even were they better founded than they are, they would not entitle him to any consideration. The Court resolve therefore to reject the prayer of his petitions.

3. Referring to the conclusion of the Magistrate's return, in which he expresses

expresses "his hope, that on a perusal of the "Statement of facts in the returns he will be "relieved in the minds of the Sunjdaree Uealut "from the unfavorable impressions recorded "in the 4th para of their proceedings of the "22d September in consequence of the wilful "misrepresentation" of the Petitioner. The Court consider it due to that Officer to state, that his proceedings have their full approval, and that he stands entirely free from all grounds of censure.

Ordered therefore, that the Petitions Nos 21 of 1834 and 2 of 1835 be rejected, and Extract from these proceedings be furnished to the Petitioner on his application.

Ordered also, that Extract from these proceedings be sent to the Acting 2d Judge of the Centre Provincial Court of Circuit to be communicated to the Magistrate in the Zillah of Chingleput, and that the Original Proceedings be also returned.

Cent ur No 248

Read petition presented on the 23d Ultimo by Chagunty Seroopulty late Jailor attached to the Zillah Court of Rajahmundry.

(Here enter Mis: Pet: No 3 of 1835.)

the

J. U.

9th March 1835.

1 The Petitioner represents, that on the 12th October 1833 he was dismissed from his office of Jailor in which he had served for a great number of years, by the then Acting Criminal Judge of Rajahmundry, on the ground, that he had allowed to the Prisoners under his charge the use of Tobacco, Opium, and other Luxuries prohibited by the orders of the Tanjore Court, and that on the 16th of the same month and year he was fined 20 Rupees, for not reporting to the Acting Criminal Judge, that a Prisoner named Doraisy Andyparaiden had while in confinement kept possession of an earring: that until the arrival in the Zillah of the present Acting Judge, he was unable to obtain copies of the proceedings under which his removal from Office, and the imposition of a fine were directed: but that having at length procured them, he has laid his case before the Provincial Court in the Northern Division, who however have failed to grant him redress.

2 The Petitioner now prays the Court to issue a Precept to the Provincial Court in the Northern Division, directing them to instruct the present Acting Criminal Judge of Rajahmundry to

J. U.

9th March 1835. to restore to him the fine imposed by the former Acting Judge, and reinstate him in his situation.

3 The Petitioner is informed, that the reasons which he has assigned for delaying during a period of 13 months to apply to the Provincial Court for the redress of his alleged grievances, appear to the Court of Tanjore Vecutt to be unsatisfactory, and that Court accordingly decline to interfere.

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

Read petition presented on the 8th December 1834 by R. Sastry of the Zillah of Cuddapah.

(Here enter Min. Pet. No. 104 of 1834.)

1 The Petitioner prays the Court to issue orders for the release of her son, the 5th Prisoner in Case No. 10 on the Cuddapah Calendar for the 1st Sessions of 1834, who she represents has been unjustly sentenced by the Court of Circuit to 14 years imprisonment, though innocent of the crime for which he was tried before that tribunal.

2 The Petitioner is informed, that the Court of Tanjore Vecutt have already

March 3rd March 1835.

already issued a precept to the Acting 3rd March 1835
Judge on Circuit in the Centre Division,
directing him to release the Prisoner in
question immediately and unconditionally.

Ordered, that Extract from
these proceedings be furnished to the Pe-
-tioner upon application.-

Read petition presented on
2nd Instant, by Caunatchunnah of the
Zillah of Chittoor.-

(Here enter Misc. Pet. No. 17 of 1835)

The Petitioner prays the Court
to issue a precept to the Provincial Court
of Circuit in the Centre Division, direct-
-ing them to examine certain witnesses on
behalf of her son Rungapah who she
alleges, has, on a false charge of theft
committed in the house of Lippoo Saib
the Inamdar of the Circuit Court, been
sentenced by the Circuit Judge to receive
100 Lashes and be imprisoned for seven
years.-

The Petitioner is informed
that the sentence of the Court of Circuit is
final, and her request in consequence
inadmissible.-

Ordered, that the prayer of
this Petition be rejected, and that Extract
from these proceedings be furnished to

3rd March 1835

the Petitioner upon her application.-

Read Petition presented on the
2nd Instant by Mourcyayen of the Zillah of
Combaconum.-

(Here enter Misc. Pet. No. 18 of 1835.)

The Petitioner prays the Court
to issue orders for the release of his younger
brother Sydenan, the 10th Prisoner in Case No.
20 on the Combaconum Calendar for the 2nd
Sessions of 1834, who, having been convicted
of Gang Robbery, was sentenced by the Third
Judge late on Circuit in the Southern Divi-
-sion to imprisonment with hard labour
for 14 years.-

The Petitioner alleges that his
brother was in no way implicated in the
crime, and that the charge against him
was false and malicious.

The petitioner is informed,
that the sentence of the Court of Circuit is
final, and his request in consequence
inadmissible.-

Ordered, that the prayer of this
petition be rejected, and that Extract from
these proceedings be furnished to the Peti-
-tioner upon his application.-

Vanum Coopier, Mooktyar
Vakeel on behalf of Ramsing of Timevelly,

moves

9th March 1835.

moves the Court to return the enclosure in Miscellaneous Petition No. 3 of 1835.

Orderd accordingly.

Mr Vakeel T. Appiah on behalf of Chaguaty Seroapetty, moves the Court to return the enclosures in Each Miscellaneous Petition No. 3 of 1835.

Orderd accordingly.

Read letter dated 27th Ultimo from the Provincial Court of Circuit in the Western Division, submitting copy of a return and of its enclosure from the Magistrate of Canara, having reference to the Criminal Reports for December 1834.

(Here enter No. 344.)

Read letter dated 14th Ultimo from the Acting 2nd Judge of the Provincial Court of Circuit in the Northern Division, transmitting original warrant of execution Pr. in Case No. 44 1st Rajamundry Calendar 4th Sessions of 1834.

(Here enter No. 353.)

Read return dated 7th Instant from the Acting 3rd Judge on Circuit in the Centre Division to precept of the Court dated the 4th Instant, setting forth the sentence of the Circuit Court in Case No.

9th March 1835.

No. 5 Chingleput Calendar 2nd Sessions of 1834, and directing the immediate and unconditional release of the Prisoner. Pr.

(Here enter No. 357.)

Read letter dated 7th Instant from the Acting 3rd Judge on Circuit in the Centre Division, informing that the duties of the Sessions there will be finished before the end of this Month.

(Here enter No. 358.)

Read letter dated 2nd Instant from the Officiating 2nd Judge on Circuit in the Western Division, transmitting Original warrant of execution Pr. in Case No. 12 Malabar Calendar 1st Sessions of 1835.

(Here enter No. 361.)

At a Court of the Fouzdaree Adalut

Present,

Thursday 12th March 1835. Charles Mary Lushington Esq.re 1st Puisne Judge

John Bird Esq.re 2d Puisne Judge

William Hudleston Esq.re 3d Puisne Judge

Read letter dated 26th January 1835 from the Officiating 2d Judge on Circuit in the Western Division, transmitting the Record in Case No. X. on the Malabar Calendar First Sessions of 1835.

/ Hire enter No. 1747 /

Mr. Lushington and Mr. Bird.

The Court of Fouzdaree Adalut having maturely considered the proceedings held before the Judge on Circuit, the Futwa of the Provincial Law Officer, and the Futwa of the Cazee ool Cozzat and Mooftee of the Fouzdaree Adalut confirm the said Futwa of the Cazee ool Cozzat and Mooftee aforesaid and acquitting the Prisoners.

1st Coomally Peter

and

2d Sadatil alias Callaporatha Caunaroo

direct that they be set at liberty.

/ Sent following letter No. 253

Read letter dated the 6th November 1834 from the Acting 3d Judge on Circuit in the Centre Division, submitting an English and Persian

Persian Translation of the Proceedings in Case No 7 on the Bellary Calendar for the 2nd Sessions of 1834.

(Here enter No 290)

Mr Bird and Mr Maddeston

The Court of Foujdaree Udalut having maturely considered the Proceedings held before the Judge on Circuit, the Futwa of the Provincial Law Officer and the Futwa of the Cazee ool Coozat and Mooftee of the Foujdaree Udalut, confirm the said Futwa of the Cazee ool Coozat and Mooftee aforesaid and acquitting the Prisoners.-

1st Verrala Venkatagaudoo

2nd Rustumy Laye

3rd Nulla Venkatagaudoo

4th Chinna Rungadoo

5th Vencatagaudoo

and

6th Vallapa Rungadoo

direct that they be set at liberty.-

1 In this case the Court of Foujdaree Udalut observe, that although it is clearly proved that the several Robberies charged in the Indictment were committed, and that four persons lost their lives by the burning of Pummidi's house, yet not a single person of the Gang by whom the outrages were perpetrated was identified, either by the Prosecutor, or by any other person.-

2 It is proved that before the Police Officer

Officer the 1st prisoner confessed that he was one of the Gang who committed the robberies: and that in his house was found a white Roomaul of the value of four annas, claimed both by himself and the 1st prosecutor, but sworn to belong to the latter. This is the only evidence against the 1st prisoner, and this, it is hardly necessary to observe, is insufficient for conviction.-

3 The remaining prisoners did not make any confession: and there is no evidence whatever against them excepting to the circumstance of a few articles of trifling value and of the most common description, being found in their respective houses, which though sworn to before the Court of Circuit by witnesses for the prosecution, were not in the first instance, included by the prosecutors in their enumeration of the articles alleged to have been stolen from them.-

4 In the house of the 2nd prisoner were found an old Cloth (No 3) a skein of thread (No 10) a Bamboo Stick (No 11) and some balls of thread. All of these articles were claimed by the Prisoner, and the three first were sworn to belong to him.-

5 On the 3rd prisoner were found two Sickles, each of the value of two annas: and

on

on the 4th prisoner the Locket of a Brancelet, valued at two annas, which he claimed as his own.

6. In the house of the 5th and 6th prisoners were found two pair of drawers which they claimed as their own.

7 Upon this worthless evidence, the Acting 3d Judge has arrived at the extraordinary conclusion, that all the prisoners are committed, and that they should be sentenced to transportation for life. and accordingly in his letter referring the trial, he recommends that this measure of punishment be awarded.

8 In the opinion of the Court of Foujdaree Udalut this decision of the Acting 3d Judge evinces a great want of Judgment, and an ignorance of the principles of Justice; and affords grounds for entertaining a very unfavourable opinion of his qualifications as a Judicial Officer.

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 254/

Read return dated 24th Ultimo from the Acting 3d Judge late on Circuit in the Northern Division to precept of Foujdaree Udalut dated the 31st September 1834, conveying their observations on the 3d portion of the Circuit Calendar for the 1st Division of

12th March 1835.

of 1833.

/Here enter No 304/

Read return dated 25th Ultimo from the Provincial Court of Circuit in the Southern Division to precept of Foujdaree Udalut dated the 15th December 1834. conveying their observations on the Criminal Reports of the division for October last

/Here enter No 312/

Read letter dated 25th Ultimo from the Provincial Court of Circuit in the Northern Division transmitting copies of returns from the Subordinate authorities to the observations of the Provincial Court on the Criminal Reports for April 1834.

/Here enter No 349/

Read letter dated 23d Ultimo from the Provincial Court of Circuit in the Northern Division transmitting copies of returns from the Subordinate authorities to the observations of the Provincial Court on the Criminal Reports for September 1834.

/Here enter No 351/

Read return dated 17th Ultimo from the Provincial Court of Circuit in the Northern Division to precept of Foujdaree Udalut dated the 13th October 1834 conveying their remarks on the Criminal Reports

for

for the Month of June 1834.

/Here enter N°352/

Read letter dated 28th Ultimo from the Provincial Court of Circuit in the Northern Division transmitting the Statement of Prisoners Cases of the Zillah of Nellore for the Month of December 1834

/Here enter N°367/

Read return dated 4th Instant from the 1st Judge late on Circuit in the Northern Division to precept of Sudder Adalut dated the 24th February 1835 sanctioning mitigated punishment in cases N°s 26-19-26-39- and 41 on the Nellore Calendar for the 2nd Sessions of 1834.—

/Here enter N°377/

Read letter dated 5th Instant from the Acting 2nd Judge late on Circuit in the Northern Division transmitting original warrant of execution 8th in case N° 38 on the Rajahmundry 1st Calendar 1st Sessions of 1834.—

/Here enter N°378/

Read return dated 6th Instant from the Acting 2nd Judge late on Circuit in the Northern Division to precept of Sudder Adalut dated the 25th February 1835 conveying their observations on called up case N° 155 Guntoor Calendar 1st Sessions of 1835, directing the release of the 5th and 8th prisoners in it; and requiring English Translation

J. A.
12th March 1835

of Cases N°s 108. and 121. on the same Calendar

/Here enter N°380/

F. No.

Ata Court of the Foujdaree Udalut.

Present,

Friday
13th. March 1835. Charles Mary Lushington Esqre. 1st. Puisne Judge

John Bird Esqre. ——— 2nd. Puisne Judge

Cud. William Hudleston Esqr. 3rd. Puisne Judge

Wm. M.

Read letter dated the 26th. February 1835 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 January 1835.

(Here enter No. 340.)

Canara
Suspe. Report
Case 158 of 1834.

1. The prisoner in this case, a boy about 12 years old, charged with Casterizing the Prosecutrix, a child some years younger, has been sentenced by the Assistant Criminal Judge in charge to an imprisonment with light work, inside the Jail for 6 weeks, with confinement separate from the remaining prisoners. It is observed in the judgment that "the maltreatment" appeared "to be very severe." The Court of Foujdaree Udalut are of opinion, that the Assistant Criminal Judge in charge was not competent to pass sentence in the case, the offence being of a nature which rendered it imperative on him to commit it for trial before the Court of Circuit. It will be sufficient however if the

Provincial

Provincial Court of Circuit communicate this remark, for the future guidance of the Assistant Criminal Judge in charge, the sentence in the present instance remaining undisturbed.-

Canara
Jt. Crim.l Court.

2 The Provincial Court of Circuit will call on the Acting Joint Criminal Judge to explain the apparent excess, in the proportion of Peons to convicts working outside the jail, exhibited in his statements of the labor of convicts and of the extra Peons. There appear to have been 114 convicts working outside, and 7 extra Peons entertained throughout the Month, independent of other Peons employed temporarily.-

Canara
Native Court
Suppl.l Report
Case 56. of 1834

3 The case of escape noted in the margin, falling under the Circular Order No. 29. dated 4th February 1835, the Provincial Court of Circuit will enjoin the Native Criminal Judge to dispose of it, instead of allowing it to remain for trial by the Court of Circuit.-

Case 87. of 1834.

4 The first four prisoners in this case have been held to security by the Native Judge. From the depositions of the Prosecutors, stated in the Supplemental Report to have identified the prisoners, inducing merely an order for the requisition of security, the Court of Foujdaree Adalut see grounds for believing that the opinion of the Native Judge has been guided by the principle

principle of the Mahomedan law which does not admit the evidence of Prosecutors. It will be proper therefore for the Provincial Court of Circuit to point the attention of the Native Judge to paras 3 and 4 of the Circular Order 25th February 1829, and require him in forming his judgments in future similar cases to be guided by the sentiments therein expressed.-

Malabar
Report
Case 17.

5. In this case the two prisoners were sentenced to 6 Months' imprisonment by the Criminal Court on the following recorded grounds. "The "2nd" prisoner is shewn to have taken the two fugitive "convicts out of the guard room in a dark night "and to have suffered them to escape." "The 1st" prisoner to have suffered the two convicts to pass his "guard and proceed outside without other escort than "the 2nd" prisoner both acts being in violation of orders."

6. The circumstantial evidence requisite for conviction of connivance in cases of this nature does not seem to have been wanting in the instance in question, and although the sentence need not be disturbed, the Provincial Court of Circuit will refer the Criminal Judge to para 4 of the Circular Order 13th July 1829 on this subject.-

7. In adverting to the Statements forwarded by the Criminal Judge, the Provincial Court

F. Co.
13th March 1835.-

Court of Circuit will call on him to explain the cause of 31 Peons having been entertained throughout the month, apparently so much in excess of the due proportion for the number of prisoners working outside the Jails 307.-

3.

A similar remark is called for on the Statements sent up by the Acting Joint Criminal Judge of Malabar. 19 Peons having been kept up by him during the whole month, whereas the return shews that only 49 prisoners were worked outside the Jail. The Provincial Court of Circuit will transmit his explanation for the information of the Court of Foujdaree Udalut.-

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 in 20 days after receipt.-

Sent following Precept No. 255

Circular Order No. 33 of 1835.-

The Judges of the Foujdaree Udalut having observed that their Circular Order of the 25th June last, which directs one Peon to be entertained for every 4 Convicts employed at work outside the "Jail" has not been generally attended to, resolve to point out to the subordinate officers in charge

F. Co.
13th March 1835.-

of Jails, that under that order, their guard of extra Peons must be invariably regulated by the number of prisoners actually worked outside the Jail; and that no extra Peon is to be entertained for prisoners of any class put to labour within the walls of the Jail. For their supervision and safe custody the fixed jail guard is considered by the Judges to be sufficient.-

2.

The 7th Column of the Statement furnished Monthly under the orders of the 19th of January 1831, exhibits the number of convicts and other prisoners "worked outside the Jail" and the number of extra Peons employed under the order of the 25th of June last, should correspond with the number entered in that Column, at the calculation of 1 Peon to 4 prisoners; Where this is not the case, the Court will expect a full explanation of the difference.-

Sent to Govt. No. 37.

Sent following Circular No. 255.-

J. C.

At a Court of Sessions Adalat

Present,

Saturday
14th March 1835 Charles Mary Lushington Esqr. 1st Puisne Judge

John Bird Esqr. ——————— 2d Puisne Judge

C. M. L. William Hudleston Esqr. ——— 3d Puisne Judge

W. H.

Read return dated 28th Ultimo from the Acting 2d Judge of the Court of Circuit in the Centre Division, holding 1st Quarter Sessions at Chittagong to this Court's precept of the 23d Ultimo.

(Here enter No. 325. of 1835.)

1. With reference to para 2 of the above return, this Court direct that the Acting 2d Judge be furnished with a copy of the orders of the Sessions Adalat of 8th February 1811. They are the same in substance with the orders of the 27th December of the same year, which were referred to and explained in the proceedings of the Sessions Adalat of 9th May 1825 a copy of which will be found on the records of the Provincial Court of Circuit.

Ordered, that Extract of these proceedings be sent to the Acting 2d Judge late Presiding at the Court of Quarter Sessions in the Centre Division for his information.

(Sent following letter No. 758.)

Read return dated 6th Instant from the

from the Acting 3d Judge on Circuit in the Centre Division to precept of Foujdaree Udalut dated the 5th March 1835, directing the immediate release of the 5th and 9th prisoners in Case No. 16 Cuddapah Calendar 1st Sessions of 1834, and also of the 1st, 2d, 3d, 4th, 6th, 7th, 8th and 10th if still detained on the requisition of Security, and if otherwise their bail bonds to be cancelled.

/Here enter No. 380/

Read return dated 11th Instant from the Provincial Court of Circuit in the Centre Division to precept of Foujdaree Udalut dated the 9th February 1835 directing that the annual forms of Monthly Statements now submitted by the Judicial authorities be forwarded to all Military authorities in charge of prisoners requiring them to transmit them by the 10th of each Month to the Provincial Court of Circuit for information of the Foujdaree Udalut.

/Here enter No. 389/

the Acting 2d Judge late on Circuit in the Northern Division to precept of Foujdaree Udalut dated the 7th February 1835 conveying his Commutations and Orders on called up case No. 3 Guntoor Calendar 1st Sessions of 1834.

/Here enter No. 381/

Read return dated 6th Instant from the Acting 2d Judge late on Circuit in the Northern Division to precept of Foujdaree Udalut dated the 7th February 1835, directing the immediate and unconditional release of the prisoners in Case No. 30 on the 1st Guntoor Calendar for the 1st Sessions of 1834.

/Here enter No. 382/

Read return dated 7th Instant from the Acting 2d Judge late on Circuit in the Northern Division to precept of Foujdaree Udalut dated the 28th February 1835, directing the transmission without further delay of the called up case No. 52 on the Guntoor Calendar 1st Sessions of 1834.

/Here enter No. 383/

Read letter dated 7th Instant from the Additional Judge on Circuit in the Northern Division, reporting his arrival at and opening of the Sessions at Rajahmundry

/Here enter No. 385/

Read return dated 9th Instant from

At a Court of the Sowjdaree Adalut—

Present,

Monday, 16th March 1835. Charles May Lushington Esqr. 1st Puisne Judge,

John Bird Esqr. - - - - - - - 2d Puisne Judge,

C.A.L. William Hudleston Esqr. - - 3d Puisne Judge,

Read letter dated 8th December 1834, from the Acting 3d Judge on Circuit in the Centre Division, transmitting the record in Case No. 8 of the Bellary Calendar for the 2d Sessions of 1834.

(Here enter No. 270.)

Mr. Lushington. and Mr. Bird. The Court of Sowjdaree 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 Mooftee of the Sowjdaree Adalut confirm such part of the said Fatwa of the Cazee ool Coozat and Mooftee aforesaid, as convicts the Prisoner,

1st Rungal Salary

4th Mooch Rungah

9th Mahmaick

and

10th Koonial

and such part as acquits the Prisoners.

3d Kanee,

and

11th Kenela,

and

and accordingly under the provisions of
Clause Second, Section IV, Regulation XV of
1803 Sentence the Prisoners,

1st. Rungah Calay,
4th. Woach Rungah,
9th. Malnaick,
and
10th. Koomiah,

to be transported to such place beyond sea,
as the Governor in Council shall appoint,
there to be imprisoned and kept to hard la-
bour in irons on the public roads or other
public works for and during the period
of their natural lives respectively.-

And considering that strong
suspicion, though not amounting to convic-
tion attaches to the Prisoner

3d. Kanee,
and
11th. Kencha,

the Court direct, under Clause Sixth, Section
II Regulation XV of 1803, that they be
generally required to find two sureties in
150 Rupees each surety, for their good beha-
viour and appearance when required within
/3/ Three years, and that in default thereof
they be detained for /3/ three years in
confinement.-

And further being of opinion
that

that the Prisoners

2d. Bombeegandoo,
5th. Summa Rungah,
and
6th. Hunmah,

are not convicted on presumptive proof, or
on the evidence of credible witnesses, or on
their own confessions, notwithstanding
the Tatura of their Law Officers, the Court
do accordingly acquit them: but consider-
ing that strong suspicion though not
amounting to conviction attaches to them,
the Court direct under Clause Sixth Section
II Regulation XV of 1803, that they be
generally required to find two sureties
in 150 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
in confinement.-

1 The Court of Tanjore Head
observe that in page 184 of the English
translation of the proceedings in this case
the following "Note" is entered.. "The 11th. wit-
ness being sick has not attended. The
"Vaqir reports the same. His examina-
"tion in Criminal Court is filed".

2 The Acting 3d. Judge will
in future bear in mind, that according

to

J.C.
16th. March 1835

to the rule of English Law, circulated by the Tanjore Adalut under date the 8th. May 1833, for adoption by the Courts of Circuit under this Presidency, "the deposition of a witness taken upon oath, in the presence of a Prisoner, who has been brought by the Magistrate on a charge of felony; can be given in evidence on the trial of an Indictment for the same felony, only "if it be proved on oath to the satisfaction of the Court, that the informant is dead, or prevented by sickness from attending" &c.

3 In the present case, this provision has been entirely lost sight of: and it is obvious to remark, that the fact of the 11th. witness being sick cannot be deemed satisfactorily established by the simple report of the Nazir to that effect, any more than the "filing" of his "examination before the Criminal Court", can render it available in the Court of Circuit.

4 Again, it appears from Section 193 of the English Record, that the deposition of the 1st. witness Palah, whose name had been previously reported by the Nazir but not as it ought to have been "proved on oath" to the satisfaction of the Court, was "shewn" to the 18th. witness Baskeran who was required to "look at it, and say

J.C.
16th. March 1835.

whose signature it contains"; who in reply stated, that the deposition in question was in his hand-writing - that it contained the officiating Criminal Judge's signature, and that he "wrote according to the said witness' statement."

5 The Court of Tanjore Adalut observe, that according to the meaning of their Circular order above alluded to, the Deposition in question should not only have been proved on oath, but should also have been read aloud in open Court, in the presence, and within the hearing of the Prisoner: this proceeding being clearly indicated by the term "given in evidence" They direct accordingly, that the acting 3d. Judge will in future strictly observe this mode of proceeding.-

6 The Court of Tanjore Adalut, also deem it proper to notice an error in the English Translation of the arraignment before the Court of Circuit, according to which the Prisoners are "charged with having on the night of Sunday the 17th. November 1834" &c.

Ordered, that Extract from these proceedings be sent to the Acting 3d. Judge on Circuit in the Centre Division

for

16th. March 1835

for his information and future guidance.-

(Sent in No. 261

Read letter, dated 18th. Ultimo from the 2nd. Judge Officiating, on Circuit in the Western Division, transmitting the record in Case No. 53 of the Malabar Calendar 1st. Sessions of 1835.

(Here enter No. 295.)

Mr. Cushington and Mr. Hudleston.

The Court of Zuijdaree Adaulut on a deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the proof against the Prisoners

1st Elambilakant Chalil Aokander,

and

2nd Mariata Kelo,

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

(Sent in No. 262

Circular Order.

No. 34.

In pursuance of the instructions

of

16th. March 1835.

of Government under date the 6th. and 10th. Instant, and with reference to their Circular Order No. 37 of the 3rd. January last, the Judges of the Zuijdaree Adaulut circulate the following orders for the guidance of the several Officers in Charge of Jails.

Officers in Charge of Jails are authorized to draw upon the Collector for the sums they may require to enable them to purchase the necessary supplies for the subsistence of the Prisoners, and the raw material for the manufactures carried on in their Jails. They are to keep an account of all receipts from, and payments into the Treasury of the Collectors, to be closed, and settled monthly.

2. Those Officers in whose Districts there is a probability of a rise in the price of grain, are further directed, to take immediate measures for providing at the present wholesale prices, a sufficient quantity of grain for the average annual consumption of the Prisoners. They are accordingly authorized to draw on the Collectors for the requisite funds for this purpose, and where there may not be the means of storing the grain within the walls of the Jail, they may submit for sanction a bill for

the

16th. March 1835

for his information and future guidance.-

(Sent in No. 261

Read letter, dated 18th. Ultimo from the 2nd. Judge Officiating, on Circuit in the Western Division, transmitting the record in Case No. 53 of the Malabar Calendar 1st. Sessions of 1835.

(Here enter No. 295.)

Mr. Cushington and Mr. Sudleston.

The Court of Zujdaree Adaulut on a deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the proof against the Prisoners

1st. Elambilakant Chakil Aokandee

and

2nd. Mariata Keloo,

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

(Sent in No. 262

Circular Order.

No. 34.

In pursuance of the instructions

of

16th. March 1835.

of Government under date the 6th. and 10th. Instant, and with reference to their Circular Order No. 27 of the 3rd. January last, the Judges of the Zujdaree Adaulut circulate the following rules for the guidance of the several Officers in Charge of Jails.

1. Officers in Charge of Jails are authorized to draw upon the Collector for the sums they may require to enable them to purchase the necessary supplies for the subsistence of the Prisoners, and the raw material for the manufactures carried on in their Jails. They are to keep an account of all receipts from, and payments into the Treasury of the Collectors, to be closed, and settled monthly.

2. Those Officers in whose districts there is a probability of a rise in the price of grain, are further directed, to take immediate measures for providing at the present wholesale prices, a sufficient quantity of grain for the average annual consumption of the Prisoners. They are accordingly authorized to draw on the Collectors for the requisite funds for this purpose, and where there may not be the means of storing the grain within the walls of the Jail, they may submit for sanction a bill for

the

the rent of buildings for the purpose.-

3. In making their arrangements for the purchase of their annual supply of grain, the Criminal Judges will understand, that they are specially enjoined by the orders of Government, not to call upon the Collectors to interfere, either by issuing Takeers to the Revenue Officers, or procuring it through the agency of Revenue Peons. The Contracts are to be made by the Criminal Judge, without the interposition of the Officers of Government, and immediately with such persons, whether Merchants or Farmers, as are likely to furnish it on the most advantageous terms. It is also desirable if possible, that the grain should be received and stored at intervals, instead of all at one period.-

4. The several Criminal Judges and Officers in Charge of Jails will further understand, that it will be their duty under these orders, to lay in an annual supply at the close of the harvest, or at such period in each year, when grain is usually cheapest.-

5. In the Districts where the Public revenue is received in kind, the Officers in Charge of the Jails will carefully attend

to the Circular Order of the 18th June 1831, and upon the receipt of these instructions, they will furnish a Memorandum to the Collector of the quantity of grain required for the annual consumption of their Jails.

6. The several Criminal Judges and Officers in charge of Jails will also report, within Six weeks from this date, what they may have done under these orders; and furnish at the same time a statement of the probable amount of saving to Government annually, by the purchase at the wholesale price at the most favorable season, as now directed.-

The Judges of the Provincial Court of Circuit in the Centre Division will observe, that the foregoing orders render any reply to their letter of the 21st February unnecessary.-

Provincial Court of Circuit in the Centre Division.

(Sent following Circular No. 263)

Read letter dated the 24th Ultimo from the Judge and Criminal Judge in the Zillah of Cuddapah requesting special sanction of Government for certain retrenchments made by the Civil Auditor in his Indents for Fasly 1243.-

(Here enter No. 220.)

Read letter dated the 9th Instant from the Provincial Court of Circuit in the Centre

F.Q.
16th March

F.Q.
16th March 1835.

Centre Division, transmitting copy of a Retirement made from the Indents of this Court for Fusly 1243 and of the explanations from the Acting 3d Judge on Circuit for certain items and requesting to obtain sanction for the same.

/Here enter No: 394./

F.Q.

At a Court of the Faujdaree Adalut

Present,

Tuesday 17th March 1835. Charles Hay Lushington Esqr 1st Puisne Judge
John Bird Esqr 2d Puisne Judge
Ch.L William Widdleston Esqr 3d Puisne Judge
W.W.

Read return dated the 9th instant from the Acting Second Judge presiding at the Chittoor 1st Quarter Sessions of 1835, to the Precept of the Court of Faujdaree Adalut under Date the 4th March 1835, requiring explanation of the delay in disposing of Six Cases on the Calendar for the above Sessions.

/Here enter F. Qr. No: 376./

1 The Court of Faujdaree Adalut deem it necessary to observe on the above return, that the Fatwa of the Provincial Law Officer should in every case be delivered without any delay, and in most cases it can be given on the day immediately succeeding that on which the trial may be brought to a close.

2 Had this rule been observed on the present occasion, the indisposition under which the Mahommedan Law Officer of the Court of Quarter Sessions now labours, would in all probability not have operated as a cause of that delay which has attracted the attention of the Faujdaree Adalut

Ordered

Ordered that Extract of these proceedings be sent to the Acting 2nd Judge presiding at the Chittoor 1st Quarter Sessions of 1835 for his information and future guidance.

/Sent following letter No. 266/

Read letter dated the 23rd February 1835 from the Provincial Court of Circuit in the Northern Division transmitting the returns of the Subordinate authorities to the observations of the Provincial Court of Circuit on the Criminal Reports for August 1834 and also Extract of the proceedings of the Provincial Court of Circuit relative to No. 57 of the Rajahmundry Supplemental Report.

/Here enter No. 350./

1 The Provincial Court of Circuit wile communicate to the Magistrate of Ganjam the concurrence of the Court of Foujdaree Udalut in his opinion that under Clause 3rd Section III Regulation I of 1830 the Police are bound to report a case of Suttee to the Magistrate for his orders previous to the transmission of it to the Criminal Court.

2 Adverting to the case No. 57 of the Rajahmundry Supplemental Report the Court of Foujdaree Udalut direct, if the 1st and 2nd prisoners have not yet been discharged, that they be released immediately on the receipt of these orders.

Ordered, that Extract of these proceedings

proceedings be sent to the Provincial Court of Circuit in the Northern Division for their information and guidance by Precept returnable in 5 days after receipt.

/Sent following precept No. 267/

Read letter dated 30th January 1835 from the Provincial Court of Circuit in the Northern Division transmitting explanations from the Subordinate to the Remarks of the Provincial Court on the Criminal Reports for June 1834.

/Here enter No. 220./

Read return dated 5th Instant from the Provincial Court of Circuit in the Southern Division, to precept of Foujdaree Udalut of the 29th January 1835 conveying their observations thereon upon the Criminal Reports of the Division for November 1834.

/Here enter No. 350/

Read return dated 11th Instant from the Provincial Court of Circuit in the Centre Division to precept of Foujdaree Udalut dated the 25th February 1835 directing that the Acting Criminal Judge of Chittoor be called upon to afford the explanation regarding the diminution in the Number of Prisoners from 626 to 512 between September and October 1834.

/Here enter No. 390./

P.V.
17th March 1835

Read letter dated 11th Instant from the Provincial Court of Circuit in the Cuttack Division transmitting copy of a return from the Magistrate of Bellary submitting information called for by this Court in their Proceedings of the 28th January last on the Criminal Reports of the division for the month of December 1834.

/Here enter No. 391./

Read Supplemental return dated 6th Instant from the Provincial Court of Circuit in the Centres Division to precept of Faujdary Udalat dated the 18th November 1834 conveying their observations upon the Criminal Reports for September last.

/Here enter No. 392./

Read return dated 6th Instant from the Provincial Court of Circuit in the Western Division to precept of Faujdary Udalut dated the 25th February 1835, having reference to the Criminal Reports of the Western Division for December last.

/Here enter No. 398./

Read letter dated 10th Instant from the Acting 3rd Judge on Circuit in the Northern Division, transmitting copy of a letter and of its accompaniments from the Joint Criminal Judge of Guntoor, explaining the delay in the preparation of translations of the

Records

P.V.
17th March 1835

Records of Trials laid before the Present Court of Circuit at that Station.

/Here enter No. 403./

At a Court of the Foujdaree Udalut

Present,

Wednesday 18th March 1835.

Charles May Lushington Esqre 1st Puisne Judge.

John Bird Esqre ——— 2nd Puisne Judge

William Hudleston Esqre 3d Puisne Judge.

Read again letter dated the 25th October 1834 from the Acting 2d Judge of the Provincial Court of Circuit in the Centre Division, transmitting the record of trial in Case No 50 of the Bellary Calendar 2nd Sessions of 1833.

(Here enter No 1542 of 1833.)

Read also letter dated the 28th January last from the Acting 2d Judge late on Circuit in the Centre Division to precept of the Foujdaree Udalut dated the 18th November 1834, directing them to instruct the Officiating Criminal Judge of Bellary to take further evidence in Case No 50 Bellary Calendar 2d Sessions of 1833 upon the two points therein Specified and transmit an English translation of it to the Foujdaree Udalut.

(Here enter No 163.)

The

15th March 1836

Mr Bird
&
Mr Harleston

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 Mooftee of the Zoujdaree Udalut, confirm the said futwa of the Cazee-ool Cozat and Mooftee aforesaid acquitting the prisoners

2d Goantub Naugadoo
3d Madadoo
4th Pedda Sinnadoo
5th Sunjeevagadoo
and
6th Boodah Kootah Nagadoo.

and do accordingly acquit them: but considering that strong suspicion though not amounting to conviction attaches to them, they direct under Clause 2nd Section II Regulation XV of 1803 that they be severally required to find two sureties in 100 Rupees each surety for their good behaviour and appearance when required within three years and that in default thereof they be detained for three years in confinement.

(Sent following letter No 268)

Read letter dated the 28th Ultimo from the Officiating 2d Judge on Circuit in the Western

15th March 1836.

Western Division transmitting the record of trial in Case No IX on the Malabar Calendar 1st Septr of 1835

(Here enter No 331)

Mr Bird
&
Mr Harleston.

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 in conformity with the provisions of Clauses first and fifth Section IV Regulation XV of 1803 Sentence the prisoner

1st Malayen Carovmalen alias Kalen.

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

2d Malayen Mallen
and
3d Malayen Neithei

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

the period of their natural lives respectively.

(Sent following letter No 269)

Read letter dated the 23d Ultimo from the Additional Judge on Circuit in the Northern Division transmitting the record of Proceedings in Case No 6 Chicacole Calendar 2d Sessions of 1834.

(Here enter No 333)

Mr Lushington
& 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 Mooftee of the Foujdaree Udalut confirm the said futwa of the Cazee-ool-Cozat and Mooftee aforesaid, acquitting the prisoner

1st Vyracherla Gungamoo.

and accordingly direct that he be set at liberty.

(Sent following letter No 270)

Read letter dated the 25th Ultimo from the Additional Judge on Circuit in the Northern Division transmitting the trial in Case No 20. Chicacole Calendar for the 2d Sessions of 1834.

(Here enter No 346.)

The first prisoner in this Case has

has been convicted and sentenced in Case No 24 on the Calendar

Mr Lushington

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

2d Covepilly Narsimloo.

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 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 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 271)

Read letter dated the 25th Ultimo from the Additional Judge on Circuit in the Northern

Northern Division transmitting the record of trial
in Case No 24 Chicacole Calendar for the 2d Sessions
of 1834.

(How enter No 3147)

The 2d prisoner in this case has
been convicted and sentenced in No 20 on the
Calendar.

Mr Lushington

Mr Liss
Mr Bir

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 sentence
of Ockerbut declared in the Futwa and in conformity
with the provisions of Clause first Section V
Regulation XIII of 1831, and Clause Second
Section IV Regulation XV of 1803 and Clause
third Section II Regulation I of 1825, sentence
the prisoner

1st Doummughee Shumeashy

to receive one hundred and ninety four lashes
of a Cat of nine tails and to be transported to
such place beyond Sea as the Governor in Council
shall

shall appoint there to be imprisoned and kept to hard
labor in irons on the public roads or other public
works for and during the period of his natural life.

In para 6 of his letter referring
the trial, the Additional Judge on Circuit, marked
the following observation:— "In taking leave of this
"case and No 20. I think it right to explain that
"they were originally tried in the Criminal Court
"as one, and so committed at the last Sessions,
"but sent back by the Judge then presiding,
"to be separated: This being the case I did not
"feel myself justified in nullifying his order,
"though the Prosecutor and Prisoners being
"the same in both cases, notwithstanding a
"few days intervened between the dates of the
"respective offences, I should, myself, I think, under
"similar circumstances have tried the cases as
"one and taken one Futwa. If I should have
"been wrong in so doing, I shall feel obliged by
"your Court pointing out to me in what
"would have consisted my error, that I may
"avoid it on future occasions should any such
"occur"

The Court of Foujdaree Udalut
resolve

resolve to point out to the Additional Judge that their Circular Order of the 25th February 1829 prescribes the mode of proceeding which under such circumstances it is proper to adopt. That order directs that "if two "or 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 "and should be sent in as a single charge under "separate Courts. But if the time and place of the "alleged crimes be different though the Prisoners are "the same each case must be kept distinct and "forwarded separately."

Ordered that Extract from these proceedings be sent to the Additional Judge of Circuit in the Northern Division for his information and future guidance.

(Sent following letter No. 272)

Read letter dated the 2d Instant 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 January 1836.

(Here enter No. 360.)

The

15th March 1836

Cumbacomum Report V Case 11.

1 The detail of evidence in this case is unnecessarily full and the Provincial Court of Circuit will communicate this observation for the guidance of the Acting Criminal Judge a concise abstract being all that is required in the Criminal Report.

Salem Report V Case No. 1.

2 The Provincial Court of Circuit will call upon the Magistrate to explain for the information of the Court of Foujdaree Adalut the grounds upon which he ordered the 18 last prisoners in this case to be sent up to the Criminal Court.

Case 2.

3 The Assistant Criminal Judge should have stated in this case in the Report the reasons for supposing the 2d Prisoner to have known the Cattle to have been Stolen, for receiving the hides of which she has been sentenced to 6 months imprisonment, or the suspicious circumstances attending the transaction which brought her case under Section IX Regulation XIII 1832.

Case 8.

4 In this case the prisoner was apprehended on the 15th December and was kept in the Talook till the 17th January the Provincial Court of Circuit will point out to the

x "for the purpose of pointing out the other parties implicated in this number and by the Prosecutor being absent in search of Stolen property"

the Magistrate that the reasons x assigned for such detention at the Talook Cutcherry are insufficient-

5. The Court regret to observe that at the date of the report under review there was at Salem nearly one fifth sick of the prisoners in Columns 6 of the Statement of labor and that at Coimbatoor there was about the same proportion of the Convicts in hospital- If the cases of "punishment" are included in the number the Provincial Court of Circuit will point out to the Officers in charge of these Jails that it is desirable in such cases in future that a note of the circumstance be entered in the Statements, which otherwise will not, as they are intended, afford the Court of Sanjdance Wealut opportunity of judging monthly of the state of the health of the prisoners-

6. The Provincial Court of Circuit will call on the Magistrate and Joint Magistrate of Tanjore to give a Statement in future of the extra Peons employed to guard the Prisoners at

at work under their charge-

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 in 20 days after its receipt-

(Sent following Precept No 278)

F. U.

At a Court of the Fouzdary Udalut

Present,

Thursday, 19th March, 1835. Charles May Lushington Esqre 1st Puisne Judge

John Bird Esqre ---------- 2nd Puisne Judge

Ch L William Rudleston Esqre ---------- 3d Puisne Judge

JB WR

Read Letter dated the 5th Instant from the late Officiating Judge late on Circuit in the Northern Division, transmitting the Record of trial in Case No 44 Nellore Calendar 1st Sessions of 1834.

(Here enter No. 355)

The Court of Fouzdary Udalut, having

Mr Bird 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 Fouzdary Udalut are of opinion, that the prisoner "Yanvomoola Varadoo"

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 First, Section V, Regulation VIII of 1831, and

Clause

F. U.
17th March 1835

Clause Sixth, Section II, Regulation XII of 1803 direct that he be set at Liberty -

(Sent following letter N° 278

Read letter dated the 7th Instant from the Acting 2nd Judge of the Honorable Court of Circuit in the Centre Division, forwarding 2 Supplemental Calendars 1st Quarterly Sessions 1835 of the Zillah of Chittoor -

(Here enter N° 365)

The Court observe, that the Return herewith returned sent with this Calendar as N° 1 has no connection with that case, but refers apparently to N° 1 of the First Supplemental Calendar -

2

The Acting 2nd Judge has also neglected to forward the Return in N° 3 - It will be necessary that he supply these omissions without delay -

Ordered that Extract from these proceedings be sent to the Acting 2nd Judge on Circuit in the Centre Division by Precept returnable in 5 days -

(Sent following Precept N° 279

Read Return dated 24th Ultimo from the 3d Judge late on Circuit in the Western Division, to the Courts Precept of the 16th February, conveying their instructions on review of the Honble and three Calendars 2d Sessions 1834

(Here enter N° 337)

In para 4 of the 3d Judge's return he remarks

F. U.
17th March 1835

XVII

remarks, "that the question, to which the words of "the deponent on which the perjury was assigned, were "an answer, was not recorded on the indictment;" in that Case the Court of Fouzdary Udalut observed that the indictment was defective, and it was the duty of the Judge on Circuit to have caused the omission to be supplied -

2 In reference to the observation in the last sentence of the same paragraph "there would "still have remained the important question to answer, "what did he witness in the Court while so present" It is only necessary for the Court of Fouzdary Udalut to remark, that in their proceedings of the 16th Ultimo, they did not go into this question; but merely stated, in opposition to what had been advanced by the 3d Judge, that if the words deposed were false with reference to the question to which they were an answer from the assignment of the perjury was good in Law, and it was this opinion on the general question alone that they recorded for the information of the 3d Judge.

Ordered that extract from these proceedings be sent to the 3d Judge late on Circuit in the Western Division for his information -

(Sent in N° 280

Read

Read Letter dated the 2nd Instant from the Provincial Court of Circuit in the Northern Division, transmitting copy of a return from the Criminal Judge of Nellore (and of its enclosures) to the proceedings of the Provincial Court of Circuit on the Criminal Reports of October 1834

(Here enter No. 396)

1 The Court of Faujdaree Udalut observe, that the communication from the Magistrate's Office, which forms the enclosure to the return of the Zillah Court to the Provincial Court of Circuit, bears the signature of the Assistant Magistrate.

2 The Magistrate should himself have replied to the communication of the Zillah Court, and the Provincial Court of Circuit will point out to him the irregularity, if allowing his Assistant to perform this part of his duty.

Ordered that Extract of these proceedings be sent to the Provincial Court of Circuit in the Northern Division for their information and guidance by Precept returnable in 5 days after receipt.

(Sent following Precept No. 281

Read letter dated the 18th Ultimo from the Acting 2nd Judge late on Circuit in the Centre Division, submitting

F. U.
19th March 1835

submitting the report prescribed by Section XXXVII Regulation VII of 1802 on the Sessions for the first half year of 1834 in the Zillah of Chingleput, together with the report required by the Circular Orders of the Faujdary Udalut on the 4th Quarterly Sessions for 1834 at Chittoor.

(Here enter No. 279)

1 The first nineteen paragraphs of the Acting 2nd Judge's report, chiefly contain brief notices of the most important cases which came before him, and do not call for any remarks from the Faujdary Udalut.

Para 20

2 The Court have already submitted to Government, under date the 29th April last, the necessary information on the attempt to break Jail at Cuddalore, on which the Acting 2nd Judge has reported in para 20. It is satisfactory to learn from this Officer after personal examination, that the strong measures adopted by the Guard for putting down the attempt, were called for by the exigency of the circumstances.

Para 21

3 The question discussed in para 21, and in reference to which the Acting 2nd Judge proposes that

that "where more than one bullock or cow, or more than
two sheep be stolen the offenders should be forwarded
to the Criminal Court for the purpose of receiving a more
severe punishment," than that adjudicable by the
Magistrate under Section XXXIII Regulation IX of
1816, has been at different periods under the consider-
=tion of the Foujdary Udalut. The Acting 2nd Judge's
proposition, would appear to be at variance with the
opinions recorded by the Government, in the correspond-
=ence which led to the enactment of Section III Regula-
=tion VI of 1827; and the Court of Foujdary Udalut
have expressly declared in their proceedings of the
28th September 1818, that "they do not consider them-
"selves authorized to fix that, which the Regulations
"have left undetermined"; and "that the exercise of the
"power vested in the Magistrate in cases of a trifling
"nature, may safely be left to the discretion of that
"Officer," subject to the revision of the Court of Circuit.
These sentiments they still entertain; they do not also
consider it desirable, that the rule proposed by the
Acting 2nd Judge should be made part of the law.
The expediency of imposing heavier penalties must
depend in a great degree, upon the prevalence of
the offence in a district, and the effect, which a rule
of

of the nature suggested, may have in deterring parties
injured from complaining, when the complaint in-
=volves the necessity of their attendance upon the
Criminal Court, must also be taken into consideration,
for it may be found in practice, that the crime will
be as effectually repressed by a minor punishment
on the spot, as by the more severe penalty in the
Criminal Court.

Para 22 4 In para 22nd the Acting 2nd Judge
observes, "that in examining the proceedings connected
"with the Statement of those persons confined in Jail
"under clause first Section III Regulation II of 1822
"and Section V Regulation VII of 1827," he remarked,
especially in Chingleput, that "scarcely a single
"case was examined by the Magistrate or any
"of his Assistants but the parties were sent to the
"Jail merely from the report of the Tahsildars;" and
he suggests, that the "proceedings in every case of
"this nature should be submitted to the Magistrate,"
and "he alone empowered to commit the parties to Jail."
The Court of Foujdary Udalut have already, by their
Circular order of the 28th October 1823, declared the
practice here reported, of issuing orders for the requi-
=sition of security on the bare report of the Police
Officer,

19th

Officer, "not sanctioned by the provisions of Clause first "Section III Regulation II of 1822," and that "no person "should be lodged in Jail under these provisions, "without a personal examination and enquiry." It will be the duty therefore of the Acting 2nd Judge strictly to enforce these orders, and to see that the law, as construed by the Foujdary Udalut, is not infringed. The Court do not concur with him in the propriety of the proposed limitation of the power to the Magistrate alone - It appears to the Court at variance with the provisions of Section V Regulation II of 1827, but they would observe, that it is open to a Judge on Circuit, whenever he shall see cause, to direct the attention of the Magistrate to the orders of Government under date 25th April; and circulated by this Court on the 7th June last, by which it is especially required of the Magistrate, to reserve to himself the authority with which his office is vested, whenever it may be shewn, that his Assistants have made an unguarded, or improper use of the power delegated to them -

5 The Court do not consider it expedient to adopt the suggestion of the Acting 2nd Judge in para 23 - It is not in their opinion desirable to lay

down

down any specific rule, for giving effect to their Circular orders of the 10th April 1823 and 10th December 1831, which direct the Criminal Judge to communicate to the Magistrate, the sentences of the Court of Circuit and the Court of Foujdary Udalut - It must rest with the Magistrates, to make use at their discretion, of the information contained in those Statements, in any manner they may deem best calculated for the publick interest in their respective Districts -

Para 25 6 The observations in para 25 of his report, in which the acting 2nd Judge states his objections to the intended site of the treadmill about to be erected at Chittoor, are considered by the Foujdary Udalut to be deserving of the attention of Government - The Court of Foujdary Udalut having no information on the subject, are unable to offer any opinion -

It will be proper that the acting

Para 26 7 2nd Judge should suggest to the Acting Criminal Judge of Chittoor, the measure he proposes in para 26. upon the application of that Officer, the Court of Foujdary Udalut will be prepared to recommend the necessary charge for carts -

The

F. U.
19th March 1835.

19th

Para 30

8 The Court entertain strong objections to the proposition of the Acting 2nd Judge in para 30, "to permit the translation of the Police and Criminal Proceedings of all referrible trial to be forwarded "in the state they are received from the Criminal "Judge." The standing orders of the Court already allow a selection only of the police proceedings to be forwarded to them; and they are averse on consideration of the extreme importance of the trials submitted to them, to authorize their being placed before them, in a less complete and perfect manner than is at present observed.—

Para 31

9 The Acting 2nd Judge's proposal in para 31, that the Zillah Judges should furnish the Courts of Circuit with stationery, and thereby obviate the necessity of the charge for its conveyance with the Court of Circuit, does not appear open to objection. It will be necessary however, that the Indent of the Zillah Court should be made out accordingly, and that each Judge therefore should be furnished with a Statement of the average quantity used by the Court of Circuit at his station, to enable him to have the extra supply ready for the Sessions.—

10 The Court will remark in conclusion on

F. U.
19th March 1835

on the Acting 2nd Judge's observation in para 32, that the regulations, and the Circular orders of the Court of Faujdary Udalut contain clear, and ample instruction on the points to be embraced by a Circuit report; and the Court have no further orders to issue on this subject.—

Ordered, that extract from these proceedings be sent to the Secretary to Government in the Judicial Department together with a copy of the Report from the Acting 2nd Judge for the purpose of being laid before the Right Honorable the Governor in Council.—

Sent to Govt No 43.

(Sent in No 282

Ordered, also that extract from these Proceedings be sent to the Acting 2nd Judge late on Circuit in the Centre Division for his information and guidance.—

(Sent in No 283)—

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19th March 1

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Para

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F. H.

At a Court of the Foujdaree Adalut

Present,

Friday 20th March 1835

Charles May Lushington Esqr 1st Puisne Judge

And

John Bird Esqr ---------- 2d Puisne Judge

William Rudleston Esqr --- 3d Puisne Judge

Read letter dated the 5th January 1835 from the Third Judge on Circuit in the Southern Division, transmitting the record in Case No. 1 on the Salem Calendar 2d Sessions of 1834.

/Kerewtee No. 47/

Mr Lushington
Mr Bird
and
Mr Rudleston

The Court of Foujdaree Adalut having maturely considered the proceedings held before the Judge on Circuit, the Futwa of the Provincial Law Officer, and the Futwa of the Cazee ool Coozat and Mooftee of the Foujdaree Adalut, confirm the said Futwa of the Cazee ool Coozat and Mooftee aforesaid, and under the Sentence of Ookobat declared in that Futwa and in conformity with the provisions of Section X Regulation VIII of 1802, Sentence the prisoners

1st Seemara Bramy

2d Simmuppen

3d Coolen

and

4th Chinnan

to suffer death by being hanged at the usual time and place of execution as prescribed by Section X Regulation VIII of 1802.

1 The Court of Sudder Adawlut observe that in his deposition before the Criminal Judge of Salem, the prosecutor in this case Chicka Varaden, after detailing the circumstances which attended the murder of his father Chicka Timma Ccamden, proceeds as follows "On Sunday I went and complained of it / the murder / to the Tahsildar of Audeyoor Salook. Whereupon the Tahsildar and others came to my Village and having inspected the place where the murder was committed inquired into my complaint: when I said that as some disagreement subsisted between my father and the 2nd prisoner Timmappen, 3rd Coolen, 4th Ccamen and 5th Rembah three years since, and as I have seen the Codagoo Knife now before the Court in the house of the 4th prisoner Ccamen, the murder must have been committed by the said persons: whereupon the Tahsildar apprehended the said prisoners and on their being examined they said that they in Company with the 1st prisoner Cunnara Pranny and Poojaury Sundaram not present, went to my field

field, and one of them the said Poojaury Sundaram stabbed my father with the spike now before the Court which was in the Cottay and that they five persons remained quiet with him, and that they gave the Codagoo Knife and Bamboo Stick now before the Court to Cannara Pranny and that the said Knife belongs to the 1st prisoner Ccamen, afterward the said Ccamen brought and produced before the Tahsildar from his field the said Spike with which my father was stabbed, when the Tahsildar apprehended Poojaury Sundaram and placed him in the Salook Cutcherry he effected his escape."

2 With reference to the averment contained in the latter part of the foregoing deposition touching the conduct of the Tahsildar of Audeyoor, the Court of Sudder Adawlut direct that the 3rd Judge Late on Circuit be by Precept commanded to furnish the Magistrate of Coimbatore with a copy of these Proceedings, and to instruct that Officer to institute an immediate inquiry either personally or by means of one of his European Subordinates, with the view of ascertaining the correctness or otherwise of the Prosecutor's statement

Statement, and report whether or not there are grounds for imputing to that Head of Police connivance at the escape of "Poojanry Sandanam"

3. The Court of Foujdarie Udalut further direct that the Magistrate be called upon to report at the same time through the 3d Judge for their information whether any, and what steps have been taken to effect the reapprehension of the above mentioned individual.

Ordered, that Extract from these proceedings be sent to the 3d Judge late on Circuit in the Southern Division for his information and guedance by Precept returnable within twenty days from and after its receipt.

/Sent following Receipt No 285/

Read return dated 4th Instant from the Provincial Court of Circuit in the Northern Division, to precept of Foujdaree Udalut dated the 25th February 1835, containing their remarks on the Criminal Reports for the Month of December 1834.-

/Here enter No 404/

Read return, dated 3d Instant from the Provincial Court of Circuit in the Northern Division, to precept of Foujdaree Udalut

dated the 23d February 1835, requiring explanation of the delay in making return to their Precept of the 26th December 1834, conveying their observations and orders upon the Criminal Reports of Guntoor for September 1834.-

/Here enter No 406/

Read letter dated 9th Instant from the 1st Judge late on Circuit in the Northern Division, transmitting original Warrant of execution in case No 82 Nellore Calendar 2d Sessions of 1834, with separate letter from the Criminal Judge.-

/Here enter No 407/

Read letter dated 6th Instant from the Provincial Court of Circuit in the Western Division, transmitting Copies of Returns from the Magistrates of Malabar and Canara.-

/Here enter No 408/

Read letter, dated 13th Instant from the Provincial Court of Circuit in the Southern Division, transmitting copies of returns from the different authorities in the Division in reply to the Communications made to them regarding the Criminal Reports for the month of December 1834.-

/Here enter No 410/

Read

F.H.

20th March 1835

Read return, dated 14th Instant from the Additional Judge on Circuit in the Northern Division, in precept of Sayjdarry Adalut dated the 5th Instant; requiring to be informed whether the order contained in the 8th para of their proceedings of the 15th February 1835 had been duly conformed to.—

Entd

/Hereunto No. 427./

F.H.

At a Court of the Sayjdarry Adalut

Present,

Saturday 21st March 1835

Charles May Lushington Esqr. 1st Puisne Judge
John Bird Esqr. 2d Puisne Judge
William Rudleston Esqr. 3d Puisne Judge

Read return dated the 13th instant from the Acting Third Judge late Additional Judge late on Circuit in the Northern Division at Vizagapatam / in Precept of the Court of Sayjdarry Adalut under date the 25th February 1835. requiring the immediate transmission of the Persian Translation of the Record in case No. 5 on the Vizagapatam Calendar for the first Sessions of 1833.

/Hereunto F.H. No. 418./1835/

1. In explanation of his omission to forward the Persian with the English Translation of the Proceedings in this case, the Acting 3d Judge states that "he has always understood that in cases called for by the Sayjdarry Adalut the English Record only was required".—

2. The Court of Sayjdarry Adalut resolve to point out to the Acting Third Judge, that of every case, which may be called up for their final Judgment, and the decision upon which is beyond the jurisdiction of the Court of Circuit, a Persian Translation

is

F.C.
21st March 1835.

is indispensable.

3.

The Acting 3d Judge is of opinion that a Persian Translation is necessary of any case "referrible" to the Faujdaree Adalut, under the provisions of the General Regulations. The case in question was to be referrible as the Circuit Judge deemed it in opinion from his Mahommedan Law Officer his proceeding to pass Sentence under such circumstances was clearly illegal.

Ordered, that extract from these Proceedings be sent to the Acting 3d Judge late Additional Judge late on Circuit in the Northern Division at Vizagapatam for his information and future guidance.

Sent following letter No: 287

Read letter dated the 12th instant from the Acting Third Judge on Circuit, in the Centre Division submitting English and Persian Translations of the Proceedings in case No 2 on the Chingleput Calendar for the Second Sessions of 1834.—

Vide entry F.C. No: 410 of 1835

In this case the prisoners

1st Srobaraya Naick

2d Gouindoo

3d Vellayandy

and

4th Soorya

F.C.
21st March 1835

stood charged before the Court of Circuit with having on the evening of the 7th July 1834, together with about twenty three others armed with Sticks, Stopped the first Prosecutor Venkatarayaloo on his way from Perouvaloor to Madras, beaten him and his people and torn the ear of his wife, and Stolen from them golden and Silver Jewels, Brass Utensils &c to the value of Rupees 202-14-0 also with having at the same time and place Stopped the Second Prosecutrix on her way from Tiruppasoor to Poonamallee beaten her and Stolen from her, ready money, cloths &c to the value of Rupees 29-8-0 and lastly with having at the same time and place attacked Major William Booth Commanding Poonamallee the Master of the Third Prosecutor Rungasawmy Naick, beaten him and broken his Palanqueen, valued at Rupees 175-0-0

2.

The Mahommedan Law Officer of the Court of Circuit, pronounced the prisoners guilty on Strong presumptive proof of the crime of Highway Robbery and awarded Corporal punishment in which finding the Presiding Judge concurred and Sentenced the accused under Clause Third, Section IV, Regulation XV of 1803, to imprisonment with hard labour in irons

ions for the period of fourteen years.

3. In their proceedings of the 20th January 1835, the Court of Foujdaree Udalut directed that the case should be submitted "for their revision" as judging from the abstract of evidence in the Calendar, there appeared to be grounds for doubting the propriety of the conviction.

4. And after a mature deliberation of all the circumstances of the case, the Court of Foujdaree Udalut are of opinion that the evidence for the Prosecution is unsatisfactory and insufficient for conviction. They see every reason to believe that the confessions of the 2nd and 3rd prisoners before the Police Officer were not free and voluntary, but were Extorted and they view the testimony of the Prosecutor and his son as purely conjectural, and unworthy of consideration.—

5 For the above reasons the Court of Foujdaree Udalut resolve to set aside the Sentence of the Presiding Judge and accordingly direct that the prisoners abovementioned be immediately and unconditionally set at liberty.

6. The Court observe that the transmission of the Persian Translation of the Proceedings in this case was unnecessary and

and direct that it be returned to the Acting Third Judge.

Ordered, that Extract from these Proceedings be sent to the Acting Third Judge in Charge of the Centre Division for his information and guidance by precept returnable within five days, from and after its receipt.

Sent following Precept No. 286

March 1835

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J. Vo.

At a Court of the Fouzdaree Udalut

Present

Monday

23rd March 1835

Charles Hay Lushington Esqr. 1st Puisne Judge

John Bird Esqr. 2d Puisne Judge

C.A.L.

William Rudleston Esqr. 3d Puisne Judge

Read Miscellaneous Petition presented

on the 2d February 1835 by Gorroauspa Naidoo

of the Zillah of Chinglepat.

Vide entd Mis. Pet. No. 9 of 1835

The Petitioner prays the Court to

issue orders for the release of his brother Soobbaroya

Naidoo a prisoner in Case No. 2 on the Chinglepat

Calendar for the Second Sessions of 1834, who,

he represents has on an unfounded charge

of Highway Robbery been sentenced by the

Court of Circuit to imprisonment for fourteen years.

2 The Petitioner is informed that

the Court of Fouzdaree Udalut have already issued

a Precept to the Acting Third Judge on Circuit

in the Centre Division, directing him to cause

the immediate release of the Prisoner in question.

Ordered, that extract from these

Proceedings be furnished to the Petitioner on

his Application.

Read Miscellaneous Petition presented

on

on the 9th February 1835 by Krishnama Naiken of the Zillah of Chingleput.-

/Here enter Mis: Pet: No: 11 of 1835/

1 The object of this Petition is to procure the release of Goundoo a prisoner in Case No: 2 on the Chingleput Calendar for the Second Sessions of 1834 who, the petitioner represents, has on a false charge of Highway Robbery been sentenced by the Court of Circuit to imprisonment with hard labour in irons for fourteen years.-

2 The Petitioner is informed that orders have already been issued to the Acting 3rd Judge on Circuit in the Centre Division directing him immediately to release the above named prisoner.-

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

Read Petition presented on the 23rd Ultimo by Tuticotareharlow Moorthy Vakeel on behalf of Cary Basaveannah of the Zillah of Chittoor.-

/Here enter Mis: Pet: No: 12 of 1835/

The case of the Petitioner having been already duly considered and nothing in the present Petition appearing to the Court of Foujdaree

Udalut of sufficient weight to render any alteration of their previous orders of the 22nd December 1834 proper, the Petitioner is referred to them, and is at the same time informed that the Court will not receive any further application on this subject.-

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

Read Miscellaneous Petition presented on the 9th March 1835 by Ramay and Chellamay of the Zillah of Chingleput.-

/Here enter Mis: Pet: No: 19 of 1835/

1° The Petitioners reiterate the request contained in their Petition /Miscellaneous/ No: 16 of 1835: namely that the Court of Foujdaree Udalut will be pleased to order the release of the two Convicts Bellah and Rungiah, who have been sentenced to imprisonment for 14 Years by the Acting 2nd Judge late on Circuit in the Centre Division.-

2 The Petitioners are referred to the order of the Foujdaree Udalut of the 2nd Instant, which is final: and are at the same time informed that no attention will be paid to any future application upon

the

F. M.

23rd March 1835.

the Same Subject.

Ordered, that the prayer of this petition be rejected, and that extract from these proceedings be furnished to Petitioners upon Application.—

Read Miscellaneous Petition presented on the 9th March 1835 by Ruchayummaul.—

(Here enter Misc. Pet. No. 21 of 1835)

1 The prayer of this Petition is the Same as that of Miscellaneous Petition No. 15 of 1835.—to wit—the release from confinement of one Moonaapeen who has been convicted and sentenced to Six years imprisonment by the Court of Circuit.—

2 The Court of Foujdaree Udalut direct that the Petitioner be referred to their order of the 2nd Instant, which is final; and be at the Same time informed that any further application on the Same Subject will not be noticed.—

Ordered, that the prayer of this Petition be rejected, and that Extract from these proceedings be furnished to the Petitioner upon her Application.—

P. Venkatachaloo, Moo. Klyan Vakil on behalf of Leary Basaamunah, praies the Court to return the enclosures in Miscellaneous Petition No. 14 of 1835.—

Ordered Accordingly.—

F. M.

At a Court of the Foujdaree Udalut—

Present,

Tuesday 24th March 1835.

Charles May Lushington Esqr. 1st Puisne Judge

John Bird Esqre. ——— 2nd Puisne Judge

William Hudleston Esqr. 3rd Puisne Judge

Read letter dated the 20th February 1835, from the Additional Judge on Circuit in the Northern Division, submitting copy of the Chicacole Calendar for the Second Sessions of 1834.—

(Here enter F. M. No. 319 of 1835)

Case No. 4

1 The Additional Judge is perfectly correct in "supposing" that his sentence of imprisonment for fourteen years upon Lunka Chinna Putrooloo the 2nd prisoner in this case, "superseded" the "order" of the Foujdaree Udalut for the requisition of security from the same prisoner in case No. 33 on the Calendar for the 1st Sessions of 1833.—

2 The Court of Foujdaree Udalut observe that when they issued that "order" they were not aware that the prisoner was concerned in any other case: the Acting 2nd Judge having in his letter referring the trial, failed to bring the circumstance to their notice.—

No. 6

3 The Additional Judge reports that

that of the four witnesses in this case, one only is now alive, and he has absconded: and that "the writer of the deposition of the 1st witness "in the Criminal Court is himself dead and "his deposition rendered incapable of identification".

4. The Court of Foujdaree Adalut are of opinion that under these circumstances the European Judicial Officer before whom the 1st witness was examined in the Criminal Court might with propriety [if present at the station] have been called in to prove the deposition.

5. The Additional Judge further states in the Column of remarks in the Calendar that " those of the 2nd 3d and 4th however have been "identified under the orders of the 3d May 1833."

6. It is necessary that the Additional Judge should bear in mind that the Circular Order of the Foujdaree Adalut of the 3d May 1833, is, as shewn in their subsequent order No. 3 dated the 4th July 1834, confined exclusively to three "cases Viz. where the deponent before the Criminal "Court is dead, where he is prevented from appear-"ing by severe illness, and where he is kept away "through the contrivance of the prisoners"- and it is added that "in all other cases the evidence

"to be available against the prisoner must be "delivered in open Court in person". It is obvious therefore that the mere "identification" of the 2nd witness's deposition, could add nothing to its validity.-

No. 18. 7. The Court of Foujdaree Adalut have attentively considered all the circumstances of this case as they appear in abstract on the Calendar, and resolve under Clause Third Section III Regulation I of 1825 to sanction & the mitigated punishment recommended by the Additional Judge and accordingly direct that the Prisoners

1st Polakey Locanadoo
3d Chacaly Chaitanoo
and
5th Madhoory Baharah

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.-

8. The Court further direct that the Additional Judge report the mode in which the 2nd prisoner in Case No. 18 has been disposed of- He is not included in the Additional Judge's remarks on the Calendar and there

is

25

is nothing to show that he is dead.

No. 23

9. In his remarks on the Calendar, the Additional Judge states that the 1st witness in this case before the Criminal Court has absconded, and "is reported to be a vagabond "without fixed residence, and the procuring "her attendance was regarded as hopeless. "The Additional Judge doubts whether his "calling on the writer of her Criminal Court "deposition to authenticate it, was in this "case in accordance with the spirit of the "Faujdaree Adalut's order of the 8th May 1833. "but he saw no harm in doing so."

10. It has already been observed in para 6 of these proceedings, that the measure in question is not only contrary to the "spirit" of the order of the 8th May 1833, but is distinctly prohibited by the subsequent order of the 4th July 1834. (No. 3)

11. The Additional Judge proceeds to observe that he put "the question prescribed "by the orders of the 7th April 1834, the answer "returned was that the Prisoner would have "been liable to "Shorut." This took the case out "of

"of the Additional Judge's jurisdiction, and "rendered a reference to the Court of Faujdaree "Adalut incumbent."

12. It appears to be necessary to point out to the Additional Judge that a finding of "Shorut" is a finding of "suspicion "only" - and not of that "strong presumptive "proof" which, under Clause third (referred to in Clause Sixth, Section II, Regulation XVII of 1803), is requisite "for conviction". The Futwa of the Provincial Law Officer was to all intents and purposes a Futwa of "acquittal."

No. 26

13 The Court of Faujdaree Adalut after a mature consideration of all the circumstances of this case, as they appear on the Calendar, together with the representation of the Additional Judge, sanction under Clause Third, Section III Regulation I of 1825, the mitigated punishment recommended by that officer, and accordingly direct that the prisoner

13th Dundasy Lovinga Naic

and

14th Do. Lockah Naico

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

and

and during the period of eight (8) years.

Nos. 51. 52. 53. 54. & 55. 14 The Additional Judge reports that these cases "were tried as one, and one Futwa "taken on the whole."

15. The Court of Foujdaree Udalut observe that according to the intention of their Circular Order of the 6th August 1832, these trials ought to have been kept perfectly distinct, and separate Futwas been unquestionably taken. They consider the mode of proceeding adopted on the present occasion by the Additional Judge to be very objectionable.

No. 56. 16 The Provincial Law Officer is reported to have declared in his second Futwa in this case that the prisoner was "liable to fine security." They direct that he be required to explain the meaning of this finding which is at once incomprehensible and unprecedented.

No. 67. 17. In this case also, the Court of Foujdaree Udalut having attentively considered all the circumstances, resolve to sanction the mitigated punishment recommended by the Additional Judge, and accordingly, under Clause third Section III. Regulation I of 1825, direct that the prisoners

prisoners

1st Mohanadoo
2nd Govindadoo
3rd Lokkadoo
4th Jeggeleyadoo
5th Gajaindreyadoo
6th Gopaulyadoo
7th Chendradoo
8th Juggunadhapoorum Bunkeydoo
9th Saradeyadoo
10th Comeleyadoo
and
11th Madhoovadoo

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.

12. The Court of Foujdaree Udalut further observe that in para 4 of his letter accompanying the Calendar the Additional Judge states that "only in one case has a "witness for the Prosecutor, who was in at-"tendance, been left unexamined, and this "was in consequence of a single witness to "facts only having attended and being therefore "valueless

"valueless, and the confession before the Criminal "Court, having been confirmed before the Court of "Circuit, which rendered its authentication neces- "cessary."-

19. The Additional Judge should in future bear in mind, that by the Laws of England a fact may be proved by a single witness, and indeed, this under some circumstances, by the Mahommedan Law holds good. The Additional Judge was therefore obviously mistaken in supposing that the evidence of the "single "witness" in case No. 28 was "valueless."-

20. The Additional Judge will also in future be careful never to omit the examination of every witness capable of giving evidence to a material point

21. The Additional Judge has omitted to observe the rule contained in the latter part of the Circular Order of the Sudder Dewanny Adalut No. 6, dated the 18th July 1834, namely "In "their letter forwarding the Calendar, the Circuit "Judges will give a list of the cases in which "mitigation is recommended in the following "form- "For mitigation vide No. 2-7 viz."-

22 The Court also take occasion to remind the Additional Judge that he has failed

failed to observe their Circular Order No. 8.-

23 In conclusion the Court of Sudder Dewanny Adalut observe that the result of the examination of this Calendar, has impressed them with a highly favorable opinion of the Additional Judge's zeal in the discharge of his duty.-

Ordered, that extract from these Proceedings be sent to the Additional Judge on Circuit in the Northern Division for his information and guidance by Precept returnable within seven days, from and after its receipt.-

(Sent following Precept No. 290)-

J. U.

At a Court of the Toujdaree Udalut

Present,

Wednesday
25th March 1835. Charles May Lushington Esqre 1st Puisne Judge
John Bird Esqre ——— 2d Puisne Judge
William Hudleston Esqre ——— 3d Puisne Judge

Read letter dated 28th Ultimo from the third Judge late on Circuit in the Southern Division, now at Salem, transmitting Record of Referible case No. 11. Coimbatore Calendar 2d Sessions of 1834.

(Here enter No. 307.)

Mr. Lushington
&
Mr. Bird.

The Court of Toujdaree 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 Doddempolleam Caroopen
2d Palany
3d Alagherry
4th Urdanary
5th Dasempolliam Ponnen
6th Doddempolliam Ponnen
&
7th Mauren

is sufficient to convict them of the crime of Gang Robbery

Robbery accompanied by Murder, do, under the authority with which they are vested by Clause First Section II Regulation I of 1818, convict them thereof, and in conformity with the provisions of Clauses First and Fifth Section IV Regulation XV of 1803, sentence 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—

And further being of opinion that the prisoners—

9th " Monien
10th " Pariandy

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, 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

severally required to find two sureties in one hundred Rupees each surety, for their good behaviour and appearance when required within three years, and that in default thereof, they be detained for three years in confinement—

(Sent following letter No. 29)

Circular Order No. 35.

The expenditure under the head of Batta to Prosecutors and witnesses before the Criminal Courts, as exhibited in the statements of contingent charges for Fasly 1263, varies so much in different zillahs without any sufficient cause that it is quite clear, there is no general rule for the distribution of Batta observed—

Chittoor	164	0	0
Chingleput	3	7	0
Cuddapah	343	9	0
Coimbatore	4	15	0
Bellary	276	3	3

With the view of reducing in some degree the amount of expence thus incurred, and of establishing a check, by which the distribution of Batta may be better regulated, and controlled, the Court of Sujdaree Adalut resolve to issue the following instructions to the four Provincial Courts of Circuit, to be by them communicated to the several subordinate Judicial Authorities in their respective divisions, for their information and future guidance—

The

The Provisions of Section XXXIII of Regulation X of 1816, which restrict the grant of Batta, to those Prosecutors and witnesses before the Courts of Circuit, "who may appear to be actually in need of such assistance", and the order of Government circulated under date the 23d of August 1824, which authorises the payment of Batta to prosecutors and witnesses before the Criminal Courts in cases of necessity, are hereafter to be strictly observed.

The Batta, which, under the enactment and orders above quoted, Prosecutors and witnesses may be entitled to receive, shall invariably be paid to them in open Court, and in the presence of the European Officer; and the amount disbursed monthly in cases before the Criminal Courts shall be entered in an abstract, to accompany the Criminal Reports.

When the amount of Batta disbursed in one Month, may exceed that disbursed in preceding months, to a degree for which the mere increase in the number of cases brought before the Court may alone not sufficiently account, a further, and full explanation shall be

be submitted in a Note at the foot of the Abstract.

At the close of each Sessions, the Officer in charge of the Criminal Court shall prepare, and submit to the Foujdaree Udalut through the Judge on Circuit, a statement according to the annexed form: in which shall be exhibited the number of persons, who may in each case before the Court of Circuit, have received Batta, the amount issued in each case, and the number of days, during which that indulgence may have been extended to the same parties.

Form

1st Sessions of 1835

Zillah of.

Case	No. of Persons receiving Batta	No. of days during which they received.	Total amount paid to them in this case
No. 3	5	3	Rs. as A. 1. 14. 0

(Sent following Circular No. 292)

Ent

WH

WH

F. V.

At a court of the Fouzdaree Adalut

Thursday 26th March 1835

Present

Charles Mary Lushington Esqr. 1st Puisne Judge

John Bird Esqr. 2d Puisne Judge

William Rudleston Esqr. 3d Puisne Judge

Read letter from the Provincial Court of Circuit in the Centre Division dated 27th February, submitting the Criminal reports for January.

/Vide entry No. 322/

Chittoo Sajt's Report 1. No. 366.

The following entries recorded in this number respecting the 1st Prisoner require explanation. "The 1st and 10th Prisoners are committed to take their trial" and subsequently, "the 1st 18 Prisoners are released from this date" the property found on them being Rupees which "would not be sworn to" The Assistant Criminal Judge should be required to explain whether the 1st Prisoner was committed in this number as well as in No. 378.

No. 380.

2. The Court await the explanation called for in their proceedings of the 20th February on this number. It is necessary that this explanation should be furnished on an early date; and the Criminal Judge must be instructed not to bring

on

on the case for trial at the Quarterly Sessions, till the finial orders of the Foujdaree Adalut upon it are made known to him.

Report V. No 13. 3. The Provincial Court of Circuit should have directed in their proceedings of the 27th February, the attention of the Acting Criminal Judge, to the Circular Order of the Foujdaree Adalut of the 4th February (No 29) and instructed him to remove this Case of escape from the Calendar, for trial before himself.

No 14 & 18. 4. The Court concur in the remark of the Provincial Court of Circuit on these numbers.

No 16. 5. The Acting Criminal Judge should have amended the charge in this case, for remark that "the Prosecutor has proved his charge," is clearly not applicable to it in its present form

No 27. 6. The Court consider the ground assigned for delay in this case not to be satisfactory. The prisoner ought not to have been returned to the Cutwall similarly to enable him to make a Search in this house for the Stolen property.

No 32. 7. The causes stated for a delay of 18 days in this case, that the Head of Police had been to Serampore for the Celebration

of a festival, and had on his return granted leave "to all the Cutcherry Servants for Bengal feasts" are wholly inadmissible and the attention of the Magistrate should be especially called to the circumstance to prevent its recurrence.

8. The Court observe, that a larger number of unexamined Cases remain in the Chittoor Criminal Court, than in any other Zillah in the Division they trust that the Acting Criminal Judge has used his best exertions to dispose of them.

9. The Statement of Extra Peons entertained shews, that 111 Extra Peons were employ on the 1st of January; whilst the number of prisoners worked outside the Jail was, as appears from the Statement dated 31st December, but 210. For their custody, 54 Extra Peons and two Daffadars were alone authorized by the orders of the Foujdaree Adalut of the 25th June last: which allot 1 Peon to 4 of such prisoners. The Provincial Court of Circuit will call upon the Acting Judge to explain the large excess here pointed out, and inform him that it will not be in the power of the Foujdaree Adalut to recommend such excess for sanction as a public charge.

10. The Court also deem it necessary to

to direct the Acting 2nd Judge holding the Quarterly Sessions, to ascertain what number of Prisoners are at work outside the Jail at Chittoor at the date of the receipt of these orders and to take immediate steps to reduce the extra Peons to the prescribed Number, giving orders for the dismissal of all beyond that Number. Exp. of one Peon to be Convicts worked outside the Jail. For the Prisoners within the Walls, whether worked or not, no extra Peons are to be entertained. the fixed Jail Guard of 35 Peons and 2 Duffadars sanctioned under date the 13th January last, with the Military Guard, are all that are authorized, and the Jail establishment must be immediately reduced to this Scale. The Acting 2nd Judge will report without delay what he has done in pursuance of these orders.—

Cuddapah Sessions Report

No. 327 11 The Court see reason to doubt, whether a charge of perjury under the circumstances stated is sustainable, and in order that there may be no delay in the disposal of the case they direct, in the event of the prisoner having been committed, that the Criminal Judge be instructed to bring the case before the Judge now holding the Sessions at

at Cuddapah.

Report No. 12 The Court of Foujdaree Adalat

No. 4. do not consider the evidence in this case sufficient to have justified a commitment, as they are of opinion that a conviction could not have been recorded upon it.—

No. 5.- 13 The Provincial Court of Circuit will call the attention of the Magistrate to the circumstances stated in this number, which would appear to have been a family dispute, "that the Prosecutrix made no complaint until "the Police sent for her". The case, as the Criminal Judge observes, is not of a Criminal nature, and the uncalled for interference of the Police, in such cases should be checked.

No. 13 14. With reference to the abstract of the crime in this case, and to the observation contained in the 4th Column of the Report the Provincial Court will intimate to the Criminal Judge, that he is not competent to originate a charge of having prefered a false complaint before a Police Officer.—

15. The Criminal Judge of Cuddapah should be instructed that the entry of the "fixed Jail Guard" in the Statement of "Peons" is unnecessary.—

The

Cuddalore Supp. Rep. 16

No 34 of 1834. The Court direct that this case be immediately disposed of without any further delay upon the evidence already taken by the Native Judge.

Report No 2 17. In this number, the prisoner is charged with murder, and released by the Native Judge without any examination of the prosecutor neither is it shewn upon what ground her evidence was dispensed with. The Court observe also, that one witness 'Lutchi', is stated to have deposed before the Police, to her having been an eye-witness of the murder, which statement she recalled before the Criminal Court. The Court of Sadr Adalut direct that the Provincial Court of Circuit call up, and examine the whole of the Police and Criminal Courts proceedings in this case, and require from the Native Judge an explanation of his omission to secure the attendance of the Prosecutor. They will report to the Court of Sadr Adalut their opinion, whether there are grounds to believe the charge false, or otherwise.

18. The Native Criminal Judge shall be instructed not to furnish blank Statements as No. VIII and IX and the Memorandum of the value of Articles manufactured in the Gaol forwarded with this report. This translation in

in the Provincial Court of Circuit should also have been avoided.

Pillay 19. The reports from this Court do not call for remark from the Sadr Adalut further than to direct the attention of the Provincial Court to the delay in the disposal of No. 32 of 1834. Sent up to the Criminal Court 12 months back, and adverted to in para 16 of the proceedings of the Sadr Adalut of the 20th Ultimo.

Chingleput No 2. 20. The Sadr Adalut concur in the opinion given on this number by the Provincial Court of Circuit. Under all the circumstances, the Court do not however think it necessary that the Prisoner should now be put on his trial for the offence of escape; and the Criminal Judge should not therefore re-institute any proceedings for that purpose.

Auxiliary Court of Cuddalore 21. These reports require no remark.

Ordered, that extract from these Proceedings be sent to the Provincial Court of Circuit in the Centre Division with directions to communicate paras 1 and 14 to the Acting 1st Judge on Circuit, and the observations of the Court on the several reports to the officers to whose proceedings they relate.

Sent following letter No 296

Read Extract from the proceedings of the Provincial Court of Circuit in the Northern Division, accompanying the Guntoor Criminal Reports for the month of December 1834.-

/Here enter No. 366./

Suppl Report / Case 175. Adverting to the remarks of the Provincial Court of Circuit contained in para 3 of their proceedings on this case, the Court of Sudder Adalut observe, that the acquittal of the 1st and 2d prisoners would not have negatived the fact of the crime of housebreaking having been committed, nor of the 3d prisoner having received property knowing it to be stolen - in the former case, others might have perpetrated the crime - in the latter, the goods received might have been stolen at another opportunity or received from another party.-

Cas 2. This is particularly pointed out in the present instance, by the circumstance of the confession of the 3d prisoner. The confession however being taken in the Jaboot, and nothing corroborative of it appearing in the Report the Provincial Court of Circuit will ascertain, whether the Sentence has been passed without other evidence, and if so, will order the immediate release of the said 3d prisoner, from whom even requisition of Security should not have been

been ordered on this ground alone.-

Case 187. 3. The prisoner Lunkoor Canty Goroovadoo, although committed in other cases stands charged in this, with the offence of escape and the Provincial Court of Circuit will require the disposal of it in the Joint Criminal Court under the Circular Order 4th February 1835.-

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 5 days after receipt.-

/Sent following Receipt No. 297/

Read letter dated 7th Instant from the 1st Judge on Circuit in the Southern Division, submitting the Madura Calendar 1st Sessions 1835.-

/Here enter No. 393/

Case No. 1. 1. The Court are surprized to find from the remarks of the 1st Judge in this case, that their instructions of the 22nd August last have been misconstrued by him. It is not easy to understand, how he could have supposed, that the Court of Sudder Adalut referred in their orders to "attesting witnesses"

witnesses; as upon reflection he must have been aware, that it was impossible, that the Court of Sunderee Adalut could be unacquainted with the mode of procedure in the Lower Courts, and be ignorant therefore, that the depositions of witnesses examined before the Magistrate and Criminal Judge, or before the Court of Circuit are never attested. Had the 1st Judge paid due attention to the subject, he could not have fallen into the error he has committed in his proceedings of the 4th February, in calling for the attesting witnesses to the prisoner's depositions, in lieu of requiring, as directed by the Sunderee Adalat, the evidence of the Gomashtahs by whom they were written, and of others, who could prove that the depositions had been delivered by the Prisoner.—

2.

If necessary and no other evidence was forthcoming, it was competent to the Court of Circuit to have cited the Criminal Judge himself before it, and taken his evidence on this point, and this should have been done by the 1st Judge, in preference to closing the trial as he has done, on what he considered imperfect evidence.—

3.

It appears to the Court of Sunderee Adalat to be clear from the whole tenor of the

the 1st Judge's remarks, that had this point been sufficiently established, he would not have concurred in the Futwa of acquittal. The Court resolve therefore, under all the circumstances of the case, to direct a reference of the trial to them for their final judgment, and Translations thereof in English and Persian will be submitted accordingly by the 1st Judge.—

4

It will be necessary that the Criminal Judge should be informed, with reference to his return of the 7th February to the Precept of the Court of Circuit of the 4th, that he was quite correct in his conclusion, that attesting witnesses were unnecessary in a case of perjury. And that the testimony of the Gomashtahs who took the depositions in writing and of other Servants who could depose to the fact of their having been given, confirmed by his attestation, was sufficient.—

Cases Nos 2 and 3 5. The foregoing remarks apply equally to numbers 2 and 3 of the Calendar, and the 1st Judge will accordingly refer them also, for the consideration of the Sunderee Adalut transmitting English and Persian Translations of the record of proceedings.—

No 5. 6. The Court see grounds to question the correctness of the sentence of the

the Court of Circuit in this case; and they desire that an English translation of the record be submitted to them.-

No. 12. 7. The 1st Judge's observations on this number, lead to the establishment of a principle which, if fully acted upon, would render the provisions of Regulation III of 1826 nugatory. It is sufficient for the Court to remark, that they are of opinion, that a deposition may be fully proved, without the witnesses being able to recollect the matter of a prisoner's statement

No. 14. 8. There would hardly appear from the Abstract in the Calendar to have been grounds sufficient for conviction in this number, and the Court deem it proper to direct therefore an English translation of the record to be submitted to them.-

No. 15. 9. The same observation applies to this number, the 1st Judge will accordingly also send up an English translation of this trial.-

No. 18. 10. It appears to the Court from the evidence of the 1st 2d and 3d Witnesses as given in the abstract, that there was in this case strong presumptive proof, that the death of the deceased was at least accelerated by the treatment he received from the Prisoner, and

and they in consequence greatly doubt the propriety of the 1st Judge's Sentence, releasing them from all punishment - the Court will not however require the trial to be sent up.-

No. 19. 11. The reasons assigned by the Presiding Judge for the acquittal of the Prisoners in this case, are by no means satisfactory to the Sudder Adalut. There appears to the Court, from the Abstract of the evidence, to have been grounds for conviction; and the 1st Judge will therefore send up an English translation of the record for their consideration. It is not stated in the Calendar, how the Prisoner was finally disposed of by the Court of Circuit, and the 1st Judge will now supply the omission.-

Ordered, that extract from these proceedings be sent to the 1st Judge on Circuit in the Southern Division by precept returnable in 21 days.-

(Sent following Receipt No. 98)

Read letter dated the 18th instant, from the First Judge on Circuit in the Southern Division submitting copy of the Tinnevelly Calendar for the First Sessions of 1835.-

(Here enter J.D. No. 201 of 1835.)

Case No. 1.

1

In this case, the Joint Criminal Judge reports that the 1st Witness went to Rajpore a year ago, taking all his property with him and has not appeared since that time in the Village where he used to reside, and therefore it seems improbable that his attendance can be procured certainly not before the close of the present Sessions.

2.

From this it would appear that the present place of residence of the said First Witness, has been well known for a considerable period; and in the opinion of the Court of Poojdaree Udalut, had due exertions been made, his attendance before the Court of Circuit might have been effected, and the serious inconvenience which must inevitably result to all parties concerned by the second postponement of the trial, been thereby obviated.

3

The 1st Judge will call upon the Joint Criminal Judge to report, whether before the receipt of the Circuit Court's precepts any steps were taken to procure the attendance of the Witness in question.

No. 2.

4.

In his remarks on the Calendar the 1st Judge on Circuit who concurred with the Mahomedan Law Officer of the Court

Court of Circuit in acquitting the prisoner in this case, observes, that "upon looking at the depositions "before the Joint Criminal Judge, it appears that "he [the prisoner] was examined on three different "days 24th and 25th February and 4th March now "on the two last dates he was sworn and his mark "attached and the same were certified by the "Joint Criminal Judge but to the deposition "of the 24th he was neither sworn, nor his mark "attached, nor is the same certified by the Joint "Criminal Judge" vide 5th Para.

5

But the Court of Poojdaree Udalut observe, that in the Indictment it is expressly stated, that the accused was "on "the day of the 24th February and 4th March "1834 Sworn before the Acting Joint Criminal "Judge to depose truly" vide 1st Para.

6.

Under these circumstances the Court of Poojdaree Udalut direct that the First Judge on Circuit will call upon the Joint Criminal Judge distinctly to report, whether or not the prisoner Madar, did depose on oath on the 24th February 1834.

No. 3.

7.

In this case also the First Judge on Circuit concurs with his Law Officer in acquitting the prisoner, and states in

Ditto

his remarks on the Calender, that upon comparing the deposition of the prisoner in this case before the Joint Criminal Judge with that before the 3d Judge on Circuit, the prisoner was not guilty of any contradiction. They in substance correspond. The 3d Judge by some mistake directed the committal of the prisoner.

8. The Court of Foujdaree Udalut resolve to direct the First Judge on Circuit to transmit to them Copies and translations of the depositions given on the 24th February and the 4th March by the prisoner in this, and also in the preceding Case /No 2/

No 4

The First Judge Sentenced the prisoners to five years imprisonment with hard labour in irons, under Clause 5th Section IV, Regulation XV of 1803.

9 The Court of Foujdaree Udalut are unable to understand upon what principle of construction the First Judge on Circuit considered the Clause above cited to be applicable to this case.

10. The First Judge himself asserts his concurrence in the Futwa of the Mahomedan Law Officer of the Court of Circuit, which Futwa convicts the prisoners

prisoners "upon the evidence of the 1st 2d 3d and 4th Witnesses, the 1st deposing that the 1st and 2d prisoners were among those who came to plunder the prosecutor's house and that the 1st prisoner struck him on his head and took from him a pair of ear rings."

The 3d and 4th Witnesses also declare, that the three prisoners had sticks in their hands and that the 3d had a Gun, which he discharged with a view to assist the plunderers, and intimidate the villagers, and that the door of the Prosecutor's house was broken."

11 It is clear therefore that a "violent attempt" was made, and the offence of which the prisoners stand convicted falls within the provisions of Clause Third Section IV. Regulation XV of 1803.

12. The Sentence of the First Judge is obviously illegal, and must be amended, and if the punishment of imprisonment with hard labour for fourteen years appear to him to be in the present case too severe, he is at liberty to recommend a mitigation of it.

No 7. 13. The Court of Foujdaree Udalut direct that the First Judge will instruct the

the Joint Criminal Judge to submit without delay for their information, a full report of all the circumstances of this case, and at the same time to state, whether the subject has ever been brought to the notice of the Commander in Chief.

No. 9.

14. In this case the First Judge on Circuit concurred in the Panchayat Law Officer's Futwa of acquittal as the alleged forgery document, does not come under the designation of forgery as defined by Clause Third, Section IV. Regulation XI of 1814, being merely a falsification or misrepresentation calculated as far as could be collected from it to defraud or injure some one.

15. The Court of Sudder Dewanny Adawlut direct, that the First Judge will submit for their consideration, a copy and translation of the petition alleged to have been addressed by the prisoners to the Collector of Tinnevelly.

No. 10.

16. On this case the First Judge marks the following observation. "The fourth prisoner is a boy, and the son of the third who died in Jail before Trial - a boy of his age can hardly be considered a free agent but acting under the influence of his father The 1st Judge would recommend his immediate release."

17. The Court of Sudder Dewanny Adawlut observe that according to the provisions of the Regulations the first Judge who concurred with his Law Officer in acquitting the prisoners was fully competent to dispose of the case of the 4th prisoner as to him might seem fit, and he will now do so.

No. 11

18. In this case, in which the only violence either charged or proved, is a beating with the hands "The Court of Sudder Dewanny Adawlut cannot but consider the sentence of fourteen years imprisonment with hard labour in irons passed upon the prisoner by the First Judge to be exceedingly severe.

They resolve in consequence to suggest to the First Judge the expediency of applying for sanction for a mitigation of the punishment prescribed by the Regulations, but should he take a view of the case not in accordance with that of the Sudder Dewanny Adawlut, they direct that he submit without delay an English Translation of the proceedings for their consideration.

Ordered, that extract from these Proceedings be sent to the First Judge on Circuit in the Southern Division for his information and guidance by Precept addressed thereto

At a Court of the Foujdaree Udalut

Present,

Saturday 28th March 1835. Charles May Lushington Esqre 1st Puisne Judge,

John Bird Esqre ——— 2d Puisne Judge,

William Hudleston Esqre ——— 3d Puisne Judge,

Read letter dated the 16th March 1835 from the acting 2d Judge of the Provincial Court of Circuit in the Northern Division, transmitting the record of the Trial in case No. 52 Guntoor Calendar 1st Sessions of 1834.

(Here enter No. 462)

The trial in the above case for Gang Robbery was called up, on review of the Calendar under date the 10th July 1834, because the Court of Foujdaree Udalut doubted whether the evidence would be found sufficient for the conviction of the prisoners.

The only surviving prisoners are the 3d, 5th and 6th.

The Court of Foujdaree Udalut having maturely considered all the circumstances of the case in evidence before them, are of opinion

28th March 1835

within Twelve days from and after its receipt.

Sent following precept 3d 299 —

opinion that the conviction of the prisoners was proper. The Court observe, that they confessed before the Police Officer, and that there is proof that the grain was traced from the Prosecutor's house to the Village where the prisoners resided. This added to evidence as to the stolen property having been given up by the prisoners, form the ground upon which the Court leave the Judgment undisturbed.

4 It appears from the Calendar that the Presiding Judge intended to have applied for mitigation of punishment in behalf of the 5th prisoner, Sutty Calaya, on account of his youth, he having been only about 15 years old at the time.

5. The Presiding Judge having intended to propose a sentence of 6 Months' imprisonment, the prisoner having been already detained in Jail for a period of nearly two years, the Court of Foujdaree Udalut resolve to authorize his discharge; and accordingly direct that the said 5th prisoner Sutty Calaya be immediately and unconditionally released on the receipt of these orders.

Ordered

Ordered, that Extract of these proceedings be sent to the Acting 2d Judge of the Provincial Court of Circuit in the Northern Division, for his information and guidance by Precept returnable in 10 days after receipt.

(Sent following Precept No. 307)

Read letter dated 20th March 1835 from the Provincial Court of Circuit in the Centre Division, transmitting returns from the Magistrates of North and South Arcot, to their proceedings in the Criminal Reports of the Division for the Months of December 1834.

(Here enter No. 443.)

With reference to the conclusion of the last para" of the return from the Magistrate of North Arcot, the Court of Foujdaree Udalut deem it proper to observe, that the Provincial Court of Circuit ought invariably to send to the Magistrates, Extracts from the Criminal Reports together with the orders there may be occasion to issue, regarding them.

Ordered, that Extract of these proceedings be sent to the Provincial Court of Circuit

Circuit Centre Division, for their information and future guidance.-

(Sent following Letter No. 308)

Read return dated 11th instant from the Acting 2d Judge late on Circuit in the Centre Division, to Precept of Foujdaree Udalut dated the 10th December 1834, directing them to instruct the Criminal Judge of Chingleput, that it is not necessary that the uncle of the Prisoner Sadaseven should be required to enter into pecuniary security.-

(Here enter No. 408.)

Read Return, dated 13th instant from the Provincial Court of Circuit in the Southern Division, to Precept of Foujdaree Udalut dated the 9th Ultimo, relative to the Military authorities in charge of prisoners being furnished with the several forms of the Monthly Statements now submitted by the Judicial authorities, for the purpose of enabling them to submit similar statements.-

(Here enter No. 415.)

Read Return, dated the 4th instant, from the Provincial Court of Circuit in the Northern Division

of Foujdaree Udalut the 12th November 1834, Division to precept [illegible] converging their remarks on the Criminal Report of the Division for August 1834.-

(Here enter No. 420.)

Read letter dated the 16th instant from the 1st Judge on Circuit in the Southern Division, reporting the opening of the Sessions at Combaconum and the State of the Calendar.-

(Here enter No. 423)

Read letter dated the 16th instant from the 1st Judge on Circuit in the Southern Division, reporting that he has issued notice to the Criminal Judge of Salem for the opening of the Sessions at that Station on the 25th April next.-

(Here enter No. 424.)

Read Return dated the 11th instant from the Provincial Court of Circuit in the Northern Division, to Precept of Foujdaree Udalut dated the 14th October 1834, containing their remarks on the Criminal Reports for the Month of July 1834.-

(Here enter No. 431.)

Read Return, dated the 12th instant, from the Provincial Court of Circuit in the Northern Division

28th March 1835.

Division, to Precept of Tovjdaree Udalut dated the 9th February 1835, directing, that copies of the several forms of monthly statements now submitted by the Judicial authorities, be transmitted to the several Military authorities in charge of Prisoners with instructions to make similar Monthly returns.—

(Here enter No. 432.)

Read return, dated the 20th instant from the acting 3d Judge of the Court of Circuit in the Northern Division, to Precept of the 24th Ultimo calling for explanation of the Masulipatam Calendar 4th Quarterly Sessions 1834—

(Here enter No. 454.)

Read letter dated the 25th instant from the Additional Judge on Circuit in the Northern Division, returning with translations, the orrginial Warrant Yo. in case No. 33 Vizagapatam Calendar 2d Sessions of 1834—

(Here enter No. 468.)

Read letter dated 23d instt. from the C. Court of Circuit in the C. D. forwarding Copies of the Statements of the Servants suspended or dismissed in the Centre Division & the Courts Subordinate thereto for the last Quarter—

(Here enter No. 469.)

J. C.

At a Court of the Tovjdaree Udalut.

Present,

Monday, 30th March, 1835.

Charles May Lushington Esqr. 1st Puisne Judge.
John Bird Esqr. 2d Puisne Judge.
William Hudleston Esqr. 3d Puisne Judge.

Read letter dated the 17th Instant from the 1st Judge on Circuit in the Southern Division transmitting the record of the Case No. 13 on the Madura Calendar for the 1st Sessions 1835.—

(Here enter No. 433.)

The Court of Tovjdaree Udalut observe that the depositions of the 1st and 2d witnesses for the prosecution in the above case have been taken both by the Criminal Court and the Court of Circuit, without oath, a proceeding directly at variance with the Circular Orders of the 15th April 1819, and 13th July 1835: and to these orders, which appear, from the 5th para" of the letter accompanying the trial, to have totally escaped the attention of the 1st Judge; they deem it proper to enjoin future obedience on his part, as well as on the part of the Judge who presided at the Criminal Court, when the depositions in question were taken.—

It

F.C.

30th. March 1835

It appears to the Court of Sessions Chittoor that the two Chitoor Ramalingum and Munayya, can give material evidence and they accordingly resolve to return the record of the trial to the 1st Judge by Precept, directing him to cause them to be duly apprized of the nature and obligation of an oath, and the consequences of Perjury, after which their evidence shall be taken on oath by the Acting Criminal Judge in the presence of the Prisoner, with power to him to put questions to them, and to do any thing that he may wish to state at the close of their examination.-

Ordered, that the English and Persian translations of the record of proceedings in Case No. 13 Madura Calendar 1st Sessions of 1835 with an Extract from these proceedings be sent to the 1st Judge on Circuit in the Southern Division by precept, commanding him to obtain and cause to be annexed to the record, English and Persian translations of the additional proceedings herein ordered to be held, returning the same to this Court.-

Precept returnable in 21 days from and after its receipt.-

(Here enter Sent following precept No. 311

Read

F.C.

30th. March 1835.

Read letter dated 17th. Instant from the additional Judge on Circuit Northern Division, submitting 5th Supplemental Calendars for the 1st Sessions 1835 at Vizagapatam.-

(Here enter No. 459.)

Case No. 6.

Under the authority vested in them by Clause third Section III Regulation I of 1825, the Court of Sessions Chittoor sanction the mitigated sentence of (10) ten years imprisonment with hard labour in irons in the case of the Prisoner in No. 6 "Rentaboyanah, Colleganoo", as recommended by the Additional Judge.-

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

(Sent following letter No. 312

Read letter dated 21st. Instant, from the Acting 2nd. Judge of the Court of Circuit Centre Division, presiding at the 1st. Quarterly Sessions at Chittoor, submitting the 4th. and 5th. Supplemental Calendars.-

(Here enter No. 458.)

Fifth Suppl. Calr. No. 1.

The Court question the propriety of the Acting 2nd. Judge's proceedings in this case, particularly as respects the

2nd.

F.C.

30th. March 1835.

2nd. Prisoner, whose statement appears to them to indicate connivance. They desire that the Acting 2nd. Judge will ascertain, and report the sentence passed upon the Prisoners by the Criminal Court.

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

(Sent following precept No. 218

Read return dated 16th. Instant from the Provincial Court of Circuit in the Northern Division to precept of Tunjaree Ekalut dated the 11th. Ultimo containing their observations &c. upon the Criminal Reports of the Division for the month of November 1834.

(Here enter No. 446.)

Read return dated 18th. Instant from the Acting 3rd. Judge late Additional Judge late on Circuit in the Northern Division to precept of Tunjaree Ekalut of the 28th. Ultimo directing him to report, in Letter the Native Criminal Judge of Tiyagapoor, taint committed the witnesses in No. 19 of the Calendar 1st. Sessions of 1834 for Perjury

(Here enter No. 463.)

F.C.

30th. March 1835.

Read further return dated 23rd. Instant from the Acting 2nd. Judge late on Circuit in the Centre Division to precept of Tunjaree Ekalut dated the 10th. December 1834, directing the release of the Prisoner Vadaseenam.

(Here enter No. 404.)

Read letter dated the 19th. Instant from the Officiating 2nd. Judge on Circuit in the Western Division, reporting his intention to open the 1st. Sessions of 1835 at Mangalore on the 25th. April next.

(Here enter No. 405.)

Clerk

W.H.

J.H.

2 30 Shares

F. C.

29

F. C.

In a Court of the Zeyjdaree Udalut

Present,

Tuesday 31st March 1835 Charles May Lushington Esqr 1st Puisne Judge

John Bird Esqr - - - - - - 2d Puisne Judge

William Hudleston Esqrs - - - 3d Puisne Judge

Clk. Read Miscellaneous

WB petition presented on the 9th March 1835 by Chengunnah Maistry of the Zillah of Chingleput

(Here enter Mis Pet. No. 20 of 1835.)

The Petitioner complains of

1 the order of the Zeyjdaree Udalut of the 15th December 1834, which confirmed the sentence passed by the Acting 2d Judge late on Circuit in the Centre Division upon Vencatapulty, the 1st Prisoner in Case No. 23 on the Chingleput Calendar for the first Sessions of 1834.

The Petitioner is informed, that

2 the order in question was issued after due deliberation, and no alteration will be made therein.—

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 on the 16th March 1835 by Mooneyan of the Zillah

F. H.

31st. March 1835

Zillah of Chingleput.

(Here enter No. 23 of 1835.)

The Petitioner alleges, that his brothers have been unjustly sentenced to 4 years imprisonment in Case No. 15 Chingleput Calendar 2d. Sessions 1834, and prays the Court of Sudder Adalut to call up the trial—

The Case to which the Petitioner refers having been duly disposed of, and there being no appeal from the sentence of a Court of Circuit, the Petition is rejected.

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

Read letter dated the 3d. Instant from the Additional Judge on Circuit in the Northern Division transmitting the record in Case No. 47 Chingleput Calendar for the 2d. Sessions of 1834.

(Here enter No. 372.)

Mr. Lushington. & Mr. Hudleston.

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 cal Cazat and Mooftee of the Sudder Adalut, confirm the said Futwa of the Cazee cal Cazat and Mooftee aforesaid convicting the

Prisoner

F. H.

31st. March 1835. Prisoner,

"Cata Lutchumma"

of wilful Murder, and awarding Kisaas, 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. 316.)

Read return dated the 18th. Instant to precept of the 9th. February 1835 conveying the observations of the Court of Sudder Adalut on the Criminal Reports of the Southern Division for the month of December 1834.—

(Here enter No. 450.)

In the Case noted in the margin, explanation was required relative to the punishment of a Pensioned Sepoy under Clause 1st. Section XI Regulation XIII of 1832, and the following is submitted with the above return by the Assistant Criminal Judge of Salem. "The Pensioned Sepoy alluded to is employed as a guard in the Salpeter Cutcherry, he applied for and took charge of the Prisoner who effected his escape, to cause him to remove some rubbish from the Cutchery

Salem Report V Case 108.

2 The Court of Sudder Adalut do not understand the marking over a

Prisoner

31st. March 1835.

Prisoner, as is here represented, to an insid-
-ual who applied for him. They deem it
proper to direct the Provincial Court of
Circuit, to call for an explanation of the
proceeding, and to intimate to the Criminal
Judge, that as the Pensioned Lepoy was not
employed as a Peon, he was not punishable
under Clause first Section XI Regula-
-tion XIII of 1832..

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 in 10 days after
receipt..

Sent following Precept. No. 317

Read letter dated the 5th February
1835 from the 3d. Judge late on Circuit in the
Western Division, transmitting the record
of the trial in Case No. 3 on the Criminal
Calendar for the 2d. Sessions of 1834.

Read also letter dated the
16th March 1835 from the Provincial
Court of Circuit in the Western Division,
reporting the death of Bapeapah the
Prisoner in the above case..

(Hereunto No. 330 and 445.)

The death of the Prisoner
Bapeapah having obviated the necessity

31st. March 1835.

of passing a sentence in this case, the Court
proceed to record their approbation of the
proceedings of the 3d. Judge in respect to
the 3d. witness Annaya Jaipa, whose evidence
he dispensed with on the grounds of his
appearing to him, to be too deeply im-
-plicated in the crime with which the
Prisoner was charged, to admit of his
being put on his oath and examined as a
witness..

The Court of Sujdaree Adalut
2 however having duly considered all the
circumstances, connected with the question
of the expediency of putting the said 3d.
witness on his trial, are of opinion, that
the evidence would not suffice for his
conviction, and consequently they abstain
from issuing an order for trying him..

Ordered, that Extract from
these proceedings together with the accom-
-panying certificates of Darsen, be sent
to the 3d. Judge on Circuit in the Western
Division for his information and guid-
-ance by precept, returnable in 15 days
after receipt..

Sent following precept. No. 318.

At a Court of the Foujdaree Udalut

Present,

Thursday, 2d. April 1835. Charles May Lushington Esqr. 1st. Puisne Judge,
John Bird Esqr. ..... 2d. Puisne Judge,
William Hudleston Esqr. 3d. Puisne Judge,

Read letter dated 11th Ultimo from the Acting 2d. Judge of the Provincial Court of Circuit in the Centre Division, transmitting the record in Case No. 2 of the Chittoor Calendar for the 4th. Quarterly Session of 1834.

(Here enter No. 409.)

The Court of Foujdaree Udalut having maturely considered the proceedings held before the Judge on Circuit, the Futwa of the Provincial Law Officer, and the Futwa of the Cazee ool Coozat and Mooftees of the Foujdaree Udalut, confirm the said Futwa of the Cazee ool Coozat and Mooftees aforesaid convicting the Prisoner,

1st. Mootten,

of Gang Robbery; and acquitting the Prisoners,

1st. Kitchina Naiken,
2d. Rungapah Naiken,
3d. Para Venkatasen,
4th. Colagun,
5th. Mottayyan,

6th.

Mr. Bird. and Mr. Hudleston.

6th Ramasawmy,
7th Chinna Calagan,
9th Moorteegan,
10th Vencatasen,
and
11th Banlen,

of the crime charged against them, and accordingly under the provisions of Clause third Section IV Regulation XV of 1803 so adjudge the said Prisoner,

8th Moatten,

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 acquitting the Prisoners,

1st Kitchna Naiken,
2nd Rungapa Naiken,
3rd Bara Vencatasen,
4th Calagun,
5th Mottayyan,
6th Ramasawmy,
7th Chinna Calagan,
9th Moorteegan,
10th Vencatasen,
and
11th Banlen,

direct that they be not released, as they are concerned in Case No. 1 of the same Calendar.

The

The Court of Sanjeeree having recorded their sentence in this case deem it proper to bring to the notice of the Acting 2nd Judge his omission to specify in the letter accompanying the trial that the ten Prisoners who have been acquitted in this number were also concerned in the Case No. 1 of the same Calendar; It is necessary that the Judge who may preside at the trial of Prisoners included in any Case besides the one under immediate reference, should always notify the fact in the letter accompanying the record, because although the circumstance is noticed in the Calendar under the head of 'Remarks' the Calendars are not taken into consideration with the trials.

Ordered, that Extract of these proceedings be sent to the Acting 2nd Judge of the Provincial Court of Circuit in the Centre Division for his information and future guidance.

(Sent in No. 321)

Read letter dated 19th November 1834 from the Acting 3rd Judge on Circuit in the Centre Division, transmitting the Records in Cases No. 44 of the Bellary Calendar 2nd Sessions 1834, and No. 68 for the 1st Sessions 1834.

(Here enter No. 343.)

The

J. 24.
2d April 1835.
Mr Bird.
and
Mr Anderson.

No 64.

The Court of Sunjdaree Adaulut having maturely considered the proceedings held before the Judge on Circuit, the Futwa of the Provincial Law Officer and the Futwa of the Cazee ool Coozat and Mooftees of the Sunjdaree Adaulut, confirm such part of the said Futwa of the Cazee ool Coozat and Mooftees aforesaid as acquits the Prisoners,

4th Jemaleegander,

8th Dasaree Jemagander,

9th Pedda Hasseegander,

and

10th Chinna Hasseegander,

and direct that the Prisoner,

8th Dasaree Jemagander,

be set at liberty: but, as in Case No. 68 on the Calendar for the 1st Sessions of 1834, the Prisoner,

4th Jemaleegander,

has been required by the Court of Circuit to find security, and the Prisoners,

9th Pedda Hasseegander,

and

10th Chinna Hasseegander,

have been convicted and sentenced by the Sunjdaree Adaulut to transportation for life, the Court do not direct their release.

And being of opinion that the proof against the Prisoner,

1st Yerroola Pedaruck,

is sufficient to convict him of the crime of Gang Robbery accompanied by Murder, the Court exercising 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 sea as the Governor in Council shall appoint, there to be imprisoned and kept to hard labour in irons on the public roads or other public works for and during the period of his natural life.

The Court of Sunjdaree Adaulut.

No 68.
Mr Bird.
and
Mr Anderson.

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 Sunjdaree Adaulut, confirm such part of the said Futwa of the Cazee ool Coozat and Mooftees aforesaid as acquits the Prisoner,

9th Soonkaden,

and accordingly direct that he be set at liberty.

And being of opinion that the proof against the Prisoners,

2d Pedda Hasseegander,

and

3d Chinna Hasseegander,

is sufficient to convict them of the crime of Gang Robbery by open violence attended with aggravating circumstances, 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 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 respectively.

Sent in No. 332

Read letter dated the 16th. March 1835 from the Provincial Court of Circuit in the Northern Division, transmitting the Criminal Reports of the Division for the Month of January 1835.

(Here enter No. 460.)

Chicacole Report — Case No. 2. The Prisoner in this case was charged with house breaking, and when caught running away, is stated to have drawn from his girdle a dagger, and struck the witness on his forehead. The wound is described in the Report as "trifling", but the Provincial Court of Circuit have expressed their opinion that the case should

should have been committed. It does not however appear to the Court of Sudder Adawlut that the "wounding" to which reference is made in Clause second Section II Regulation VI 1832 is such, as is described in the present instance, and the sentence of the Criminal Court will therefore remain undisturbed.

No. 3. 2. The 1st. and 2d. Prisoners in this case convicted of smuggling arrack, have been sentenced to pay a fine of 30 Rupees, or on failure to be imprisoned for one year under Clause ninth Section VI Regulation I of 1820. The Court of Sudder Adawlut concur in the opinion of the Provincial Court, that the case falls under Section XV of the above Regulation, but the sentence need not be altered, as it is legal.

No. 4. 3 The three Prisoners in this case were detained in the Lockup for 13 days, in consequence of a reference to the Magistrate the evidence appearing to the Police Officer contradictory. This reference occasioning a delay of thirteen days appears to the Court of Sudder Adawlut improper. The Circular Order of the 28th. November 1834 however is explanatory of the opinions of the Court of Sudder Adawlut on this subject, and the attention of the Magistrate should be called

to it.

The

J.H.
2d April 1835.

Vizagapatam 4
Supt. Report
Case 127.

The Court of Sudder Adawlut do not coincide in the sentiments of the Provincial Court of Circuit respecting this case, which was one of theft attended with the aggravating circumstance that narcotic drugs were administered with the view of securing the easy perpetration of the crime, and accordingly was committable under Clause second Section III Regulation VII of 1822, which (altho' it refers to certain specified circumstances of aggravation) sanctions the commitment of persons who from any other peculiar circumstances of the case may appear to the Criminal Judge, deserving of a severer punishment than he can inflict.

Rajahmundry 5
Supt. Report
Case 135.

The charge in this case is entered "for having given false evidence before the Criminal Court" The Court of Sudder Adawlut conclude that it is for 'Perjury' and it should have been so stated.

Guntoor 6
Report V
Case 8.

The Provincial Court of Circuit will call for a full explanation of this case for the information of the Court of Sudder Adawlut, to whom it at present appears that there is nothing to shew that any crime was committed by the Prisoner.

Supt. Report 7
Case 177.

If the Provincial Court of Circuit find the fact to be, as appears from

J.H.
2d April 1835.

from the Report, that there is no evidence besides his Police confession against the Prisoner in this case, they will direct his immediate release. The case as represented in the Report was clearly not committable.

Vellore Report 8
V Case 7.

The Court of Sudder Adawlut concur with the Provincial Court of Circuit as to the sentence on the Prisoner in this and the 3 following Cases. The Criminal Judge should be informed that it has been considered too lenient for a Prisoner convicted in four cases of Cattle stealing, and that he might with propriety have passed Judgment for a longer term of imprisonment than 6 months.

Ordered, that Extract of these proceedings be sent to the Provincial Court of Circuit in the Northern Division for their information and guidance in like cases by precept returnable in 21 days after its receipt.

(Sent following precept No. 323)

F: U:

At a Court of the Foujdary Udalut

Present,

Friday
3d April 1835

Charles May Lushington Esqre 1st Puisne Judge

John Bird Esqre ..... 2nd Puisne Judge

William Rudleston Esqre .... 3d Puisne Judge

Read Letter dated the 17th Ultimo from the late Officiating Judge late on Circuit in the Northern Division now at Cuddapah transmitting the record in Case Nº 10 of the Nellore Calendar 1st Sessions of 1834.-

(Here enter Nº 437)

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 Mooftees of the Foujdary Udalut confirm the said futwa of the Cazee ool Coozat and Mooftees aforesaid acquitting the prisoners

1st Boda Vencatagaudoo

and

3d Condoogaudoo.

of the crime charged but considering that strong suspicion

tho

the not amounting to conviction attaches to them the Court
direct under the provisions of Clause 1st Section II Regu-
-lation VIII of 1831 and Clause 6th Section II Regulation XII
of 1803 that they be each required to find two Sureties
in 30 Rupees each for their good behaviour and appearance
(for one year)
when required or in default thereof that they be respectively
detained in confinement for the same period.

(Sent following Letter No. 324)

Read Letter dated the 28th February last
from the Acting 3d Judge on Circuit in the Centre Division
transmitting the record of proceedings in Case No. 4 of the
Bellary Calendar 2nd Sessions of 1834.

(Here enter No. 332)

Mr. Bird
and
Mr. Rudleston

The Court of Foujdary Udalut on a deli-
berate consideration of all the circumstances of the case
in evidence before them, being of opinion that the proof
against the prisoner

"Kurree Kunnee"

is sufficient to convict her of the crime of being accessary
to Murder do, under the authority with which they are vested
by Clause First Section II Regulation I of 1818 convict her
thereof, and in conformity with the provisions of Clause
Second of the same Section, direct their Law Officers to
declare

declare by a second Futwa to what sentence the prisoner
would be liable if convicted by full legal evi-
dence of that crime.

Answer

In the event of the prisoner's conviction
of being accessary to Murder, on the evidence of credi-
ble Witnesses she would be liable to Ookoobut.

The Court of Foujdary Udalut having maturely considered the proceedings held before the Sudge on Circuit the Futwa of the Provincial Law Officer and the Futwas of the Cazee-ool-Coozat and Mooftees of the Foujdary Udalut, concur in the conviction of the prisoner

"Kurree Kunnee"

of being accessary to the crime of Murder and under the sentence of Ookoobut declared in the said Futwas and under Clause third Section VII Regulation XII of 1803 direct that she be imprisoned and kept to labour in the work-house for and during the period of (5) five years.

The Court of Foujdary Udalut deem it proper to point out to the acting 3d Judge on Circuit in the Centre Division, that on the prisoners pleading "Not guilty", as the Court conclude she did, he should have

have prevented Her from stating any thing further until the close of the case for the prosecution -

Ordered that Extract of these proceedings be sent to the Acting 3d Judge on Circuit in the Centre Division for his information and future guidance -

(Sent following Letter No. 325

Read letter dated the 26th November last from the Acting 3d Judge on Circuit in the Centre Division transmitting the record of proceedings in Case No. 32 of the Bellary Calendar 2nd Sessions of 1834 -

(Here enter No. 426.)

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 convicting the prisoner

Mr. Bird and Mr. Rudleston

Ball Rungadoo

of Murder on strong presumptive proof and awarding Ookoobut confirm the said futwa of the Cazee-ool-Coozat and Mooftees aforesaid and adjudge the prisoner

Ball Rungadoo

to suffer death as prescribed by Section X Regulation III of 1802 by being hanged at the usual time and

and place of execution. -

The Court of Foujdary Udalut having duly disposed of the above case deem it proper to call for an explanation from the Magistrate of the proceeding of taking the Prisoner's Police declaration in duplicate, as described at Page 68 of the record

Ordered that Extract of these proceedings be sent to the Acting 3d Judge on Circuit in the Centre Division for his information and guidance by Precept returnable in 8 days after receipt

(Sent following Precept No. 326.

Read letter dated the 21st February last from the 1st Judge late on Circuit in the Northern Division transmitting the record of proceedings in Case No. 8 on the Nellore Calendar 2nd Sessions of 1834. -

(Here enter No. 421)

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 confirm the said futwa

Mr. Bird and Mr. Rudleston

future of the Cazee vol Cozat and Mooftee aforesaid
and acquitting the prisoner

Guddag Goorawpah

of the crime charged against him, direct that he be
released -

(Sent following letter No 327

Read letter dated the 17th ultimo from
the Additional Judge on Circuit in the Northern Divisi
transmitting the record of the case No 66 Chicacole
Calendar 2nd Sessions of 1834 -

(Here enter No 461)

1 There are points in the above case which
in the Judgment of the Court of Foujdary Udalut have
not been satisfactorily established -

2 In the Urzee of the Police officer of
the 28th September 1834 at Page 7 of the record, it is
thus stated. "The Witnesses and the Prosecutor went to
search for the deceased, they only saw the bones, as
the corpse had been already eaten by the jackals."

3 At Page 18 of the record, and on his
former deposition at Page 3, the Prosecutor also states
that the flesh "was entirely eaten;" and it is clear
appears under these circumstances how the body could
have

have been identified -

4 The Court further remark, with refe-
rence to Page 18, that the Prosecutor is the only person
who deposed at the trial, that the joys given up by
the prisoner were those usually worn by his daughter
and at Page 6 of the record, the 3d Witness is repre-
sented to have clearly deposed to having recogniz-
ed them as those worn by the Girl -

5 The Court of Foujdary Udalut accordin-
gly deem it proper to direct that the Prosecutor the
second and third witnesses should be again examined
by the Officiating Criminal Judge, as to the identity
of the Skeleton, upon which there must have been
clothes or hair, and the 3d Witness further in respect
to his knowledge of the owner of the joys which
were shewn to him at the trial - the examinations
to be held in the presence of the prisoner, with per-
mission to him to put questions to the parties, and to
add any thing that he may wish to state at the close
of their examination -

Ordered that the English and Persian
translations of the record of proceedings in Case No 66
Chicacole Calendar 2nd Sessions of 1834 with Extract
of

of these proceedings be sent to the Additional Judge or Circuit in the Northern Division by Precept, commanding him to obtain and cause to be annexed to the record, English and Persian translations of the additional proceedings herein ordered to be held returning the same to this Court.-

Precept returnable in 30 days after receipt.-

(Sent following Precept No. 328)

Read again Letter dated the 7th Ultimo from the Acting 2nd Judge of the Court of Circuit Centre Division presiding at the 1st Quarterly Sessions at Chittoor, submitting the 2nd Supplemental Calendar.

(Here enter No. 365.)

Also Read return dated 21st Ultimo from the same officer forwarding copies in portion of the features in Nos. 1 and 3 of the Calendar called for by Precept of the 19th Ultimo.-

(Here enter No. 444)

No. 1

The Court direct that the Moofty be called upon to explain at length, the precise nature and the grounds of his objection to the evidence of the witnesses in No. 1 of the Calendar- This explanation the

the Acting 2nd Judge will submit without delay.-

No. 2

Under the authority vested in them by Clause third Section III Regulation I of 1825 the Court of Foujdary Udalut sanction the mitigated sentence of (3) three years imprisonment with hard labour in irons proposed in the case of the prisoner in No. 2- "Gungadoo."-

Ordered, that Extract from these proceedings be sent to the Acting 2nd Judge presiding at the 1st Quarterly Sessions of the Court of Circuit in the Centre Division for his information and guidance by Precept returnable without delay.-

(Sent following Precept No. 329)-

F. 16.

At a Court of the Foujdaree Udalut

Present,

Saturday
4th April 1835.

Charles May Lushington Esqr. 1st Puisne Judge.

John Bird Esqre. 2d Puisne Judge

William Hudleston Esqre. 3d Puisne Judge.

Circular Order
No. 36.

1. With reference to the Circular Orders of the Court of Foujdaree Udalut dated respectively the 8th May 1833, & the 7th April 1834, regarding the admission, under certain circumstances, of depositions before the Criminal Judge on trials before the Courts of Circuit, the Court of Foujdaree Udalut deem it proper to call the attention of the Courts of Circuit to that part of Section VIII Regulation I of 1825, which enjoins the reference of the trial to this Court, whenever the conviction of the prisoner may depend "exclusively, or principally" upon evidence objected to by the Mahomedan Law Officer.

2. This rule is, with regard to certain "personal" objections to deponents, modified

modified by the provisions of Clause first Section
II. Regulation VI. of 1829, but it still holds
good in regard to the other grounds of exemption
to evidence referred to in Section VIII. Regulation X
of 1825, among which are obviously exemptions, taken
to the description of evidence directed by the Circu-
lar Order of 5th May 1838 to be admitted.

3. The Court of Foujdaree Adaulut
deem it, on this occasion, necessary to call the
particular attention of the Courts of Circuit,
to that part of the Circular Order last men-
tioned, which indicates, as a condition of the
admissibility of the depositions in question,
that it must be proved on oath to the
"satisfaction of the Court, that the informant
"is dead or prevented by sickness from attending
"or that he is kept away by the means and
"contrivance of the prisoner" - And the Courts
of Circuit are hereby enjoined to use especial
caution in admitting alleged "sickness" as an
excuse for the absence of a witness in these
cases -

(Sent following Circular №. 336)

Copd.

J. M.

At a Court of the Foujdaree Adaulut.

Present,

Monday 6th April 1836.

Charles May Lushington Esqre 1st Puisne Judge
John Bird Esqre 2d Puisne Judge
William Hudleston Esqre 3d Puisne Judge

Read Petition presented on the 16th Ultimo by Ecoluppa Moodely of the Zillah of Coimbatore -

(How enter Mis Pet. №. 22 of 1836.)

The Petitioner prays the Court to issue final orders on his Petitions presented under date 21st July last - The Court having already given the petitioner's presentation full consideration, and passed their orders thereon, on the 13th October last, he is accordingly referred to them -

Ordered, that the Petition be rejected, and that Extract from these proceedings be furnished to the Petitioner upon application -

Read letter dated 24th Ultimo, from the Acting 2d Judge of the Court of Circuit in the Centre Division, presiding at the 1st Quarterly

Quarterly Sessions of 1835 at Chittor, submitting the 3d Supplemental Calendar-

(Here enter No 177-)

1

The objections taken by the Law Officer, to the evidence of the 1st, 7th, 10th and 14th witnesses in the number of the Calendar submitted, were not in the opinion of the Court of Foujdaree Udalut, such as it was competent to the Court of Circuit to overrule-

3.

To the 1st it was objected, that the evidence was insufficient to prove that the property belonged to the Prosecutor, to the 7th and the 14th, that one prisoner's confession was not evidence against another; and to the 10th, that the property sworn to, was of a common description, not susceptible of identification- The question put to the Law Officer should accordingly be amended, and if he does not convict the prisoners, independently of the testimony of the 1st, 7th, 10th and 14th witnesses, the record must be sent up for the sentence of the Foujdaree Udalut.

under

under the provisions of Section XXII Regulation VII of 1802-

It should be pointed out to

5.

the Law Officer that his answer to the 2d Question is improper- He should have maintained the bars to a pardon of Hudd-

Ordered, that Extract from these proceedings be sent to the Acting 2nd Judge of the Court of Circuit in the Centre Division for his information and guidance by precept, returnable in eight days-

(Sent following Precept No 937)

Circular Order No 37.

Several mistakes having lately occurred in consequence of the Judges of the Court of Foujdaree Udalut, not being aware, when passing Sentence in a referred trial, that the same prisoners are concerned in other cases, they resolve to issue the following Circular Order, for the guidance of the several Judges of Circuit-

Whenever a prisoner in a

referred

6th April 1835.

referred trial, may be concerned in other cases, whether under reference to the Foujdaree Udalut, or disposed of by the Court of Circuit, the Judge presiding shall invariably report the circumstance in his letter accompanying the trial; and in the cases disposed of by himself, state the crime of which the Prisoner stands convicted, and the conditional sentence passed.

(Sent following Circular N.338)

Read letter dated 2d. Instant from the Acting 2d. Judge of the Provincial Court of Circuit in the Centre Division, Informing of the Reduction of 22 Extra Peons from the Chattoor Jail.

Here Enter N. 311.

P. "C"

At a Court of the Foujdaree Udalut

Present,

Tuesday 7th April 1835. Charles Mary Lushington Esqre. 1st. Puisne Judge,

John Bird Esqre. ——— 2d. Puisne Judge,

William Rudleston Esqre. ——— 3d. Puisne Judge,

Read letter dated the 26th. February 1835. from the acting 2d. Judge of the Provincial Court of Circuit in the Centre Division transmitting the record in Case N.1 of the 6th. Supplemental Chittoor Calendar for the 3d. Quarterly Sessions of 1834.

(Here enter N. 327.)

Mr. Lushington & Mr. Bird & Mr. Rudleston

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. Keelaamsoorongay Moottereya Pounen

2d. ——— Oa. ——— Ramen

3d. Maudanoorroo Cunden

4th.

4th " Maudanacorroo Careyen

5th " Vasinlarayen

6th " Cauvey

13th " Cundanainy Audee

17th " Baulen

of the crime of Gang Robbery attended with aggravating circumstances, and accordingly under the provisions of Clause Second Section IV. Regulation XV of 1803, adjudge the said prisoners

1st " Peeloomoorongay Mottesaya Pennen

2th " ——— do " ——— Ramen

3th " Maudanacorroo Cunden

4th " ——— do " ——— Careyen

5th " Vasintarayen

6th " Cauvey

13th " Cundanainy Audee

17th " Baulen

to be transported to such place or places beyond sea as the Right Honorable the Governor in Council shall appoint, there to be imprisoned and kept to hard labour in irons on the public roads or other public works for and during the period of their natural

lives

lives respectively.—

The Court of Sudder Adalut concur in opinion that the prisoners—

7th " Parasaramen

8th " Daudecauren

9th " Yaregangaudoo Cunden

10th " Sailacauren

14th " Cundanainy Kistnen

15th " ——— do " ——— Pounen

16th " ——— do " ——— Paromah

19th " Sutteyamungalum Cunden

are not convicted of the crime charged against them on strong presumptive proof, or on the evidence of credible Witnesses, or on their own confessions, notwithstanding the futwa of their Law Officers, but, considering that strong suspicion attaches to them, direct that they be severally required under Clause 6th Section II Regulation XV of 1803, to find two sureties in 70 Rupees each for their good behaviour and appearance when required within 3 years, or in default thereof, that they be respectively detained in confinement for 3 years—

(Sent following) letter No. 389

Read

F. Co.

7th April 1835.

Read again letter dated the 9th February last from the 3d Judge late on Circuit in the Southern Division Now at Madras transmitting the record of proceedings in Case No. 30 Salem Calendar 2d Sessions of 1834.

(Here enter No. 258)

Read also Return dated the 11th Ultimo from the 3d Judge late on Circuit in the Southern Division to Precept of Poujdaree Udalut dated the 25th February 1835 directing him to ascertain and report whether Bheema Row who took the Talook confessions of the prisoners in Case No. 30 Salem Calendar 2d Sessions of 1834 was a "duly authorized" Police officer.

(Here enter No. 397.)

Mr. Bird
Mr. Hudleston

The Court of Poujdaree 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

2d Mootien alias Saupadee Ramen.

is sufficient to convict him of the crime of Robbery and of aiding and abetting murder do, under the authority with which they are vested by

F. Co.

7th April 1835

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 and Regulation, direct their Law Officers to declare by a Second Futwa, to what sentence the said prisoner would be liable, if convicted by full legal evidence of that crime.

Answer.

In the event of the "robbery of the property of the deceased" and "aiding in murder" being legally proved against the prisoner, he is liable to Dohoolut.

The Court of Poujdaree Udalut having maturely considered the proceedings held before the Judge on Circuit, the futwa of the Provincial Law Officer, and the futwas of the Cazee ool Cozat and Mooftees of the Poujdaree Udalut, concur in opinion that the proof against the prisoners

1st Chennaraya

is sufficient to convict him of the crime of murder, and under the authority with which they are vested by Clause 1st Section II Regulation I

of

of 1818 do 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.

The Court of Foujdaree Adalut concurring
also in the conviction of the prisoner.

2d. Mortien alias Saupadoo Raumen.

of the crime of "Robbery" and of aiding and
abetting Murder, adjudge him under the
sentence of Dohoolut declared in the Futwa,
to be transported to such place, or places
beyond sea as the Right Honorable the Governor
in Council shall appoint, there to be imprisoned
and kept to hard labor in irons on the public
roads or other public works for and during the
period of his natural life.

(Sent following letter No. 340)

Read letter dated the 19th March
1835 from the 1st Judge on Circuit in the Southern
Division, transmitting the record of the case No. 17.
Madura Calendar 1st Sessions 1835.

(Here enter No. 452.)

1 The prisoner in this case appears

by

by his declarations to have fallen in with the
deceased, who had sheep under his charge,
and to have snatched from deceased a
bill hook instantly put deceased to death
with it, and then killed for a sheep of
deceased's flock, which he afterwards
removed, to dress and eat the mutton.

2 In his declaration before the
Tahsildar the prisoner says, "no enmity
"existed between me and the said
"Lutchoomanun prior to this. as it was fate
"that I and he should die, I cut and
"murdered the said Lutchoomanun
"with the said bill hook."

3 In his examination before
the Criminal Judge the Prisoner in answer
to the question,

"For what reason did you
commit murder?"

says

"To catch and eat sheep I committed
"murder, and it was my fate to commit
"murder, and to be brought to this end."

In

4 In answer to a former question he says, "my fate led me to commit the murder."-

5 From the evidence of the 2d Prosecutor, it appears, that after having cut down the deceased, the Prisoner did not so much as wash the blood from his hands, but went about with this suspicious appearance, which led in fact to his apprehension.-

6 The 3d witness in his examination, page 89, being asked if the Prisoner is in his right senses, answered "I do not know."

7 The 4th witness, (page 94), being asked for what, the Prisoner said he killed deceased, answered, "He attributed the commission of the deed to his fate."-

8 The Prisoner pleaded not guilty on his arraignment; and when asked what he had to say in his defence, said,
"I killed him."-

9 The utter inadequacy of the motive assigned, for the deed, the ascription of it by the Prisoner to "fate", and the Prisoners' omission to take the precaution of cleansing himself

himself from blood after the act, and in that state openly exposing himself to public observation, lead the Court of Foujdaree Udalut to entertain doubts of his sanity.-

10 The 1st Judge of Circuit would seem to have felt a like doubt;- but no evidence has been taken from Persons, well acquainted with the prisoner, as to his former state of mind, and conduct.-

11 "He is apprehended (P. 89) quietly "lying" down" in his brothers in law's house, as if nothing had happened.-

12 The Court of Foujdaree Udalut resolve to return the record of the trial to the 1st Judge by Precept, requiring him to cause the acting Criminal Judge to take evidence of any of the prisoners relations, and Neighbours, and of the Jailor, & any persons who may have observed his demeanor since his commitment for trial, as to whether, or not, he has exhibited indications of mental alienation.-

Ordered accordingly that the

English

F.C.
7th April 1835

English & Persian translations of the record of the proceedings in case No. 17 Madura Calendar 1st Sessions 1835 be sent to the 1st Judge on Circuit in the Southern Division by Precept commanding him to obtain and cause to be annexed to the record English and Persian translations of the proceedings herein ordered to be held, returning the same to this Court Precept returnable in 21 days after receipt.—

(Sent following Precept No. 341)

Read return dated the 13th Ulmo from the Provincial Court of Circuit in the Southern Division, to the precept of the Foujdaree Adalut of the 9th February last, transmitting the instructions of Government contained in para's 2 and 3. of the extract from the Minutes of consultation of the 20th January last, requiring the Magistrate of Madura, to report upon the state of the Police in the Zemindaries in his District, and calling upon the Assistant Judge at Tinnevelly for information, on the subject of the judicial buildings at that Station.—

(Here enter No. 484)

With

F.C.
7th April 1835

With their return the Provincial Court submit the reports required by Government, with a separate communication from the 2d Judge, containing his observations, on the report from the Magistrate of Madura.—

1

2 The Court observe, with reference to the remarks of the 2d Judge, that they consider the course pursued by him, of personal and unofficial communication with the Magistrate to have been irregular; and as the result has shewn, not calculated to further the public service.—

3 Adverting to the strong opinion which it appears from the Magistrates report, has been expressed both by Mr. Wroughton & Mr. Anstruther, whose experience in the district has been considerable, against the continuance of the police powers in the hands of the Zemindars of Ramnad, the Court of Foujdaree Adalut consider that the Magistrate should have adopted more decisive measures, for ascertaining the validity of that opinion, than he would seem yet to have done; more especially as he states, that "he is not in general in favor of trusting Zemindars with

"with such powers" — They deem it expedient that he should still be required specially to report the result of his further experience, and investigation —

4 The report from the Assistant Judge of Tinnevelly calls for no remark from the Foujdaree Udalut —

Ordered that extract from these proceedings together with copies of the communication from the Provincial Court, with its enclosures be transmitted to the Secretary to Government in the Judicial Department to be laid before the Right Honble the Governor in Council —

(Sent in No. 342)

Ordered also that Extract from these proceedings be sent to the 2d Judge of the Provincial Court of Circuit in the Southern Division for his information —

(Sent in No. 343) —

Circular Order No. 38.

The attention of the Court of Foujdaree Udalut having been directed to the

circumstance

circumstance, that the Criminal Courts not unfrequently pass orders for the requisition of security from persons accused; without entering fully into the defence, or calling upon them to name witnesses on their behalf, they resolve to issue the following Circular Order, for the guidance of the Subordinate Courts —

In as much as a requisition of security, is, in effect, a punishment, the several Criminal and Joint Criminal Judges are enjoined, strictly to observe in all cases where they may contemplate a requisition of security, the rules laid down for their guidance in the Circular Order of the Foujdaree Udalut of the 25th May 1829 — They will accordingly in every instance, call upon the accused, before they issue their order for the requisition of security, to state, whether he desires to have any witnesses examined on his behalf; and if he then name witnesses, and they shall appear to the officer presiding to be to facts material to his defence, two, or more are to be summoned at the discretion of the Court, and duly examined before

a

7th April 1835

Ack a final order is passed—

Wd (Sent following Circular No. 344)

Wl

F. 26.

At a Court of the Foujdary Udalut—

Present

Wednesday 8th April 1835— Charles May Lushington Esqre 1st Puisne Judge

Ack John Bird Esqre ..... 2nd Puisne Judge

William Rudleston Esqre ..... 3d Puisne Judge

Wl Read letter dated the 2nd Ultimo from the Additional Judge on Circuit in the Northern Division, transmitting the record of proceedings in Case No. 41 of the Chicacole Calendar 2nd Sessions of 1834—

(Here enter No. 371—)

Mr. Lushington and Mr. Bird The Court of Foujdary 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

Sirla Yendrajadoo

is sufficient to convict him of the crime of Gang Robbery 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 under Clause second Section III Regulation XV of 1803, adjudge him to be transported

to

to such place or places beyond sea as the Right Honorable the Governor in Council shall appoint there to be imprisoned and kept to hard labour in irons on the public roads or other public works for and during the period of his natural life.-

(Sent following letter No 348

Read letter dated the 12th Ultimo from the Additional Judge on Circuit in the Northern Division forwarding Translations of original warrant of execution vizt. vizt. in Case No. 32 Voyagepatam Calendar 2nd Sessions of 1834.-

(Here enter No. 410)

Read letter dated the 24th Ultimo from the Acting 3d Judge on Circuit in the Northern Division reporting the opening of the 1st Sessions of 1835 at Rellore on the 20th Proximo.-

(Here enter No. 479)

Read Return dated the 26th Ultimo from the acting 3d Judge on Circuit in the Centre Division to precept of the Foujdary Udalut of the 21st Ultimo directing the release of the prisoners in No. 2 Chingleput

Chingleput Calendar 2nd Sessions of 1834.-

(Here enter No. 480)

Read Return dated the 23d Ultimo from the Provincial Court of Circuit in the Northern Division to Precept of the Foujdary Udalut of the 19th Ultimo directing communication to the Magistrate of Nellore relative to a return irregularly made by his Assistant.-

(Here enter No. 481)

Read letter dated the 26th Ultimo from the officiating 2nd Judge on Circuit in the Western Division returning death warrant in No. 53 Malabar Calendar 1st Sessions 1835.-

(Here enter No. 491)

Read letter dated the 27th Ultimo from the officiating 2nd Judge on Circuit in the Western Division, with a warrant for the execution of the 1st Prisoner in Case No. 9 Malabar Calendar 1st Sessions of 1835.-

(Here enter No. 509)

Read Return dated the 1st Instant from the

the Acting 2nd Judge of the Provincial Court of Circuit in the Centre Division to precept of the Foujdary Udalut of the 30th March, requiring a report of the sentence passed in No. 1 Chittoor 5th Supplemental Calendar for the 1st Quarterly sessions 1835.-

(Here enter No. 510)

Read Return dated the 31st Ultimo from the Provincial Court of Circuit in the Northern Division, to Precept of the Foujdary Udalut dated the 26th March 1835, conveying their observations thereon upon the Criminal Reports of the Zillah of Guntoor for the month of December last.-

(Here enter No. 516).-

F. U.

At a Court of the Foujdaree Udalut.

Present,

Thursday, 9th April, 1835. Charles May Lushington Esqre 1st Puisne Judge
John Bird Esqre ... 2d Puisne Judge
William Hudleston Esqre 3d Puisne Judge.

Read letter dated the 20th March 1835.

from the Provincial Court of Circuit in the Centre Division transmitting the returns of the Subordinate Authorities to their proceedings of the 26th December last on the Criminal Reports of November 1834.-

(Here enter No. 442)

North Arcot 1 With reference to the explanation of the Magistrate of North Arcot respecting the transmission of the prisoner in Case 356 of the Report No. V of Chittoor to the Criminal Court, the Provincial Court of Circuit will point out to him, that the mere crimination of one prisoner by others cannot be held to be evidence against him.-

2 On case No. 295 of the Chittoor Supplemental Report the Provincial Court of Circuit in their proceedings observed that certain of the prisoners

prisoners, had been sent up to the Criminal Court without any evidence whatever. In his return the Magistrate states "The several prisoners alluded to gave evidence against each other, the only evidence procurable in such a case of extensive Burglary and murder by night; the Magistrate is doubtful, whether a Head of Police is authorized to liberate parties accused under such peculiar circumstances."

3

The Court of Foujdaree Adalut have to observe that it is distinctly pointed out in Section XXVIII. Regulation XI of 1816, that it is only where a prisoner's crimination of another may be "corroborated" by evidence against that other, that he should be forwarded to the Criminal Judge, and they are of opinion that it is contrary to Law to send to the Criminal Court a man solely because a prisoner in his declaration may criminate him. But where there is any evidence corroborative of the crimination, the prisoner should be forwarded, because the Regulations then admit of the proceeding, and conditional pardon of the accomplice may be allowed & their evidence, eventually used.

Ordered

F. 26.
9th April 1835.

Ordered that Extract of these proceedings be sent to the Provincial Court of Circuit in the Centre Division for their information and guidance and for communication to the Magistrate of North Arcot by Precept returnable in 10 days after receipt.

(Sent following Precept No. 357)

Read return by Provincial Court Centre Division dated the 25th March to Precept of 20th February 1835 conveying the observations & orders of the Court of Foujdaree Adalut in the Criminal Reports of the Division for the month of December 1834.

(Here enter No. 1473.)

Chittoor Report V / Case 386 / 1834.

In their proceedings of the 20th February last the Court of Foujdaree Adalut called for an explanation respecting this case, being apprehensive that some irregularity had been committed in the disposal of it. In the return of the Acting Criminal Judge he states, "that the mode of procedure objected to by the Higher Court has been invariably adopted by this Court. It shall however in future be discontinued."

The

2

The Provincial Court of Circuit will call upon the Acting Criminal Judge to specify the circumstances under which the prisoner came before him, the above explanation is manifestly deficient, and in fact conveys no information of the nature required by the Precept of the 20th February.

3

With reference to para 3 of this return, the Acting Criminal Judge should be informed that Pens. in addition to the fixed Jail Guard are not authorized for the care of the prisoners inside the Jail.

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 in 10 days after receipt.

(Sent following Precept No 352)

Circular Order No 39.

The Court of Foujdaree Udalut resolve, with reference to their Circular Order of the 16th May 1822 para 1 to direct, that in examinations before the Criminal Courts, and the Courts of Circuit, whenever an article of stolen property is

referred to by the specification of its number, the nature of such article be also stated in the record. And that a list of stolen articles numbered, as labelled, or marked for identification, be appended to the proceedings of the Criminal Courts, in all cases committed for trial to which the said Circular Order of 16th May 1822 may be applicable.

(Sent following Circulars No 353).

At a Court of the Foujdary Udalut—

Present,

Saturday
11th April 1835 — Charles May Lushington Esqre 1st Puisne Judge

Ad. John Bird Esqre ..... 2nd Puisne Judge

WL William Hudleston Esqre ..... 3d Puisne Judge

Read letter dated the 28th February last from the Additional Judge on Circuit in the Northern Division, transmitting the record of proceedings in Case No. 8 Chicacole Calendar for the 2nd Sessions of 1834.—

(Here enter No. 373.)

Mr. Lushington and Mr. Hudleston. The Court of Foujdary Udalut on mature consideration of all the circumstances of the case in evidence before them, being of opinion that the proof against the prisoner

Corayana Gourugadoo

is sufficient to convict him of Murder, do, under the authority with which they are vested by Clause first Section II Regulation I of 1818, convict him thereof and

and sentenced him to suffer death as prescribed by Section X Regulation VIII of 1802 by being hanged at the usual time and place of execution.

1 The Court of Sessions Westlet having passed sentence in the above case, proceed to point out to the Presiding Judge certain discrepancies observable in the record of the Trial.

2 The prisoners examination before the Acting Head of Police is headed "Declaration of the prisoner Gomergadoo son of Covagoma Chinnappa, native Caleyanapooram in the Talook of Vizianagaram, Caste Caipoy, Religion Ramanandy, profession cultivation, aged 30 years."

3 The heading before the Criminal Court contains also the same particulars, except that the prisoners age is stated to be "unknown"

4 At page 55 of the record of the proceedings is the prisoners defence headed "Defence of the prisoner Covagoma Gomergadoo, father's name unknown, village unknown, Caste unknown, occupation unknown, age and place of residence are unknown."

5 The Sessions Westlet have called the attention

attention of the Additional Judge to the necessity of sending the English Translation of the proceedings held in referred trials in other Cases, it has been observed that he has not looked over the translation of the proceedings in the trial before the Court of Circuit and they have been of opinion to call his attention again to this necessary part of his duty.

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

(Vide following letter No 358

Read letter dated the 18th ultimo from the 1st Judge on Circuit in the Northern Division, transmitting the record of proceedings in Case No 10 on the Madura Calendar 1st Sessions of 1835.

(Vide infra No 425.)

The Court of Sessions Westlet having carefully considered the proceedings held before the Judge on Circuit the future of the Provincial Law Officer and the future of the Cazee ul Cozat and Mooftee of the Sessions Westlet report the said future

Mr Lushington and Mr Sandilston

futwa of the Cazee ool Coozat and Mooftees aforesaid
acquitting the Prisoner

Moottanen

of the crime charged, but considering that strong sus-
picion though not amounting to connection attaches
to him, they direct under Clause sixth Section II
Regulation XV of 1803 that he be required to find
security in two sureties of 150 Rupees each for his
good behaviour and appearance when required within
(3) three years, or in default thereof that he be detained
in confinement for that period.-

1 The Court of Foujdary Udalut observe, that
of the two attesting witnesses to the prisoner's declaration
before "the Deputy Police Ameen" Shuttapa (the 2d Witness)
stated, that he was not present when the said declaration
was delivered- It wants therefore the proof required by
the Regulations, and the Court accordingly deem it proper
to require the Presiding Judge to point the attention
of the Magistrate to their Circular Orders of the 27th
December 1815- In consequence of this deficiency of proof
the Court have not made the reference which they
would otherwise for the purpose of ascertaining another
point

point which, under the Circular Order 30th November
1821, the first Judge on Circuit ought to have report-
ed, viz.t whether the Deputy Police Ameen was a
person duly authorized to hold the proceedings under
Section III Regulation IV 1821.-

2 In his examination before the Criminal
Court the prisoner did not state, (as the 1st Judge,
under a misapprehension intimates, that he did) that
he was "insensible" when himself and the deceased
were wounded, but that he was "drowsy" and became
subsequently insensible.-

3 There are difficulties in the case; but
the Court cannot admit the soundness of the 1st Judge's
reasoning in the concluding para of his letter: if
there is any doubt of a prisoners guilt, he must have
the benefit of that doubt in an acquittal-

Ordered that Extract of these proceed-
-ings be sent to the 1st Judge on Circuit for his
information and future guidance by Precept returna-
-ble in 10 days after receipt-

(Sent following Precept No. 359

Read letter dated the 13th Ultimo from
the

F.U.
11th April 1835

11th

the Acting 2nd Judge of the Court of Circuit in the Centre Division transmitting the record of proceedings in Case No. 1 of the Chittoor 14th Supplemental Calendar for the 4th Quarterly Sessions of 1834.-

(Here enter No. 434)

The Court of Foujdary Udalut on a deliberate consideration of all the circumstances of the case in evidence before them being of opinion that the prof against the prisoners

Mr. Lushington

1st Varadadoo

and

2nd Bodagadoo

is sufficient to convict them of the crime with which they are charged (Burglary) do under the authority with which they are vested by Clause first Section V Regulation VIII 1831 and Clause 1st Section II Regulation I 1818 convict them thereof; and in conformity with the provisions of Clause 2nd of the latter Section and Regulation direct their Law officers to declare by a second futwa to what specific punishment the said prisoners would be liable under the Mohomedan Law if convicted by full legal evidence of the said crime.-

F.U.
11th April 1835.

Answer

In the event of the crime charged being legally proved against the prisoners they are liable to "amputation of the right hand from the wrist."-

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 Cozat and Mooftees of the Foujdary Udalut and being of opinion that the prof against the prisoners

1st Varadadoo

and

2nd Bodagadoo

is sufficient to convict them of the Crime of Burglary, do, under the authority vested in them by Clause first Section V Regulation VIII 1831 convict them thereof, and under Section XXI Regulation VII of 1802 in commutation of the penalty of amputation awarded in the futwa, adjudge them to be imprisoned and kept to hard labour in irons on the public roads, or other publick works for and during the period of (7) seven years.-

(Sent following letter No. 360

11th

Read letter dated the 25th November last from the Acting 3d Judge on Circuit in the Centre Division, transmitting the record of proceedings in Case No. 42 of the Bellary Calendar 2nd Sessions of 1834.-

(Here enter No. 470)

The Court of Foujdary Udalut on a deliberate consideration of all the circumstances of the

Mr. Bird

Case in evidence before them, being of opinion that the proof against the prisoners

1st Lumbanah Ranjee

and

2nd Chemnah

is sufficient to convict them of the crime of Gang Robbery, do, under the authority with which they are vested by Clause 1st Section V Regulation VIII of 1831 convict them thereof and under the provisions of Clauses third and fifth Section III Regulation XV of 1803 adjudge the prisoner

1st Lumbanah Ranjee

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: and the prisoner

2nd Chemnah

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 No. 361

Read letter dated the 19th November last from the Acting 3d Judge on Circuit in the Centre Division transmitting the record of proceedings in Case No. 37 of the Bellary Calendar for the 2nd Sessions of 1834.-

(Here enter No. 483.)

The Court of Foujdary Udalut having maturely considered the proceedings held before the

Mr. Bird

Judge on Circuit, 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 convicting the prisoner

Turvungowdoo

of the crime of Gang Robbery attended with aggravating circumstances, do, under Clause first Section V Regulation VIII of 1831 and Clause second Section IV Regulation XV of 1803 adjudge him to be transported

to

to such place or places beyond Sea as the Right Honorable the Governor in Council shall appoint there to be imprisoned and kept to hard labour in irons on the publick roads or other publick works for and during the period of his natural life.-

(Sent following letter No. 362

Read letter dated the 28th Ultimo from the late Officiating Judge late on Circuit in the Northern Division submitting the Record of proceedings in Case No. 6 on the Nellore Calendar for the first Sessions of 1834.-

(Here enter No. 485)

The Court of Foujdary Udalut observe that at page 50 of the English Translation of the proceedings in this case before the Court of Circuit, immediately above the "deposition of Moola Vesala Condiah" one of the subscribing witnesses to the Police confessions of the prisoners, appears the following entry.-

"Criminal No. 209"

and, that to the same deposition the 8th July 1833 (the date of the other subscribing witness's examination in the Criminal Court) is affixed (Vide page 51).-

The

2

The Court of Foujdary Udalut deem it necessary before disposing of this Case, that they should be furnished with an explanation respecting the above entry, which as it stands is utterly unintelligible, and with this view they direct that the English Record of the Trial be returned to the late Officiating Judge, with instructions to submit the required information without delay.-

Ordered accordingly, that Extract from these proceedings be sent with the English translation of the Record to the late officiating Judge late on Circuit in the Northern Division by precept returnable within three days from and after its receipt.-

(Sent following Precept No. 363

The Acting 2nd Judge of the Court of Circuit in the Centre Division not having submitted the Statement for the last 1/2 of the year 1834 required by the Circular Order No. 4 dated 5th July 1834.-

Ordered that by Precept returnable in 10 days after receipt he be required to submit the same, or shew good cause for the delay in furnishing

The same to the following Judges-
Mr. Bailey late Acting 3d Judge C. D.
Mr. Parke 1st Judge N. D.
Mr. Waters acting 2nd Judge Do
Mr. Harington Acting Judge Do
Mr. Wray Acting 3d Judge Do

F. U.

F. U.

11th April 1835

Furnishing it.

2nd

Cert. W.F.

(Sent following Precepts Nos. 364, 365, 366, 367, 368 & 369 —

WS

F. U.

At a Court of the Foujdaree Udalut.

Present,

Tuesday 14th April 1835. Charles May Lushington Esqre. 1st Puisne Judge,

John Bird Esqre. —— 2d Puisne Judge,

Cert. William Rudleston Esqre. —— 3d Puisne Judge,

WS

Read supplemental return dated the 23d March 1835 from the Provincial Court of Circuit in the Northern Division to Precept of the 17th November last, conveying the observations and orders of the Court of Foujdaree Udalut on the Criminal Reports for August 1834 —

(Here enter No. 501.)

The Court of Foujdaree Udalut in para 13 of their proceedings of the 12th November 1834, required the Provincial Court of Circuit to direct the Magistrate of Rajahmundry to conduct in person an enquiry into the proceedings of the Head of Police of Amlapoor, directed by the Provincial Court in their order of the 30th of September last, and which were thus described in the August supplemental Criminal Report. Case No. 57. The (1st) prosecutor states that the Head of Police took no proper measures

measures to secure the apprehension of the prisoners, but gave them opportunity and ample time to secure the grain He also states that only 4 of the men he accused have been sent up as prisoners, and one named Catachee Patabo, who in truth was one of the thieves has been sent up as a witness. He likewise asserts that the ameen has falsified the dates of this matter, and has fabricated a false statement as being given in his name by his son, Whereas neither of them gave it. Likewise that the Ameen has falsely reported two Witnesses to be sick whereas both of them are free from illness. The Prosecutor says, that the Ameen acted in this manner because the prisoners are worth money, while he himself is too poor to pay for justice, says that the 3d. prisoner gave a bribe of 5 Rupees to the Ameens son, and was beaten by the Ameens orders when he complained of this. The second Prosecutor (son of the 1st.) states, that the ex Police deposition signed by him as the given on behalf of his Father, was given by neither, but signed by him on being forced

forced by the Police Gomashta. Regarding the bribe his deposition corresponds with that of his Father.

2 The Court of Foujdaree Udalut have had under consideration the explanation of the Magistrate's opinion respecting the above case, contained in his returns of the 11th September and 4th November 1834, and it appears from them, that he has taken no notice whatever of the injunction of this Court, to conduct in person an enquiry into the proceedings in question, resting satisfied with the supposed exculpation of the Police officers before the Criminal Court; and because by it after a detention of 3 weeks, he was allowed to depart, the only token of the Criminal Court opinion being a simple remark recorded in the Calendar.

3 It is not easy to understand how the Magistrate has reconciled it with his duty, to remain passive under the specific instructions issued to him, and the Provincial Court of Circuit should have adverted to the fact

in

in forwarding his returns to this Court - They will now however call upon the Magistrate to fulfil — without delay their orders of the 30th " September, & the injunction of the Precept of this Court of the 12th " November; and submit an early report of his proceedings for the consideration of the Sud. of Foujdaree Udalut -

4 The Court do not find, that the Provincial Court of Circuit have forwarded copy of the return of the Magistrate of the 26th " December to the Provincial Courts Precept of the 1st " of that month; but which the Magistrate has stated he did not receive till the 25th " - The Provincial Court of Circuit will submit it in making return to this Precept -

Ordered, that Extract of these proceedings be sent to the Provincial Court of Circuit in the Northern Division for their information and guidance by — Precept returnable in 15 days after — receipt -

(Sent following Precept No. 373)

Read.

Read return dated the 24th " February 1835 from the Acting third Judge late on Circuit in the Northern Division at Chicacole to Precept of the Court of Foujdaree Udalut under date the 30th " September 1834, conveying their observations and orders on the second portion of the Chicacole Calendar for the first Sessions of 1833.

(Here enter No. 304 of 1835)

In the above return is submitted the following explanation on the subject of Case No. 43. "In stopping the trial and not putting "the prisoners on her defence, when none was "needed to her acquittal, the Acting 3d " Judge "conceived, he was adopting the preferable "and more acceptable mode, both to the "prisoner and to the public, not imagining "she would be more liable to be brought "up again for trial, than if the whole — "evidence had been taken and recorded."

2 The Acting third Judge will in future bear in mind, that it is open to him to adopt this course, only in the cases described in the Circular order of the Foujdaree Udalut

J.

of the 26th. November 1825, that is to say, when the prisoner may appear to have been committed for trial on insufficient grounds; & that under any circumstances the trial having been once commenced, ought to have been completed-

3 The Court of Foujdaree Udalut having in their proceedings of the 30th. September last, animadverted upon the apparent dilatoriness with which the acting third Judge had conducted the Sessions at Chicacole, that Officers in the concluding para" of his Return now under consideration, proceeds to detail the "several causes", to which, he thinks the delay "may be attributed"- These causes may thus be briefly summed up- The preparation of a few only of the translations on the arrival of the Judge at the station, the length of time spent in the examination vce of depositions &c. in cases not tried, the difficulty of procuring the attendance of witnesses, the "newness" of the acting third Judge and of the Court's servants to the Circuit business, the length of time occupied in making the witnesses

"witnesses many of whom were of the lowest Woorea "caste" comprehend the questions put to them; and finally, the repeated interruption of the regular sitting of the Court, in consequence of illness-

4 It is however worthy of remark, that while by the acting third Judge a period of seven months and eleven days was consumed in the trial of 54 cases, which alone out of a Calendar of 78 were brought by him to a termination, the additional Judge now on Circuit in the Northern Division, who held the Sessions for the second half of 1834 at Chicacole, and who opened the Sessions at that station on the 8th. December 1834, and reported his arrival at Vizagapatam on the 7th. February following, disposed in a very little more than one quarter of the time of a Calendar comprizing 72 Cases of which five only were postponed. At the same time there appear no grounds for believing, that the Additional Judge was exempt from the operation of those adverse circumstances, illness and

and inexperience excepted, the first of which was not reported, which would seem to have been so severely felt by the acting third Judge, that his establishment was not superior may be fairly presumed:— indeed he reported, that in consequence of severe domestic affliction he had been deprived of the services of his Head writer:— and that being at the same station, he too would see before him witnesses of "the lowest woonia caste" not superior, in intellectual capacity to those who before the acting third Judge exhibited so much slowness of comprehension, is a fact which will not admit of controversy—

5 The Court of Foujdaree Udalut after making every allowance for Mr. Grey's want of experience, are constrained to record their opinion, that his explanations are unsatisfactory—

6 The Court of Foujdaree Udalut have on several recent occasions been compelled to pass severe censures, on the delay of the acting third Judge in making Return to their Precepts

Precepts. They will now only observe in conclusion, that the explanations submitted by that Officer in his return under consideration might with the greatest facility have been furnished immediately upon the receipt of the Courts' Precept, instead of after the lapse of nearly four months—

Ordered, that Extract from these proceedings be sent to the acting third Judge late on Circuit in the Northern Division for his information—

(Sent in No. 374)

No return having yet been received from the acting 2d Judge late on Circuit in the Northern Division, to the Precept of this Court of 22d January last, communicating an Extract from the Minutes of consultation ordering a reward of 70 Rupees to two individuals therein named, the Court direct, that the acting 2d Judge be required to make return in 14 days from the receipt of these orders—

Ordered, that Extract from these proceedings be sent to the acting 2d Judge late

late on Circuit in the Northern Division by precept returnable in 14 days—

(Sent following Precept No. 375)

No return having yet been received from the Provincial Court of Circuit in the Northern Division, to the precept of this Court of the 15th ult. November last, containing their proceedings on the communication from the Acting 2d Judge dated 16th October 1834, referring to cases 80 & 81 in the Criminal Court at Rajahmundry, the alleged murders of Pellachennagoo and of Gowtah Sawmy— The Court direct, that the Provincial Court be required to make return, as within 8 days from the receipt of these orders.

Ordered, that Extract from these proceedings be sent to the Provincial Court of Circuit in the Northern Division by precept returnable in 8 days—

2nd 8/3

(Sent following Precept No. 376)—

Read letter dated the 24th ult. from the Provincial Court of Circuit in the Northern Division— transmitting copy of a letter respecting the construction of a Civil Jail at Masulipatam—

(Here enter No. 502.)

Read

14th April 1835

Read letter dated the 26th ult. from the Provincial Court of Circuit in the Northern Division— transmitting with reference to their letter of the 3d March copy of a further communication from the Acting Judge of Masulipatam with copy of the correspondence therein referred to on the subject of certain contemplated improvements to the Jail at that Station—

(Here enter No. 530.)

14th April

4 3rd

F. 16.

At a Court of the Foujdary Udalut

Present,

Thursday
16th April 1835

John Bird Esqre ---------- 2nd Puisne Judge

William Hudleston Esqre ---- 3d Puisne Judge

Read letter dated the 23d Ultimo from

the 1st Judge on Circuit in the Southern Division,

transmitting the Record of proceedings in Case No. 8 Tinnevelly

Calendar 1st Sessions of 1835.—

(Here enter No. 476.)

The Court of Foujdary Udalut having

Mr. Bird
and
Mr. Hudleston

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 confirm the said futwa of the

Cazee ool Coozat and Mooftees aforesaid convicting the

prisoners,

1st Sureyen
and
2nd Shodala Mootoo

of the crime of manslaughter and under Clause second

Section XII Regulation VIII 1802, on commutation of the

penalty

penalty of Deyut awarded in the future, adjudge him to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of (10) ten years.-

(Sent following letter No 382)

Read letter dated the 3d Instant from the Acting 2nd Judge holding 1st Quarterly Sessions 1835 at Masulipatam, submitting his proceedings in No 1 Supplemental Calendar.-

(Here enter No 532)

Also Read petition presented on the 31st Ultimo by Kendavelly Sodiah complaining of the proceedings of the Acting 2nd Judge in the above case in Supplemental Calendar.-

(Here enter Mis. Pet. No 25 of 1835.)

/ The First Quarterly Sessions having closed on the 31st Ultimo, it will become the duty of the 1st Judge of the Provincial Court of Circuit, who will of course preside at the 2nd Quarterly Sessions, to conduct the trial of the prisoners, whose commitment for perjury has been directed by the Acting 2nd Judge; And as those persons

F 11
16 April 1835

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persons have not been admitted to bail, the Court of Foujdary Udalut deem it proper to direct, that the 1st Judge proceed in their cases as early as possible-

2 Referring to the 7th para of the Acting Judge 2nd Judge's letter, in which he requests the "early orders of this Court in the case of the 13th Prisoner Cunny Veeramah-" The Court will not at present interfere; but they resolve to instruct the 1st Judge to report his opinion on this person's case after the close of the trials, when, if he consider him free from all blame, he should instruct him to bring his case before the Provincial Court or the Court of Foujdary Udalut, to whom it is competent to grant him redress under the Circular Order of the 11th March 1830.-

3 The Court deem it also proper to point out to the 1st Judge, that if he record a conviction in the Cases of perjury, it is of importance that the suborners should be brought to trial; he will accordingly bear this in mind when conducting the examination; and should he be of opinion that there are grounds for a charge of subornation of perjury against parties not already before the Court, he will take

F. U.
16th April 1835

take the necessary steps for bringing such persons to trial— The Court are convinced that it is by measures of this nature alone, that perjury can be repressed—

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 in six weeks—

(Sent following Precept No. 383

Ordered also, that copy of para 1 of the foregoing proceedings be furnished to the Petitioner, on Rundawelly Sooblah on his application—

F. U.

Saturday
18th April 1835—

At a Court of the Foujdary Udalut—

Present,

Charles May Lushington Esqre 1st Puisne Judge

John Bird Esqre ..... 2nd Puisne Judge

William Hudleston Esqre ..... 3d Puisne Judge—

Circular Order—

No. 40—

The Court of Foujdary Udalut upon a mature deliberate consideration of the operation of the system pursued under their circular orders of the 24th November 1823, and 29th October 1829, whereby the monthly returns of the several Criminal Tribunals are subjected to revision by the Provincial Courts of Circuit, previously to their submission for the examination of the Foujdary Udalut, have arrived at the conclusion, that this innovation upon the practice established by the rescinded provisions of Section XXXV Regulation X of 1816, which required the direct transmission

transmission to the Foujdary Udalut of the correspond-
-ing quarterly reports, has been productive of inconve-
-niences, which cannot be regarded as adequately counter-
balanced by any advantages resulting from its introduc-.

2 It has very frequently happened, that owing to the delay in the arrival of these reports at the Presidency, under the present system, the revis-
-ions of the Court of Foujdary Udalut to modify, or set aside, sentences of the Criminal Courts therein exhibited, have been wholly negatory.-

3 It is obvious to remark, that the Provincial Courts of Circuit cannot be permitted to issue orders in modification of the sentences, so report-
-ed, in as much as such a proceeding would be attended with the two-fold inconvenience, of an inevitable departure from that "uniformity of decision;" the preservation of which forms one prominent ground of the institution of the Foujdary Udalut, and of the frequent transmiss-
-ion by the Provincial Courts of Circuit of instructions to the Courts subordinate to them, which might not receive the concurrence of the Court of Foujdary Udalut.

To

4 To this Court, therefore, must ever be confined the duty of directing the requisite modifica-
-tions of the sentences reported in these Monthly returns, and as already intimated, it has been found, that this cannot be effectually accomplished under the present system of their circuitous transmission.-

5 It is, moreover, not a trifling disad-
-vantage necessarily attending the existing practice in this respect. That constructions of Law not infrequent-
-ly are enunciated by the Provincial Courts of Circuit in their remarks addressed to the Lower Courts, from which the Court of Foujdary Udalut to whom belongs exclusively the province of expounding the provisions of the Regulations enacted for the administration of Criminal justice, are compelled to dessent.

6 With reference to the foregoing consider-
-tions, the Court of Foujdary Udalut resolve to revoke the Circular Order of 29th October 1829, and so much of the circular orders of the 24th November 1823, as relates to the transmission of the returns in question through the Provincial Courts of Circuit, and to direct that the several Criminal Courts do transmit them

in

in future directly to this Court, so as to arrive at Manaar by the fifteenth day of the month succeeding that, for which the said reports are furnished.

7 The prescribed half yearly statements will continue, as at present to be submitted through the Provincial Courts of Circuit - and they will request the Military authorities in charge of prisoners to forward the statement called for in the orders of the Foujdary Adalut of the 9th February last to the Zillah Court, by the 5th of each Month.

Ordered, that the four Provincial Courts of Circuit be commanded to issue the necessary instructions to the several Criminal Courts, subordinate to them respectively for carrying these instructions into effect, by precept returnable in five days.

(Sent following Circular Precept N° 385)

Ordered also, that a copy of this Circular Order be transmitted to the Secretary to Government in the Judicial Department, for the purpose of being laid before the Right Honorable the Governor in Council.

(Sent following Letter N° 386)

F. 96.

At a Court of the Foujdary Adalut

Present,

Monday 20th April 1835

Charles Mary Lushington Esqr. 1st Puisne Judge

Ditto John Bird Esqr. 2d Puisne Judge

Ditto William Budleston Esqr. 3d Puisne Judge

Read Petition presented on the 31st March 1835 by Nattummaul alias Angammaul and Palamalay Pillay of the Zillah of Chingleput.

(Here enter Mis: Pet: N° 24 of 1835.)

1 It is represented in this Petition, that one Calecteta pillay, prisoner in Case N° 1 on the Chingleput Calendar for the Second Sessions of 1834, being arraigned before the then Acting Third Judge on Circuit in the Centre Division on a charge of Wilful and corrupt Perjury, alleged to have been committed by him when witness on the part of the Petitioners in Miscellaneous Case N° 80 of 1823 on the file of the Centre Provincial Court was sentenced to seven years imprisonment with hard labour in irons.

2 The Petitioners, of whom the first-named, is the wife and the second, the Son, of the Prisoner, assert the falsity of the charge: and pray the Court of Foujdary Adalut to call for and consider the record of the Case, and direct the release of the Prisoner.

They

They further pray, that the Subordinate authorities may be instructed, pending the investigation, to detain the prisoner in confinement without mone-

The petitioners are informed that the case as entered in the Calendar has been fully considered, and that from the Sentence of a Court of Circuit, there is no appeal.

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

Circular Order

No 41

The Court of Zuydaree Adalut observing in certain trials, recently referred for their final judgment, that the form of reading in open Court the prisoner's confession before the Lower tribunal, has not been observed, deem it proper to direct by a Circular Order, that in all trials before the Courts of Circuit, when the prisoner may have confessed the charge before the Criminal Judge, the Magistrate or proper Officer of Police, the Subscribing witnesses to such Confession be first examined, as to the contents of the declaration attested by them; and that such declaration be, after such examination, read in open Court, and the Subscription of the witnesses proved, and that it be minutely entered in the record.

record of the trial, that this procedure has been observed.

Ordered, that Extract of these proceedings be sent to the 4 Provincial Courts of Circuit by precept conjoining them to communicate the same to the Several Judges on Circuit for their information and guidance.

Precept returnable in three days.

Sent to Cr. No. 62 / Sent following Circular Precept No. 387

Read return dated 2d Instant from the Acting 2d Judge of the Provincial Court of Circuit in the Northern Division to precept of Zuydaree Adalut dated the 28th March 1835, ordering the release of the 5d prisoner Sutty Cotoya in Case No. 52 on the 1st Calendar for the 1st Sessions of 1834 for Gyatoor-

/ Here enter No. 533 /

Read letter dated 6th Instant from the Provincial Court of Circuit in the Western Division, submitting copy of a letter from the Acting Joint Criminal Judge of Cuttack regarding one of his Reports for February last.

/ Here enter No. 546 /

Read further return dated 4th Instant from the Provincial Court of Circuit in the Northern Division to precept of Zuydaree Adalut dated the 17th Ultimo, directing the release of the 1st and 2d prisoners

14th "

1st April 1835.

prisoners in Case No. 57 on the Rajahmundry Sessions Docket

Report.—

/Here enter No. 548./

Read return dated 8th Ultimo from the acting 2nd Judge late on Circuit in the Northern Division, to precept of Foujdaree Udalut dated the 29th January 1835, directing the immediate and unconditional release of the Prisoner in Nos. 61 and 64. and in No. 103 of the Guntoor Calendar for the 1st Sessions of 1834.—

Ent'd Clerk

/Here enter No. 379./

Fo. 40.

At a Court of the Foujdaree Udalut.

Present,

Tuesday, 25th April, 1835. Charles May Lushington Esqre — 1st Puisne Judge,

Clerk John Bird Esqre — 2d Puisne Judge,

William Hudleston Esqre — 3d Puisne Judge.

Read letter, dated the 19th Ultimo from the Additional Judge on Circuit in the Northern Division submitting the record of proceedings held in Case No. 48 Chicacole Calendar 2d Sessions of 1834.—

Here enter No. 478.)

Mr. Bird
&
Mr. Hudleston

The Court of Foujdaree Udalut having maturely considered the proceedings held before the Judge on Circuit, the Futwa of the Provincial Law Officer and the Futwa of the Cazee-ool-Cozat and Mooftee of the Foujdaree Udalut, confirm the said Futwa of the Cazee-ool-Cozat and Mooftee aforesaid; and accordingly, under the sentence of Dohobut declared in the Futwa and in conformity with the provisions of Clause third

third, Section VII Regulation XV of 1803 sentence the prisoner

Gooneesetty Coomanah alias Codamapooly

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. 389)

The Court of Foujdaree Adalut having disposed of this case, deem it proper to direct, that it be transmitted to the Secretary to Government in the Judicial Department for the purpose of being laid before the Right Honorable the Governor in Council, inasmuch as their proceedings involve a determination on the question of how cases of this nature, tried before the ordinary Courts of Judicature, as permitted by Section IV. Regulation VII of 1808, are to be dealt with.

It

It is indeed not improbable that the present case, as it is the first, may also be the last coming under the cognizance of the Court of Foujdaree Adalut, with reference exclusively to the provisions of the above Section and Regulation, as the provisions of Section III Regulation I of 1834, which include cases that may be tried by the ordinary Courts of Judicature "under the provisions of Section II of that Regulation," direct that no sentence shall be "carried "into effect without previous sanction "of the Right Honorable the Governor in "Council, as prescribed in Section V "Regulation XX of 1802."

The existing provisions of the laws, as applicable to the present case, wherein the offences charged were committed before the promulgation of Regulation I of 1834,

not

not containing any such provision as that last recited, the Court of Foujdaree Udalut have disposed of the case, in the same manner as other cases, according to the general Regulations.

With reference to the exposition of the Law in cases of treason, or rebellion, given in the letter addressed to the Secretary to Government in the Judicial Department, under date the 26th August 1830, the Judges of the Foujdaree Udalut consider it fit to point out, that the rule, contained in Section II Regulation XX of 1802, prescribing the constitution of the Courts, competent to try cases of this nature, cannot apply to cases referred for trial by the ordinary Courts of Judicature according to the option in that respect given by the provisions of Section IV Regulation VIII of 1808.

Ordered, that the above record

record with Extract of these proceedings be sent to the Secretary to Government in the Judicial Department to be laid before the Right Honorable the Governor in Council.

Sent to Govt. No (Sent in No. 390)

Read letter dated the 31st March 1835, from the Acting third Judge on Circuit in the Centre Division submitting copy of the Cuddalore Calendar for the 2d Sessions of 1834.

(Here enter No. 508.)

The Court of Foujdaree

Case No. 2. Udalut having maturely considered all the circumstances of this case, as they appear in abstract on the Calendar together with the representations of the Acting third Judge, sanction under Clause third, Section III Regulation I of 1825, the mitigated punishment recommended by that Officer, and accordingly direct, that the prisoners "Ramapadiachey"

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.

2. It appears from the remarks on the Calendar, that the acting third Judge instead of conforming to the Circular Order of the Foujdaree Udalut of the 20th March 1834, which directs that "the Judge of Circuit, will, in future when "purposing to recommend a mitigation of "punishment, merely intimate to the prisoner the penalty to which by law he has rendered himself liable, instructing the Criminal Judge at the same time to detain the prisoner in Jail with hard labour in irons, until the final orders of

"of the Foujdaree Udalut shall be made "known to him" - irregularly proceeded to "Sentence" the prisoner "to fourteen years imprisonment" "&c" "under clause third "Section IV, Regulation XV of 1803."

The Court of Foujdaree Udalut

No. 3 3

observe, that the objections taken by the Mahommedan Law officer of the Court of Circuit to the testimony of the 3d & 4th witnesses in this case - namely, that they differed in their evidence before the two tribunals - are not of that nature which under the provisions of Clause first, Section II, Regulation VII of 1829, it is competent to the Court of Circuit to overrule - They therefore resolve to direct the

the Acting third Judge to put an amended question to the Law Officer, assuming that the objections to the evidence of the 6th and 7th witnesses only had not existed. Should the futwa then given, convict the prisoners, the sentence already passed by the acting third Judge will stand; if otherwise, the trial must, under the provisions of the general Regulations, be referred to the Foujdaree Udalut for their final Judgment.

Case No. 5. 4 With reference to their remarks in the preceding para, the Court of Foujdaree Udalut, observe, that if case No. 3 be referred, and the prisoners concerned in it acquitted, the Law Officer of the Court of Circuit must be required to state the sentence to which the 1st prisoner in this case (No. 5) is liable, and the acting third Judge must pass sentence upon him.

Case No. 8. 5. The acting third Judge will recollect in future, that in cases circumstances as is number 3, a conditional sentence should be passed, to prevent inconvenience if the Foujdaree Udalut

Udalut acquit in the referred case.

Case No. 11. 6 The Court of Foujdaree Udalut are unable to concur with the acting third Judge in deeming this case, disposable by the Criminal Court under their Circular order No. 2 of 1834 - From a consideration of all the circumstances of the case as detailed in the Calendar, they are of opinion, that it ought to have been tried by the Court of Circuit.

Case No. 12 7 Seeing reason to doubt the propriety of the decision of the Court of Circuit in this case, the Court of Foujdaree Udalut direct, that an English Translation of the proceedings be prepared, and submitted for their consideration without delay.

Case No. 13. 8 In this case also it was not competent to the Court of Circuit to overrule the objections of the Mahommedan Law Officers to the evidence of the 6th Witness: and if without his testimony the conviction will not stand, (to ascertain which point an amended Question must be put,) the case must be referred for the final Judgment

of

of the Poujdaree Udalut—

Ordered, that Extract from these proceedings be sent to the late Acting third Judge on Circuit in the Centre Division, for his information and guidance by Precept, returnable within five days from and after its receipt.—

(Sent following Precept No. 391)

Read letter dated the 1st instant 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 February 1835.—

(Here enter No. 522)

Tinnevelly Supt.s Report Case 128 of 1834.

1 It does not appear that any crime was proved against the prisoners in this case— but that merely the attempt, to commit a fraud in salt was made. The Provincial Court of Circuit will accordingly call upon the Joint Criminal Judge to explain the circumstances of the case, and the facts proved against the prisoners—

Report V Case 15.

2 According to the charge there was no crime attributed to the prisoners in this case.

The

The Court conclude, that there was other proof that the prisoner had the gold stud in his possession, knowing it to have been stolen, than the mere fact of his not accounting for it, otherwise the sentence recorded would have been illegal. The Provincial Court of Circuit are correct in their opinion of Section VII Regulation X 1816 being inapplicable to the case, if considered one of knowingly receiving stolen goods—

3 By the statement, the Extra Peons exceed the authorized number, and the Joint Criminal Judge should be called on to explain, why he entertained 10 Extra Peons throughout the month, and 5 others temporarily, when the numbers of prisoners working outside, for whom alone according to the Circular Order No. 33 dated 13th March 1835 the Extra Peons are to be kept, amounted to only 31.—

Combaconum 4 The above observation and order apply to the statement from Combaconum, where 66 extra Peons have been entertained,

the

the number of Prisoners working outside the Jail being 224.—

Combaconum Report V Case. 39

5.

The Court of Foujdaree Udalut, on consideration of all the circumstances reported, are not of opinion, that the sentence on the prisoner in this case should be disturbed — it is to be concluded that the Prosecutor sworn to the fact of the robbery.—

6.

The Provincial Court of Circuit will forward to the Court of Foujdaree Udalut for their information, the reason which may be assigned by the acting Criminal Judge for not disposing of any criminal case during the month of February.

Salem Supt. Report.

7

The attention of the Criminal Judge of Salem should be directed by the Provincial Court of Circuit to the Circular Order of 28th June 1824. which points out the correct heading of the Supplemental Report — the present Report being faulty in this respect.

Case 7.

8

The observation recorded by the Provincial Court of Circuit on case 9, applies equally to case 7, and to others in Report I. No. V and they

they will transmit to the Foujdaree Udalut the explanation they may receive, respecting the "Police Sheristadar" stated to have forwarded these cases tos the Criminal Court.—

Case 9.

9

The commitment of the 1st prisoner in this case does not appear to the Foujdaree Udalut to be unsupported. The prisoner it would seem confessed before the Police, and the stolen property was found in his possession.

Report V Case 16

10

The 1st prisoner in this case has been sentenced to 4 months imprisonment, under Clause 1st Section XI Regulation XIII 1832, for allowing a prisoner to escape. The Report does not shew the capacity, in which this 1st prisoner received into his custody the party for whose escape he has been made responsible, and the Provincial Court of Circuit will accordingly order him to be immediately released, if they find upon investigation that he was not serving as a Peon, as the Foujdaree Udalut ruled on the 31st March 1835, that Section XI Regulation XIII 1835 is applicable only tos

to Peons, or persons serving in that capacity.—

Case 18 para 30th of Proc: of Pl. Court of Circuit

11 The result of the proceedings of the Magistrate respecting the conduct of the Head of Police, who forwarded the 2d prisoner in this case will be reported by the Provincial Court of Circuit, to the Foujdaree Adalut for their information.—

Case 31

12 The Court of Foujdaree Adalut do not at present see grounds, for disturbing the order for the requisition of security from the prisoner in this case.—

Coimbatore Report Case 18.

13 Although the prisoner in this case was convicted also in the 4 preceding cases of thefts— they were very trifling, and the property stolen did not in fact exceed altogether 8 Rupees; the Court of Foujdaree Adalut do not therefore deem it proper to disturb the sentence recorded of 6 months imprisonment, and hard labor in irons.—

Case 25.

14 The Provincial Court of Circuit having called for the proceedings in this case, the Court of Foujdaree Adalut await a report of the result of the investigation.—

The

Supt. Report Case 405.

15 The grounds for the requisition of security from the prisoner in this case should have been recorded, the Provincial Court of Circuit will point out to the acting Joint Criminal Judge, that the Foujdaree Adalut have ruled, that the grounds for the order or sentence in each case in the Criminal Reports, should be entered therein.—

16 The observation and order in para 3 of these proceedings, apply to the statement of extra Peons at Coimbatore, where 65 prisoners appear to have been worked outside the Jail, and 32 extra Peons retained throughout the month.—

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 in 25 days after receipt.—

(Sent following Precept No. 392)

Read Extract from the Minutes of Consultation in the Judicial Department dated the 10th instant.— (Here enter No. 542. of 1835.)

In

In the second paragraph of the above extract from the minutes of consultation, the Judges of the Court of Foujdaree Udalut are called upon "to submit the reasons, for which "they deem it expedient to abstain from recording "the ground of their sentences for the information "of the subordinate officers."—

On all occasions, where the Judgment of the Court of Foujdaree Udalut may be affected by any error, or omission in the proceedings held on a Criminal trial, referred to them, the same is recorded for the information, and future guidance of the subordinate tribunal: so also in cases, called up by the Court of Foujdaree Udalut, upon a review of the Calendar of persons tried by the Court of Circuit, where the sentence, or order of the latter Court may be overruled, the ground of the proceeding is invariably recorded for that Courts' information.—

To follow the same course, upon ordinary occasions, where the sentence of the Court of Foujdaree Udalut may be different from that proposed by the Court of Circuit, and may rest

rest on a different appreciation of the evidence on the record, would in the opinion of the Judges be objectionable.—

It not unfrequently happens, that two Judges of the Court of Foujdaree Udalut arrive, upon distinct grounds, at the same conclusion, in opposition to the view taken of the case by the Court of Circuit, in these cases, an explanation of the grounds of the final Judgment, would not always be practicable.—

And in cases, where the Judges of the Foujdaree Udalut may concur in the grounds of a Judgment, opposed to the opinion of the Court below, they are of opinion that to record those grounds for the information of the lower Court would lead to cavil, and frequent misapprehension.— It would, moreover, occasion correspondence, interrupting the ordinary business of the Court of Foujdaree Udalut, which already demands their entire attention, and can be got through only by the most strenuous application.

The existing practice taken its origin from

from the first institution of the Court of Foujdara Udalut, who are not of opinion, that any benefit would result, from an opposite course, commensurate with the inconveniences, with which it would be attended.—

Ordered, that Paras" from 3 to 7 inclusive of the above Extract from the Minutes of Consultation be sent to the 1st " Judge of the Provincial Court of Circuit in the Western Division, with instructions to communicate Paras 4 & 5 with a copy of the proceedings of the Foujdaree Udalut therein referred to, to the Criminal Judge of Malabar.—

(Sent in Ser. 393)

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

Sent to Govt. &c.

(Sent in Ser. 394).—

F. 86.

At a Court of the Foujdaree Udalut—

Present,

Wednesday 22d April 1835

Charles May Lushington Esqre 1st Puisne Judge

John Bird Esqre — 2d Puisne Judge.

William Huddleston Esqre 3d Puisne Judge.

Read Order of Government dated the 11th March 1834, Sanctioning the execution of the Sentence of the Foujdaree Udalut in Case No 1 from the Vizianagaram Special Commission of 1833.—

(Here enter No 608 of 1835.)

Ordered, that the Sentence passed upon the prisoners in this case by the Court of Foujdaree Udalut on the 1st March 1834 be forwarded to the 1st Judge of the Provincial Court of Circuit in the Northern Division late Special Commissioner for Vizianagaram, with directions to issue the necessary orders for carrying the Sentence of the Foujdaree Udalut into execution.—

No 396

At a Court of the Foujdaree Adalut.

Present,

Thursday, 23d. April, 1835.

Charles May Lushington Esqr. 1st. Puisne Judge.

A. J. Bird Esqre. 2nd. Puisne Judge.

William Hudleston Esqr. 3rd. Puisne Judge.

Read letter dated the 30th. March 1835 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 February.

(Here enter No. 523)

Canara Report ✓ Case 13.

1. The Prisoner in this Case appears to have been apprehended on the 7th January on a charge of putting a person to death by cutting him with a knife", and, in consequence of a reference to the Magistrate, to have been detained in the Jaloork till the 7th February. The necessity of the reference is not apparent, and the Provincial Court of Circuit will therefore take the opportunity to inform the Magistrate, and the Acting Criminal Judge that on the 11th February last, the Court of Foujdaree Adalut ruled, that an explanation should be given in the Criminal Reports, when delay is occasioned in any case by a reference to the Magistrate by the Police.--

Cas 19.

2

Similar observation applies to the
delay in the transmission to the Criminal Court of
the prisoner in the case No. 19.-

Case 20.

3

In the case No. 20 the prisoner was
according to the Report was detained in the Talook a
whole Month, and the following recorded reason for
"the detention is not satisfactory." The Tahsildar repo
"that the Joint Magistrate directed the enquiry to be
"held in this case and required a report of the result
"and that the case was sent to the Criminal Court
"on the 21st February on the receipt of the Joint
"Magistrate's order to that effect."

Supplemental Report.

4.

The Provincial Court of Circuit
will bring to the notice of the Acting Criminal
Judge, that the Court of Foujdaree Udalut have
ruled, that it is necessary to insert the grounds of
the order, or sentence in each case - it is observed
that he has considered it sufficient to record on
that the several Prisoners in the three cases in the
Supplemental Report were "committed on the
"evidence."

Canara
Joint Criminal Court.
Report V. Case 5.

5.

The charge in this case is, that
the prisoners Cut Proserpor" with a sword," and the
1st Prisoner is found "guilty on the evidence" and
yet the explanation in the Report is, that a deadly
weapon

weapon was not proved to have been used - It
would have been more satisfactory if a clearer
explanation had been given.-

Malabar.

6.

The Provincial Court of Circuit
will acquaint the Criminal Judge of Malabar,
that it is desirable to have the Criminal Reports
combined; when they are transmitted on
separate sheets, as on the present occasion,
they are more liable to be mislaid.-

7

The number of Extra Peons
entertained by the Criminal Judge, is apparently in an undue proportion to the prisoners
worked outside the Jail, for whom alone they
are authorized as explained in the Circular Order
No. 93 dated 13th March 1835.-

Report V. Case 55

8

The explanation of the delay on the
Talook in this case is unsatisfactory, and indeed
unintelligible to the Court of Foujdaree Udalut.-

Report V.
Case 62

9.

With reference to the explanation
of the Magistrate respecting the detention of the
prisoners in this Case in the Talook, from the
22nd December to the 15th February, the Court of
Foujdaree Udalut trust that the Magistrate will
endeavour to cause such a protracted detention to be
avoided in future.

In

Malabar
Joint Criminal Court
Report X. Case 13.

10. In this Case the 1st and 2d Prisoners have been committed on a charge of receiving & stolen property obtained by the perpetration of "House-breaking," the property stolen having exceeded 100 Rupees in value - the Provincial Court of Circuit appear to be of opinion, that the case, if none of the circumstances of aggravation specified in Clause 3d Section IV Regulation VI 1822 exists, should have been disposed of by the Joint Criminal Court, & admitting that if the principal, who was charged with the Housebreaking, but who was released had been committed, the 1st and 2d prisoners ought to have been committed also. The Acting Joint Criminal Judge considered the case committable, as "although the case is not specified in Clause 2d Section IX Regulation VI 1822 yet it can hardly be supposed that the & Criminal Judge has a power in cases of aggravated Burglary, which is deemed to him in-cases of aggravated theft."

11. It appears to the Court of Foujdaree Adalut, that if there was evidence to prove that the prisoners knew that the property had been obtained by House breaking the commitment is right, but not otherwise: and the Provincial Court will issue orders

(2) J. H.
23d April 1835

orders accordingly.

Supplemental Report
Case 9.

12. With respect to this case, the Court of Foujdaree Adalut cannot decide, without knowing the extent and nature of the evidence, whether or not the Joint Criminal Judge was justified on releasing the prisoners. As the Acting Joint Criminal Judge was not competent to pass a final sentence in the case, which was one of murder, further proceedings may be held against the prisoners, if the Provincial Court of Circuit are of opinion, that grounds sufficient exist for their conviction. The Circular Order No. 23 dated 2d December 1834 points out the course to be adopted in such cases.

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 in 20 days after receipt.-

(Sent following Precept No. 399

Read letter dated the 6th Instant from the Second Judge on Circuit in the Centre Division, submitting Copies of the primary and Supplemental Calendars of the Zillah of Cuddapah for the first Sessions of 1835.-

(Here enter No. 539 of 1835)

The

Case No. 12.

1

The Court of Zeydaree Adalut having maturely considered all the circumstances of this case, as they appear in abstract on the Calendar together with the representations of the Second Judge resolve under Clause Third, Section III Regulation I of 1825 to sanction the mitigated punishment recommended by that Officer, and accordingly direct that the prisoner,

3rd Pundeecalla Chunteradee

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

2

The Court of Zeydaree Adalut observe, that the Second Judge has omitted to record in the Calendar, the release of the 1st 2nd and 4th prisoners.

Case No. 13.

3.

The Court of Zeyadaree Adalut before passing any order regarding the mitigation of punishment recommended by the Second Judge in this case, deem it proper to have before them the declarations of the prisoner before the Police and the Criminal Court, and accordingly direct that the Second Judge do furnish them with english Translations of the same without

delay

delay.

Case No. 24.

4.

In this case also the Court of Zeyadaree Adalut, sanction under Clause third, Section III Regulation I of 1825, the mitigated punishment recommended by the Second Judge and accordingly direct that the prisoner

"Podee Condadoo"

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.

Case No. 37.

5.

The Court of Zeyadaree Adalut observe that, as the offence of which the prisoner in this case has been convicted is specifically provided for, a Second Futwa should not have been taken; but sentence have been passed, under Clause Second Section III and Clause fourth Section II Regulation VI of 1822.

Case No. 45

6.

The Court of Zeyadaree Adalut have carefully considered the Record of this Case, and are of opinion that no advantage would have resulted from the detention of the prisoners in confinement, while further evidence was being sought for. They consequently approve of the proceeding adopted by the Second Judge.

Supplemental Calendar Case No. 3.

7.

In making Return to this Precept, the

23d. April 1835.

the Second Judge will state, whether or not the prisoner in this case has been set at liberty. The concluding observation of the Second Judge leaves the subject somewhat in doubt.—

"The alibi of the prisoner is not very
"satisfactorily proved, but under the foregoing
"circumstances it is impossible I think to convict."

Case No. 5.

8. The Court of Tondaree Adalut concurring in the view taken of this case by the Second Judge, Sanction under Clause Third, Section III Regulation I of 1825 the mitigated punishment recommended by that Officer, and accordingly direct that the prisoner,

"Yanukala Rangadoo"

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.—

Ordered that Extract from these proceedings be sent to the Second Judge on Circuit in the Centre Division for his information and guidance by precept, returnable within five days from and after its receipt.—

(Sent following precept No. 400)

Read return dated the 3d. Instant from the Additional Judge on Circuit in the Northern

(3) No. 86.

23d. April 1835.

Northern Division to Precept of the Court of Sudder Adalut under date the 24th. March 1835, conveying their observations and orders upon the Chicacole Calendar for the 2d. Sessions of 1834.—

(Vide order No. 534 of 1835)

1. In reply to the remarks contained in paras 11 and 12 of the proceedings of the Sudder Adalut under date the 24th. Ultimo, the Additional Judge in para 5 of this return explains, that "in "the observation he made regarding a finding "of "Thomut" taking a case out of his jurisdiction, "he imagined he was abiding by the tenor of "para 6 of the Court of Sudder Adalut's pro- "ceedings of 31st. December 1834 on his Vizaga- "patam Calendar, for the 2d. half of that year, "which declared, that discretionary punishment "as authorized by the Mahommedan Law under "a Futwa of "Thomut", or strong suspicion: but "as it is not competent to the Court of Circuit to "sentence to punishment on such finding, the "case has been properly referred to the Sudder Adalut."

2. It is here necessary to observe that in "the case" above alluded to—No. 30 on the Calendar of the Zillah of Vizagapatam for the Sessions for the second half of the year 1834—the Additional Judge

consider

considered the charge to be established against the
prisoner, while the Mahommedan Law Officer of
the Court of Circuit acquitted him, for he returned
a verdict of "Thomut" or suspicion only; and by
Clause Sixth, Section II Regulation XV of 1803, it is
provided, that no part of that Regulation shall be
considered to authorize the infliction of any punish-
ment whatever, upon suspicion only."

3. Thus then between the Presiding
Judge and his Law Officer, there was a difference
of opinion: and it was this circumstance, (and not
as the Additional Judge would appear to suppose,
any peculiarity inherent in a Futwa of Thomut)
which, under the provisions of the general Regula-
tions rendered necessary the reference of the Trial.

4. After these remarks, it is hardly
necessary again to observe, that in concluding that
the finding of Thomut took the case out of "his
"jurisdiction and rendered a reference to the Foujdaree
"Adalut incumbent" the Additional Judge was
in error: for had he been satisfied of the innocence
of the prisoner, he would, under the finding of
Thomut, for the reasons above stated, have been
competent, on his own authority to order his
unconditional

unconditional release.

Ordered that Extract from these
proceedings be sent to the Additional Judge on Circuit
in the Northern Division for his information and
future guidance.

(Sent in No. 401

Read Return dated the 3d. Instant
from the Additional Judge on Circuit in the
Northern Division, to precept of the Court of
Foujdaree Adalut under date the 24th. March 1835 con-
veying their observations and orders on the Chicacole
Calendar for the Sessions for the second half of
the year 1834.

(Here enter No. 534 of 1835)

1. In para 3 of this Return, the
Additional Judge submits the following explanation.

"On paras 5. 6. 9. and 10 he would
"express his regret, that there should have been
"any seeming neglect on his part of the Courts
"Circular Orders. He would respectfully request the
"attention of the Court to the latter part of para 2
"of his letter of the 16th. December 1834 accompany-
"ing the Vizagapatam Calendar in which he
"noticed the imperfect copy of orders furnished to
him

23rd April 1835.

"him. The latest he has, is of the 9th April 1834 -
"notwithstanding his having written to the Ld.
"Collective Court at Masulipatam for those of
"subsequent date; on the 28th October 1834."

2. The Court of Zoydaree Adalut resolve to direct that the Provincial Court in the Northern Division be commanded to furnish to the Additional Judge on Circuit without any further delay, Copies of all Circular Orders which have been issued for the information and guidance of Judges on Circuit, subsequently to the 9th April 1834: and to report to the Zoydaree Adalut the causes which have operated to prevent an earlier compliance with his requisition.

Ordered, that Extract from these proceedings be sent to the Provincial Court of Circuit in the Northern Division by Precept, returnable within seven days from and after its receipt.-

(Sent following Precept No. 402)

Read Extract from the proceedings from the Provincial Court of Circuit in the Northern Division dated 27th March, accompanying the Criminal Reports prescribed by Section XXXV Regulation X 1816 for the month of February 1835.

(Vide enter No. 489 of 1835)

F. 26

23rd April 1835.

Chittoor

Supplemental Report

Cases 34 and 35.

1. The Acting Criminal Judge has not stated clearly in his Report, the grounds of his sentence in the latter case noted in the margin - It would appear by his quoting Section IX Regulation XIII 1832, that the crime proved was receiving Stolen property offered under suspicious circumstances & without giving information - and if so, the suspicious circumstances attending the transaction ought to have been stated. The provision of the law however, which, as far as a judgment can be formed from the Report, ought to have been quoted, was Clause 4th Section IV Regulation VI 1822, in the case 35, and with reference to case 34, the citation of Section VII Regulation X 1816 as well as the other Section and Regulation is incorrect. The minor offence merging in the greater, the sentence should have been passed accordingly -

2. The Provincial Court of Circuit will communicate these observations to the Acting Criminal Judge for his information and future guidance.

Chittoor Report V

Cases 39- 40 and 41

3 In case 39, the 2nd prisoner has been sent to the Criminal Court, "without a tittle of evidence against him beyond the bare assertion of the 1st prisoner" - in case 40, the two prisoners in

Case

case 39 are again entered, and it is recorded, that "no proof whatever was adduced in this case, no "property discovered on prisoners" in case 41 one of the same prisoners with two others wassent up- and it is stated, that "no evidence whatever is ado "=duced against any of the prisoners." The Court of Zuijdaree Adalut require an explanation of the transmission of these prisoners to the Criminal Court. If the Criminal Judge has not already communicated the circumstance to the Magistrate, he should be directed by the Provincial Court of Circuit to do so without delay, as directed by Circular Order 21st May 1823, and the Magistrate should be called upon to explain, under the same Circular Order, what notice he has taken of the impropriety of the Head of Police who forwarded the Prisoners without adequate enquiry into the charges preferred.—

Case 47. 4 The Court observe an inaccuracy in respect to the prisoner Chellador in this case, who has been detained on other charges, but is here stated "to be released."

Case 50. 5. The Court observe other cases in the Report, which equally require severe notice

of the conduct of the Police Officers to be taken, in the case noted in the margin, particularly. the transmission of the prisoner on the sole crimination of other prisoners is directly opposed to Section XXVIII Regulation XI of 1816: and the Provincial Court of Circuit will cause the Magistrate to instruct duly his Police Officers to avoid this error in future.—

Case 51. 6. The Provincial Court of Circuit will call upon the Magistrate to investigate, and report upon the circumstances connected with this case, in which 6 prisoners appear to have been forwarded by the Head of Police of Cuddalore: turn on their own alleged confession of a robbery, and the Prosecutors stated before the Criminal Court that no robbery had ever taken place in their houses, and that they had no charge whatever against the Prisoners.—

7. The attention of the Acting Criminal Judge should be directed by the Provincial Court of Circuit to the necessity of recording the grounds of commitment, and also to the propriety of framing the charges in his Reports correctly.—

Case 55. 8. The prisoner in the case noted in the

23d. April 1835.

the margin, is stated to be "released, this charge being groundless as far as regards the administration of drugs &c." the Court of Zoujdaree Udalut find no mention made in the charge of "administering drugs"

9. The Court regret to observe, that there were in the Criminal Court at Chittoor 19 Cases including 33 prisoners "under examination at the end of February". It appears from the "Statement" of the Provincial Court of Circuit, that the Acting Criminal Judge disposed of 10 Cases including 22 prisoners during the Month. The reports however shew that more than 10 cases were disposed of by him. The Provincial Court will urge him to endeavour to reduce the arrears rendering the services of the Assistant Criminal Judge, and the Sudr Ameens more extensively useful than he hes hitherto done.

Chittoor
Statement of Extra Pcons.

10. The Court perceive room in this statement to record observations similar to those passed upon the review of the previous statements. They await however the result of their orders to the Provincial Court of Circuit, conveyed in para 10 of their proceedings of the 21st Ultimo, on the reports for January.

Case

Vellore
Statement of Labor

11. Two of the prisoners are represented in

this statement from Vellore to be "constantly "sick" and "unable to work". The Provincial Court of Circuit will take an early opportunity to cause them to be transfered to the Jail at Chittoor, and to direct them to be replaced by others more efficient.

Cuddapah
Supplemental Report
Case 331 of 1834

12. The 2nd prisoner in this Case having been sent up solely on the crimination of the 1st prisoner, the Provincial Court Circuit will require the Magistrate to reprimand the Police Officer for the proceeding, which is opposed to Section XXVIII Regulation XI. 1816.

Case 10 of 1835.

13 The same remark applies to the case of the 1st 3d 6th and 7th prisoners in No. 10 of 1835.-

Cases 23. 24.

14 These cases of petty thefts appear to have been disposed of by the Sudr Ameen properly and sentence of one years imprisonment passed on the prisoner under Clause 4th Section III. Regulation VI 1822. The Provincial Court of Circuit will cause the omission to be supplied of the circumstances of aggravation, which brought the case of the prisoner under the Section and Regulation quoted. Agreeably to the Circular Order 13th August 1823 they should have been specified in the Report.

The

Report V
Case 33.

15. The entry in the Report of this case, "date of apprehension not known," appears to have escaped the attention of the Provincial Court of Circuit, they will however acquire and forward as early as possible the requisite information. It is remarked that the dates of "leaving the Talook" and of "arrival" are also omitted.

Case 43.

16. Three prisoners stood charged in Case 43 with having sent a false letter to a Police Officer, accusing a person of having carried away by stealth some grain, value 4 Rupees. It is recorded in the Report, "this is no Criminal charge the prisoners are released," and upon the case the Provincial Court of Circuit observe that "the Police cognizance was sufficient for the crime." The Court do not clearly understand this remark; but if the Provincial Court of Circuit were of opinion that the offence was punishable, they should have noticed the proceeding of the Criminal Court.

Cumbum
Supplemental Report
Case 34 of 1834.

17. The Court of Faydaree Adalut having directed in para 16 of their proceedings of the 26th Ultimo, the immediate disposal of this case, the only remark to be recorded is that the Report itself is not, as it should be, under the Circular Order 27th September 1821, in the same form as the Report No. V.

Report V
Case 8.

18. The prisoner in this case was charged with embezzlement of 602 Rupees 14 Annas, and with having made a false complaint that he had been robbed of the amount: he has been sentenced by the Native Criminal Judge to 6 months imprisonment, under Section II Regulation IX 1832 on the ground of his confession of the charge, and the evidence of two witnesses. The Provincial Court of Circuit will call for an explanation of the facts of the case for if the embezzlement was proved, the case should have been committed for trial before the Court of Circuit, if it was not proved, a note should have been made of the circumstance as required by Circular Order 4th July 1826.

Case 10.

19. The dates of apprehension "leaving the Talook" and "arrival", should not have been left blank, as from the Column of remarks it appears that they were known.

20. The Provincial Court of Circuit will enjoin the Native Criminal Judge to discontinue the transmission of the "Statement" forwarded with the reports under review agreeably to the Order of the Faydaree Adalut under date 23rd

23d. October 1834. The Court are not aware of having issued a requisition for any Statement of this nature.

Bellaree Report V Case 38.

21. The irregularity, reported in this case in the following terms, should be brought to the Magistrates notice by the Provincial Court. "The prisoners denied the crime before the Amildar previously to which irregular confessions on the part of some of them were taken down by a Curnum at the instigation of the 1st Witness a Duffadar, and attestations obtained in a most irregular manner."

Cuddalore Report V Case 13.

22. In this case the prisoner was charged with Perjury, because he had under different names, and on different dates given depositions on oath in two causes before the District Moonsiff of Cuddalore. The Judge on Circuit returned the case to the Joint Criminal Court observing in his remark in the Calendar "It could only be treated and dealt with as a Contempt of Court. The prisoner is therefore discharged from the Criminal information."

23. The Acting Joint Criminal Judge however sentenced the prisoner under Section XXII Regulation

Regulation III 1802 to pay a fine of 10 Rupees, a proceeding which the Court of Foujdaree Adalut do not understand; the fine being illegal, no contempt appearing to have been committed before the Auxiliary Court, the Provincial Court of Circuit will direct the amount to be returned, if it has been paid by the party.—

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 in 21 days after receipt.—

(Sent following Precept No. 403.)

At a Court of the Foujdary Udalut.

Present,

Friday 24th April 1835

Charles May Lushington Esqre 1st Puisne Judge

John Bird Esqre ---------- 2nd Puisne Judge

Absent

William Hudleston Esqre ---------- 3d Puisne Judge.

Read petition presented on the 6th Instant by D: Ramunah and Mc: Jogy late Peons in the Zillah Court of Chicacole.-

/Here enter Mis: Pl: No 57 of 1835/

With this petition two enclosures are submitted - One being an Extract from the proceedings of the Court of Circuit 2nd Sessions 1834 dated 10th January 1835, in which it is stated, that the petetioners were dismissed "by order of the Judge presiding at the late "Sessions." In the other, an Extract from the proceedings of the Criminal Court of Chicacole, under date 27th January 1835, the Officiating Judge states that "no precept was received" from the Court of Circuit regarding their case.-

2 The Court of Foujdary Udalut deem it proper therefore to call upon the Provincial Court of Circuit to ascertain and report the cause of the dismissal of the Peons in question.-

Ordered

Ordered, that Extract from these proceed-
-ings be sent to the Provincial Court of Circuit in the
Northern Division by Precept returnable in 14 days.-

(Sent following Precept No 404

Ordered also, that Extract from these pro-
-ceedings be furnished to the Petitioners on their appli-
-cation.-

Read Letter dated the 4th Instant from
the Provincial Court of Circuit Northern Division
conveying the returns of some of the Subordinate
authorities to the observations and orders contained
in the proceedings of the Court of Foujdary Udalut
dated 10th January last on the Criminal Reports of the
Northern Division for the month of October 1834.-
Chicacole.

(Here enter No 547.)

1 The Provincial Court of Circuit stated
in their proceedings upon case 146 of 1834 that the 1st
Witness appeared to them to have committed Perjury
and with reference to this remark the Court of Foujdary
Udalut, in para 3 of their proceedings, directed the
Provincial Court of Circuit to call upon the Criminal
Court to explain why the witness was not committed
for

for Perjury" and further to order the party to be brought
to trial if the contradictions in his evidence were direct-
and positive and there appeared room to suppose
a corrupt intention."

2 Under this authority the Provincial Court
of Circuit should have issued the final order required
in this case, and reported it- the return now submitted
conveys the distinct opinion of the Officiating Criminal
Judge that there was no criminal intention on the
part of the witness, but the Provincial Court of Circuit
will, upon satisfying themselves of the propriety, or
otherwise, of proceeding against the party in question,
dispose of the Case and communicate to the Foujdary
Udalut what they may do under these orders.-

Vizagapatam 3 The Return from the Native Judge
of Vizagapatam being unaccompanied by a copy of
any final order from the Provincial Court of Circuit
respecting the 1st and 5th prisoners in Case No 104 of 1834
~ ~ ~ The Court of Foujdary Udalut are
led to conclude that no order has been issued Under
the authority conveyed to the Provincial Court of
Circuit in para 8 of the proceedings of
the

the 10th January they should have instructed the Natives Criminal Judge how to dispose of the prisoners and no time should be lost after receipt of this Precept in apprizing him whether or not the prisoners in g. are to be detained in confinement.-

Guntoor

4 The Court of Foujdary Adaulut present that the commitment of the 1st prisoner in case Nº 161. of 1834 having been quashed sentence has been passed upon him in the Joint Criminal Judge's Court, as directed in para 6 of the proceedings of the Foujdary Adaulut, the return of the Acting Joint Criminal Judge merely refers to the order for quashing the commitment.-

5 In forwarding returns of the same description as those now submitted the Provincial Court of Circuit should transmit copy of their own proceedings upon them.-

Ordered, that Extract of this proceeding be sent to the Provincial Court of Circuit Northern Div. for their information and guidance by Precept returnable in 21 days after receipt.-

(Sent following Precept Nº 405

The Court of Foujdary Adaulut

recently received from the 1st Judge late on Circuit in the Northern Division, any of his referrible trials, resolve to call upon him to explain, why he proceeds so slowly with this part of his duty.-

2 They observe, that he commenced the Sessions at Nellore in July 1834, since which period he has submitted, out of 18 trials ordered to be referred, only 8; namely three trials received in November last, two in December, one in January one in February, and one on the 18th March last.-

3 The Court are not aware that his establishment has lately been less numerous, or less efficient than those of the other divisions, and during the period above referred to, namely while he has sent up 8 trials, the Judge who was on Circuit in the Southern Division has submitted 30 trials.- The Judge who was on Circuit in the Centre Division 28 trials, and Mr. Harington, who opened Sessions only on 25th October last, has already furnished 20 of his referrible trials.-

4 The 1st Judge will now state, when the Court may expect to obtain the trials still to be referred by him.-

Ordered

F. U:

24th April 1835

Ordered, that Extract from these pro=
=ceedings be sent to the 1st Judge late on Circuit in the
Northern Division for his information and guidance by
precept returnable in 5 days.-

(Sent following Precept No 406.

Read Return dated the 23d Ultimo from
the Provincial Court of Circuit in the Northern Division
to precept of the Foujdarry Udalut under date the 17th
Ultimo, directing the release of the 1st and 2nd Prisoners
in Case No 57 of the Rajahmundry Supplemental
Report for the month of August last.-

(Here enter No 482)

Read letter dated the 6th Instant from
the Provincial Court of Circuit in the Centre Division
transmitting for the information of the Judges of the
Court of Foujdary Udalut the accompanying Copies of
Returns from the Criminal Judges of Cuddapah, Bellary
and Chingleput and from the Magistrates of North
and South Arcot, Cuddapah and Bellary.-

(Here enter No 543.)

Read Return dated the 10th Instant from the

F. U:

24th April 1835

late Acting Judge of the Provincial Court of Circuit
in the Centre Division to Precept of the Foujdary Udalut
dated the 3d April 1835 directing him to call upon the
Magistrate to explain at length the precise nature and
the grounds of his objection to the evidence of the wit=
=nesses in case Nos 1 & 2 2nd Supplemental Calendar Chittoor
1st Quarter Sessions of 1835.-

(Here enter No 553.)

Read Supplemental Return dated the 11th Instant from
the Additional Judge on Circuit in the Northern Division
to Precept of the Foujdary Udalut dated 24th March
1835 conveying their observations and orders upon the
Chicacole Calendar for the Sessions of the 2nd half of
1834.-

(Here enter No 557.)

Read Return dated the 14th Instant from
the late Acting Second Judge of the Provincial Court
of Circuit in the Centre Division to Precept of the Foujdary
Udalut dated the 6th April 1835 conveying their observa=
=tions and orders upon the third Supplemental Calendar
for the Chittoor 1st Quarter Sessions of the present year.

(Here enter No 559.)

Read Return dated 13th Instant from the
Judges

F: U:
24th April 1835

Judges of the Provincial Court of Circuit in the Southern Division to Precept of the Foujdaree Udalut dated 18th March 1835, regarding the Criminal Reports of the Division for the month of January last.-

(Here enter No. 561.)

Read letter dated the 16th Instant from the Acting 3d Judge on Circuit in the Northern Division reporting the close of the Sessions at Guntoor on the 10th Instant and his intention to open them at Nellore on the 20th instant.-

(Here enter No. 568)

Read Return dated the 18th Instant from the Provincial Court of Circuit in the Southern Division to Precept of the Foujdary Udalut dated the 31st ultimo calling for explanation regarding Criminal Case No. 408 of the Criminal Reports of Salem for the month of December last.-

(Here enter No. 572.)

Read letter dated the 18th Instant from the Late Acting 3d Judge late on Circuit in the Centre Division, acknowledging sundry Papers from the Court of Foujdary Udalut until the Circuit Establishment arrives for preparing the orders, and making returns thereto.-

(Here enter No. 576.)

Read

F: U:
24th April 1835

Read Return dated the 20th Instant from the Provincial Court of Circuit in the Centre Division to Precept of the Foujdary Udalut dated the 9th instant, conveying their opinion and orders on the Return of the Magistrate of the Northern Division of Arcot to the proceedings of the Provincial Court on the Criminal Reports for November last.-

Ent 95 (Here enter No. 586.)-

Ent

Mr. Court of Tanjore Udalut.

Saturday,
25th April 1835.

Present

Charles May Lushington Esqr. 1st Puisne Judge
John Bird Esqr. ---------- 2d Puisne Judge
William Hudleston Esqr. ---- 3d Puisne Judge

Read letter dated the 31st Ultimo from the then Acting Second, now the third Judge of the Provincial Court of Circuit in the Centre Division, presiding at the 4th Quarter Sessions of 1834 for the Zillah of Chittoor, submitting English and Persian Translations of the proceedings in Case No. 1 on the Calendar for that Zillah and Sessions.

Here enter J. U. No. 512 of 1835.

Mr. Bird. and Mr. Hudleston.

The Court of Tanjore 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 Tanjore Udalut confirm the said Futwa of the Cazee ool Coozat and Mooftee aforesaid, and acquitting the Prisoner "Ramanbandora Iroidos" direct that he be set at liberty.

The Court of Tanjore Udalut have observed with dissatisfaction, that the arraignment

F. H.
25th April 1835.

arraignment of the Prisoner in this Case, is not drawn up in the form prescribed by their Circular Order of the 31st January 1820, for indictments for perjury under the provisions of Regulation VII of 1811. It is not only informal, but essentially defective, not even containing an averment that the Prisoner swore falsely, or that the truth and fact were opposed to his deposition on which it was meant to assign the perjury.

Ordered, that Extract from these proceedings be sent to the Third Judge of the Provincial Court of Circuit in the Centre Division.

(Sent following letter No. 411)

Read letter dated the 28th Ultimo from the Additional Judge on Circuit in the Northern Division, transmitting the record in Case No. 23 of the Chicacole Calendar 2nd Sessions of 1834.

(Here enter F. H. No. 5407)

Mr. Bird.
and
Mr. Sudleston.

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 acquitting the Prisoner.

"Heresy Asserenadon"

F. H.
25th April 1835.

and do accordingly acquit him; but considering that strong suspicion though not amounting to conviction attaches to him, the Court direct under the provisions of Clause sixth Section II Regulation XV of 1803 that he be required to find two sureties in seventy (70) Rupees each surety, for his good behaviour and appearance when required within three (3) years, and that in default thereof he be detained for (3) three years in confinement.

1 From the simple observation of the additional Judge in para 3 of his letter of reference, that "the 1st witness (Kalamala Chinney) did not attend" the Court of Sudder Adalut are led to conclude, that the case of that individual is not one of those to which their Circular Order of the 8th May 1833, is as explained by the subsequent order No. 3 of 1834 exclusively confined. namely, "where the deponent before the Criminal Court is dead. "where he is prevented from appearing by "severe illness. and where he is kept away "through the contrivance of the Prisoner". and it is added, that "In all other cases, the evidence "to be available against the Prisoner, must "be delivered in open Court in person."

2 The Additional Judge will therefore understand, that the deposition before the Criminal Court of the 1st witness for

for the prosecution in this case, was inadmissible as evidence before the Court of Circuit.-

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

/ Sent following letter No 412

Read return dated the 1st. Instant from the Provincial Court of Circuit in the Western Division to precept of the Court of Sudder Adalut under date the 13th. March 1835, conveying their observations and orders on the Criminal Report of the Division for the month of January last.-

/ Here enter J. C. No. 535 of 1835 /

1 The orders of the Court of Sudder Adalut dated the 25th. of June last, by which, in accordance with the instructions of Government, it was directed, that one Peon should be allowed for the custody of every four Prisoners liable to labour outside the Jail, having been misconstrued by some of the Officers in Charge of Jails, to apply to Prisoners liable to labour wheresoever they might be worked, the Judges found it necessary to issue the Circular Order No. 33 of 1835, declaring that the rule applied exclusively to Prisoners worked outside the Jail, and that it was expected, that the fixed guard authorized by Govern-

for the security of the Jail, would be found sufficient for the safe custody of all other Prisoners, whether working under sentence inside the Jail, or not under sentence of labour; by these orders the Judges have no doubt that a considerable saving to Government will be effected.-

2 The Zillah Judge of Malabar in his return dated the 23rd. March 1835, to the Precept of the Provincial Court dated the 20th. of the same month, has urged, that, under such construction of the order, with the limited number of Peons assigned for the custody of the Prisoners in his Jail, it is quite impossible for them to perform the duty required.

3 The number of Peons sanctioned as the fixed guard of the Malabar Jail is only 22, and the Court are of opinion, that the Criminal Judge is borne out in his remarks in respect to its inefficiency, and that the number should be encreased to 35, which will do no more than place the Establishment upon an equality with those of other Jails.-

4 The Court of Sudder Adalut accordingly resolve to recommend to Government, that the Criminal Judge be authorized to make an addition to his fixed establishment of 13 Peons.-

Ordered

Ordered, that Extract from these proceedings be sent with copy of the Criminal Judge's return under date the 23d Ultimo to the Secretary to Government in the Judicial Department for the purpose of being laid before the Right Honorable the Governor in Council.-

Sent following letter No. 413

Read return dated the 1st Instant from the Provincial Court of Circuit in the Western Division, to Precept of the Court of Zoujdaree Adalut under date the 13th March 1835, conveying their observations and orders on the Criminal Reports of the Division for the month of January last.-

Here enter J.C. No. 635 of 1835.

Malabar Crim. Judge.

The Provincial Court will point out to the Criminal Judge of Malabar, that the charge for, and explanation respecting the Peons employed in guarding the Prisoners at Cote-cammud, should be always kept perfectly distinct from those connected with the Jail Establishment at Calicut.-

2 The Provincial Court will also inform the Criminal Judge, that the Court of Zoujdaree Adalut have taken into consideration the circumstances which he has brought to notice in his Return under date the 23d Ultimo, and have resolved to submit

a report upon the subject to Government, with a recommendation that he be authorized to increase his fixed Jail Guard.-

Acting Joint Crim. Judge.

3 In explanation of the excess of Peons in the month of January, the Acting Joint Criminal Judge reports, that until the Circular Order of the Zoujdaree Adalut number 33 of 1835 was issued, the instructions of the 25th June 1834, had always, by the Officers presiding over the Auxiliary Court, been construed to authorize the employment of 1 Peon to 4 Convicts liable to labour, and not only to those actually worked outside, and this number has been kept up even though some of the Convicts have been from time to time upon the sick list: and "before altering the existing state of things" he "would respectfully refer to the Joint Criminal Judge's letter to the Provincial Court under date the 13th November 1833, wherein the number necessary for guarding the Jail is stated at 18, being at the rate of 3 men to each post" and the Acting Joint Criminal Judge adds- "It is obvious that the same three men are insufficient to keep up in rotation a single efficient guard, and in fact the assistance of some of the Extra Peons always has been, and is still called in for that purpose".-

But

F. H.

25th April, 1835.

4 But the Court of Sanjdarce Adalut observe, that when sanction was granted for those 18 Peons, it was not intended, that they should be employed in the sole duty of sentries, but as guards of the Gail; that is to say, of the persons confined within its walls, and not taken to labour outside; and in the opinion of the Court, if there be a proper management and control on the part of the authorities, within the Gail, the "keeping up in rotation" a guard "of three men to each post" will be neither necessary nor expedient. It is quite right that the extra Peons should still be called in to assist the fixed Guard: it was never intended that they should be confined to duty work alone: on the contrary, the services of at least a portion of them should be made available in the custody by night of the Gail itself. This practice has always hitherto prevailed in the other Gails under this Presidency, and no exemption from the ge general rule can be allowed in that at Tellicherry.-

5 In that Gail it is further to be observed, that in the Month of January last there were 89 Prisoners of all denominations to guard whom the Acting Joint Criminal Judge maintained 37 Peons: namely 18. the fixed guard - and 19 extra. for the custody of the 49

F. H.

25th April. 1835.

49 Prisoners actually employed at labour outside the Gail, 12 Peons only should have been entertained, being at the prescribed rate of 1 Peon to every 4 Prisoners so employed: and the Provincial Court will strictly enjoin the Acting Joint Criminal Judge not again to exceed that proportion.

Ordered, that Extract from these proceedings be sent to the Provincial Court of Circuit in the Western Division, with instructions to make the necessary communications to the Criminal Judge and the Acting Joint Criminal Judge of Malabar for their information and future guidance respectively.-

Sent following letter No. 404/m

25

J. Co.

At a Court of the Fouzdaree Udalut—

Present,

Monday
27th April 1835.

Charles May Lushington Esqr. 1st Puisne Judge,
John Bird Esqr. - - - - - - - 2d Puisne Judge,
William Hudleston Esqr. - - - 3d Puisne Judge,

Read petitions presented on the 6th and 13th Instant, by the Vakeel Ghoolam Rajah, on behalf of Chaguntty Ummerauzee of Masulipatam—

/Here enter Mis. Pets Nos 26 & 27/

Also read petition presented on the 13th Instant by B. Vencataramiah of the Zillah of Masulipatam.

/Here enter Mis. Pet No 28. 1835/

The foregoing petitions relate to the proceedings of the Acting 2nd Judge of the Court of Circuit Northern Division, in Case No 1 Supplemental Calendar 1st Quarterly Sessions 1835 at Masulipatam, which the Court have already had under their consideration in the 16th Instant, and issued their orders on the subject—They accordingly refer the petitioners to those proceedings—

Ordered, that Extract of the proceedings of the Fouzdaree Udalut of the 16th Instant be furnished to Petitioners on their application—

F. U.
27th April 1835.

Read Miscellaneous Petition presented on the 13th April 1835 by Kristnama Naik, Mookteyar Vakeel on behalf of Woonnamalay Ammal of the Zillah of Chittoor.

(Here enter Mis. Dt. No. 30 of 1835.)

1 It is set forth in this Petition, that Woonnamalay Ammal on proceeding to Conjeveram left her dwelling house in the charge of certain persons; and that during her absence one Veeraluteky and six others, attacked the house, wounded the persons in charge, forced open the door, and stole property to the value of Rupees 4[illegible]364-8-: that a complaint was preferred before the Joint Magistrate of Chittoor, who referred the case to the Head of Police: that the latter Officer however neglected his duty, failed to search the places in which the stolen property was asserted by the Petitioner to be concealed, falsified the depositions of the witnesses, and after a delay of three months sent up the case to the Criminal Court: that the Criminal Judge examined three only of the eight witnesses for the prosecution and then released the Prisoners; and finally, that on petition being presented to the Judge on Circuit, that Officer confirmed the order of the lower Tribunal.

2 The Petitioner therefore prays the

F. U.
27th April 1835.

the Court of Sunjdaree Adalut to issue a precept to the Circuit Judge directing him to cause the reapprehension and confinement of the (alleged) Offenders: the search of those places in which is secured the Prosecutrix's property and the examination of the other five witnesses. She further prays that after the completion of the Investigation, the case may be called up by the Sunjdaree Adalut, and final orders respecting thereon.

3 The Petitioner is informed, that the Court of Sunjdaree Adalut see no grounds for disturbing the correctness of the order passed by the Acting Second Judge of the Provincial Court of Circuit in the Centre Division, under date the 26th January 1835, and that her request can not be complied with.

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

Circular Order.

No. 42.

1 The Judges of the Sunjdaree Adalut being desirous of having before them, at the earliest practicable date, the reports of the Subordinate Officers upon the escape of Prisoners from their Jails, resolve to revoke their Circular Order of the 23d January

January 1832, and to direct, that these reports be transmitted in future to the Sanjidaree Adalut direct, and not through the Provincial Courts of Circuit.-

2 The Officers in charge of Jails will submit a copy of such report, to the Judge holding the Sessions, immediately subsequent to the escape reported.-

Ordered, that Extract from these proceedings be sent to the 4 Provincial Courts of Circuit, to be communicated to the several Officers in Charge of Jails in their Divisions.-

Sent following Circular Order No. 478

Read letter dated the 2d. Instant from the Officiating 2d. Judge in the Western Division transmitting copies of the Malabar Calendars for the 4 Sessions of 1835.-

[Here enter No. 527.]

Case No. 1 1 In this case, the Prisoner was charged with the murder of the Prosecutrix's Son, Maniken, and although acquitted of the crime, he appears to the Court of Sanjidaree Adalut, supposing his story partly true, to have been culpable in leaving the deceased to die. It seems also extraordinary that it was not shewn, what account deceased gave of the matter.-

Case No. 6 2 The Court of Sanjidaree Adalut

do not concur in the view taken of this case by the Presiding Judge. They are of opinion, that the facts proved, constituted gang Robbery, and it will be proper therefore for the officiating 2d. Judge to amend his sentence accordingly. It is open to him to refer the case of the Prisoners for a mitigation of the prescribed punishment.

Case No. 16 3 In this case, the Prisoners have been acquitted and released; and from the circumstances reported in the Calendar the propriety of the acquittal would seem to be very doubtful. The Court however will not call up the trial as they observe, it stated in the Column of Remarks, that "most of the witnesses deviated in a palpable degree from the depositions given by them before the lower tribunals." It would appear quite clear that a foul murder had been committed and that if the witnesses had deposed to the same effect before the Circuit, as they are shewn to have done before the Criminal Court, the 1st 3d. and 4th. Prisoners would have been convicted of "aiding and abetting" the murder.

Case No. 17 4 The Presiding Judge will require the Criminal Judge to transmit the application respecting the banishment of the Prisoner in this Case which is desired by the Circular Order 6th. January 1823.-

19. 5 The Prisoner in this Case

convicted

27th.

convicted of thefts on 5 different dates from the Prosecutor, of whom he was the servant, has been sentenced" under Clause first Section V Regulation XV of 1803 Section II Regulation VI of 1827 and Section IV Regulation VIII of 1828 to 150 lashes and 7 years imprisonment with labour. The futwa given was Ashoolut, And being barred in consequence of the Prisoner "being a servant, of his having free access to the Prosecutor's house, and of his present denial. On this the Court have to observe, that a second question should have been put, and the Prisoner sentenced under Section XXI Regulation VII of 1802. The sentence however was not in the present instance be disturbed.-

Case 32 6 It appears to the Court of Sujdaree Adalut that the Criminal Judge was not justified in committing the Prisoner in this case for trial.-

Case 33 7. From the circumstances connected with this case, as stated in the Calendar, it would seem to fall within the scope of Clause 2d. Section III Regulation VI of 1822 and that sentence should have been passed under it, instead of under Clause 7th. Section II Regulation XV of 1803 and Regulation VIII of 1828. The Prisoner appears to have been detected by the Prosecutor "committing theft in his

amended

owner's field" and when overtaken and seized to have stabbed the Prosecutor. The sentence, being legal in extent, need not be disturbed.-

Case 36- 8 As far as the Court can form a Judgment of this case from the Calendar, they incline to the opinion, that the Presiding Judge might have passed a sentence of Conviction on the evidence recorded. There may however have been circumstances connected with the case which have not been specified, but which might have appeared, on the trial, to render the value of the testimony doubtful.-

Case 37- 9 The Court have read with regret the observations recorded by the Presiding Judge on this case, in which the charge was for murder. "The evidence given by the witnesses "before the Court of Circuit is in direct contra- "diction of the statements made by them before "the Criminal Court,- with the exception of the 10th. witness, both Prosecutrix "and witnesses are all slaves, and exhibit "such a melancholy state of mental degra- "dation, as to be apparently quite incapable "of discriminating between truth and "false hood".-

Case 41- 10 In this case, the Prisoner was charged with wounding one Cherriaken, and thereby occasioning his death. The Provincial Law Officer convicted him of manslaughter and

awarded

27th April 1835

awarded Deput, and the Presiding Judge, concurring in the futwa, and recording that there was no reason to believe, that the Prisoner intended to do more than inflict moderate chastisement upon the deceased; and that it was also proved, that the death was occasioned by neglect of the wound, passed a sentence of 2 years' imprisonment under Clause second Section XV Regulation VII of 1802.-

11 The Court of Sudder Adalut resolve to direct the Presiding Judge to submit for their consideration, the English and Persian translation of the record.

Case 52. 12 The Court of Sudder Adalut do not find in the statement of this case in the Calendar, grounds for a concurrence in the opinion of the Presiding Judge that it was one of justifiable homicide; but they presume that the whole tenor of the evidence before the Circuit Court produced the impression on his mind, which the representation in the Calendar does not faithfully support.-

13 The Officiating Judge will point out to the Criminal Judge of Shahabad that so great a detail is unnecessary of the evidence in the abstract of examinations, unless translations are dispensed with in

27th April 1835

in consequence.-

Ordered, that Extract of these proceedings be sent to the Officiating 2d Judge on Circuit in the Western Division for his information and guidance by Receipt returnable in 31 days after receipt.

Sent following precept No. 419.-/-

At a Court of the Foujdaree Udalut—

Present,

Tuesday 28th. April 1835. Charles May Lushington Esqre. 1st. Puisne Judge,

John Bird Esqre. ——— 2d. Puisne Judge,

William Rudleston Esqre. ——— 3d. Puisne Judge,

Read letter dated the 4th. instant from the 2d. Judge on Circuit in the Centre Division, transmitting the record of proceedings in Case No. 6. on the Cuddapah Calendar for the 1st. Sessions of 1835—

(Here enter No. 525—)

Mr. Lushington & Mr. Rudleston. The Court of Foujdaree Udalut having maturely considered the proceedings held before the Judge on Circuit, the Futwa of the Provincial Law Officer and the Futwa of the Cazee ool Cozat and Mooftee of the Foujdaree Udalut, confirm the said Futwa of the Cazee ool Cozat and Mooftee aforesaid & accordingly direct that the prisoner

"Jowerpulley Ramoodoo"

be set at liberty—

Observing that the declaration

of

of the prisoner before the Criminal Judge was neither read nor proved at the trial, the Court of Foujdaree Udalut deem it necessary to remind the Second Judge on Circuit, that the confession of an accused party before the lower tribunal must, in order to its being made use of against him, be read and proved at the trial before the Court of Circuit.

2 The Court of Foujdaree Udalut further observe, that the whole of the examination of the prisoner at the trial after his answer to the first question, is irregular.

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

(Sent following letter No. 420)

Read letter dated the 1st instant, from the Provincial Court of Circuit in the Northern Division transmitting the Criminal Reports prescribed by Section XXXV Regulation X 1816 for the month of February 1835.

(Here enters No. 538)

Chicacole Report V Case 11

1 If the Provincial Court of Circuit find upon explanation that the 1st prisoner in this case has been committed on insufficient grounds, they will issue orders for the due disposal of the case, reporting them for the information of the Foujdaree Udalut.

Case 12.

2 The Provincial Court of Circuit being of opinion, that the proof in this case is defective — they will call for explanation regarding the facts established, and issue the appropriate order, either confirming the sentence, or requiring security to be taken on the grounds of strong suspicion, and will submit the result to this Court.

Case 13

3 The declaration of one prisoner in this case is called "evidence", by the Officiating Criminal Judge, against the other. The Provincial Court of Circuit will point out to him, that the mere crimination of one prisoner by another cannot be held to be "evidence" against him, and the Provincial Court of Circuit will acquaint the Magistrate, that the Court of Foujdaree Udalut, perceiving the second prisoner

prisoner in this case to have been sent up solely on the crimination of the 1st prisoner, deem it proper to notify to him, that "it is distinctly "pointed out in Section XXVIII Regulation XI of 1816" "that it is only where a prisoner's crimination" of another, may be corroborated "by evidence against that other, that he should be forwarded to the Criminal Judge; and they are of opinion, that it is contrary to Law, to send to the Criminal Court a man, solely because a prisoner in his declaration may criminate him. But where there is any evidence corroborative of the crimination, the prisoner should be forwarded, because the Regulations then admit of the proceeding, and conditional pardon of the accomplices may be allowed and their evidence eventually used."

Case 14. 4 With reference to the observation of the Provincial Court of Circuit "as far as the Abstract of evidence is concerned, it would appear that they" ("the prisoners 1st & 3d") "have been committed upon the sole declaration of the Prosecutor," the Court of Foujdaree Udalut have to

to remark, that the Prosecutor's "evidence" was a sufficient ground of commitment; and that it is recorded in the last para" of the Circular Order 25th February 1829, "this" insufficient of itself for conviction, to be sufficient for committal and enquiry after further evidence".

Vizagapatam Report V Case 9. 5 If the Provincial Court of Circuit, after receiving an explanation of the circumstances connected with this case from the Native Criminal Judge, continue of opinion, that there are not "any grounds for conviction "or for detaining the prisoner in confinement" they will issue the requisite orders, reporting them to this Court.

6 The Court observe, that the Native Criminal Judge has entertained too many Extra Peons to guard the prisoners working outside the jail; for whom alone they are authorized, as explained in the Circular Order of the 13th March 1835; and the Provincial Court of Circuit will accordingly direct his attention to the instructions circulated on

on the above date.

Rajahmundry Report & Case 8.

7 If the Provincial Court of Circuit find, upon the receipt of explanation from the acting Criminal Judge, that the grounds assigned are insufficient for the commitment of the 1st prisoner, they will issue the appropriate order reporting it to this Court.

Suppl. Report Case 2.

8 The above order applies equally to the prisoner in this case.

9 The observation and orders in para 6 respecting the Extra Peons at Vizagapatam appear equally applicable to the acting Criminal Judge at Rajahmundry, to whom they should accordingly be communicated.

Masulipatam Report & Case 6.

10 The Court of Foujdaree Udalut concur in the observations of the Provincial Court of Circuit on this case. As the sentence however is not illegal in extent, it need not be disturbed.

Suppl. Report Case 154.

11 The explanation that may be afforded of the delay in forwarding the witnesses in this case, should be reported to the Court of Foujdaree Udalut as soon as it

it is received from the Magistrate, with whom the Provincial Court of Circuit will not delay to communicate on the subject. The prisoners, it is observed were apprehended on the 22d August last.

Nellore Report & Cases 34. 35. 36. 37. & 38.

12 The prisoner Goolchanum appears in the Report as sentenced under Section VIII Regulation X of 1816. and Clause 4th Section II Regulation VII 1822; as observed by the Provincial Court of Circuit the last provision of the law cited should be Clause 4th Section III Regulation VII 1822, and as the extent of the punishment does not exceed that which may be adjudged under it alone the sentence need not be disturbed; but the Provincial Court of Circuit will point out to the Criminal Judge, that the prisoner could not be sentenced under both Regulations.

Case 21.

13. The prisoner in this case appears to have been charged, with the attempt to steal the property of a person at a public Bungalow, and striking, and wounding the persons who endeavored to apprehend him.

He

He is stated to have been discovered loosening the ropes which bound a box, and having been just released from jail after a sentence of 14 years imprisonment, the sentence of the Criminal Court adjudged him to receive 100. lashes, and to be imprisoned with hard Labor for 6 months under section VII Regulation X 1816. The remark of the Provincial Court of Circuit on the case is, that with reference to the prisoner's bad character and former conviction before the Court of Circuit, he ought to have been committed under the latter part of Clause 2d. Section III Regulation VI 1822 — The Provincial Court of Circuit however expres a doubt, whether or not the "attempt" applies to both parts of the Clause, the latter part appearing to be confined to "theft" actually and not to the "attempt" — The opinion of the Court of Foujdaree Udalut upon this point is, that the "attempt" does apply to both parts of the Clause in question. In the present instance however it will be sufficient to communicate this observation to the Criminal Judge, for his future guidance, the sentence on the prisoner remaining

remaining undisturbed —

Guntoor Report V Case 13. 14 With reference to the entry in the Column of delay, & remarks on this case, the Provincial Court of Circuit will ascertain and report for the information of the Foujdaree Udalut, on whose charge the prisoner was apprehended — The Head of Police of the Tanally Talook appears to have been ignorant of the name of the Prosecutor, and to have been obliged to send for him from Guntoor —

Case 15. 15 If upon investigation the Provincial Court of Circuit find that the grounds for requiring security in this case from the 1st. 2d. 9th & 17th prisoners are insufficient, they will issue orders for their unconditional release.

Case 16. 16 The Court of Foujdaree Udalut concur in the observation recorded by the Provincial Court of Circuit regarding the four first prisoners in this case, and if the explanation of the Joint Criminal Judge does not satisfy them, that the said four prisoners have been duly convicted, the Provincial Court of Circuit will issue the appropriate orders, reporting them to this

this Court.

Suppl. Report Case 11

17" The Provincial Court of Circuit appear to the Foujdaree Adalut to have taken a correct view of this case — for unless the entry was by an open door, a case of theft of property from a godown, would fall under Clause 6th Section II Regulation VII 1822.

Ordered that Extract of these proceedings be sent to the Provincial Court of Circuit in the Northern Division for their information & guidance by Precept returnable in 21 days after receipt.

(Sent following Precept No. 421)

Read letter dated the 25th Ultimo from the Provincial Court of Circuit in the Northern Division transmitting explanations received from the subordinate authorities to the Provincial Courts' Receipts conveying their Remarks on the printed Statements for the 2d half of 1833.

(Here enter No. 500)

Read letter dated the 16th instant from the Provincial Court of Circuit in the Southern Division transmitting copies of Reports

received

received from the several authorities in the Division, in reply to the observations of the Southern Provincial Court on the Criminal Reports for January 1835.

(Here enter No. 571)

Read Return dated the 20th instant from the Provincial Court of Circuit in the Centre Division, to precept of Foujdaree Adalut dated the 9th instant stating that the explanations afforded by the Acting Criminal Judge of Chittoor to their proceedings of the 20th February last are deficient, and requiring that Officers to specify the circumstances under which the prisoner therein alluded to came before him.

(Here enter No. 587)

Read Return dated the 22d instant from the Provincial Court of Circuit in the Centre Division to Precept of Foujdaree Adalut dated the 18th instant, being Circular Order No. 40. revoking the Circular Order of 29th October 1829 and so much of Circular Order of 26th November 1823 as relates to the transmission of the Monthly returns

through

through the Provincial Courts of Circuit.

(Here enter No. 597)

Read letter dated the 25th instant from the Acting 3d Judge on Circuit in the Northern Division reporting the opening on the 20th instant of the Sessions, and the state of the Calendar.

(Here enter No. 600.)

Read letter dated the 20th instant from the Provincial Court of Circuit in the Northern Division explaining the delay in forwarding the printed Statements.

(Here enter No. 603)

Read letter dated the 18th instant from the Additional Judge on Circuit in the Northern Division transmitting original warrant of execution 4 in Case No. 47 on the Chicacole Calendar for the second Sessions of 1834.

(Here enter No. 606)

Read return dated the 26th instant from the late acting 3d Judge late on Circuit in the Centre Division to Precept of Foujdaree Adalut dated the 27th instant conveying their observations on the

Cuddalore

Cuddalore Calendar for the 2d Sessions of 1834.

(Here enter No. 612)

Read return dated the 20th instant from the 3d Judge late on Circuit in the Western Division to precept of the Foujdaree Adalut dated the 31st March 1835, conveying their remarks on Case No. 3 Sircee Calendar for the 2d Sessions of 1834 and transmitting two certificates of pardon to the Approvers.

(Here enter No. 616.)

At a Court of the Fouzdaree Udalut

Present,

Wednesday

29th April 1835. Charles May Lushington Esqre 1st Puisne Judge,

John Bird Esqre ——— 2d Puisne Judge,

William Hudleston Esqre ——— 3d Puisne Judge,

Read letter dated the 4th instant from the 1st Judge of the Provincial Court of Circuit in the Western Division, transmitting the Record in Case No. 1 on the Additional Calendar of the Zillah of Malabar for the 1st Quarter Sessions of 1835.

(Here enter No. 545.)

The Court of Fouzdaree Udalut,

Mr. Bird
Mr. Hudleston — 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 Fouzdaree Udalut, confirm the said Futwa of the Cazee-ool-Cozat and Mooftee aforesaid, as far as respects the proof of the fact that the prisoner "Vannyan Callookaran Imbotty" killed the deceased, "Moorikel Kellun";— But considering that he was in a state of insanity at

at the time he committed the fatal act of violence established by the evidence, the Court direct that he be placed under charge of the Surgeon attached to the Auxiliary Court of Malabar, in view to his eventual confinement in the Lunatic Asylum at Madras, under the rules prescribed by the Circular Order of the 1st June 1829, and that he be on no account released without the orders of the Foujdaree Udalut, to whom a report must be made on the subject after the expiration of 12 months.—

(Sent following letter No. 426)

Read again letter dated the 22d December 1834, from the Acting 2d Judge late on Circuit in the Northern Division, transmitting the record in Case No. 93 on the Guntoor Calendar 1st Sessions of 1834.—

(Here enter No. 1846.)

Read also further Return dated the 14th instant from the acting 2d Judge late on Circuit in the Northern Division, to Precept of Foujdaree Udalut dated 31st January 1835, directing him to procure the attendance of Chintala

Chintala Canakiah the released 2d prisoner in Case No. 93 Guntoor Calendar 1st Sessions of 1834, and take his evidence upon oath touching the conduct of Tetah Audenaroyadoo, a prisoner in the same case, at the time of the murder, & to transmit English & Persian Translation of the same to the Foujdaree Udalut.— (Here enter No. 584)

Mr. Bird
&
Mr. Hudleston

The Court of Foujdaree Udalut having maturely considered the proceedings held before the Judge on Circuit, the Futwa of the Provincial Law Officer, and the Futwa of the Cazee-ool-Cozat and Mooftee of the Foujdaree Udalut are of opinion that the prisoner—

1st "Tetah Audenaroyadoo."

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 considering that strong suspicion though not amounting to conviction attaches to him, the Court direct, under the provisions of Clause Sixth Section II Regulation XV of 1803 that

that he be required to find two sureties in (100) one hundred 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) three years in confinement—

It is the desire of the Court of Foujdaree Udalut, that the acting Second Judge should impress upon the Magistrate of Guntoor the expediency of urging his police officers to continue their search after the absconded individual Soondurramoodoo—

Ordered, that Extract of these proceedings be sent to the acting 2d. Judge late on Circuit in the Northern Division for his information and guidance—

(Sent following letter No. 427)

Read further return dated the 8th. instant from the Provincial Court of Circuit in the Northern Division, to Precept of the Court of Foujdaree Udalut under date the 26th. March 1835, conveying their observations and orders on the Criminal Reports of the zillah of Guntoor for

for the Month of December 1834—

(Here enter No. 578 of 1835—)

With this Return is submitted the explanation of the Joint Criminal Judge of Guntoor regarding Case No. 175 of 1834. on the file of that Court; and the Court of Foujdaree Udalut, on a mature consideration of the circumstances recorded by that Officer are of opinion, that the sentence which he has already passed, should not be disturbed—

Ordered that Extract from these proceedings be sent to the Provincial Court of Circuit in the Northern Division, with instructions to communicate the decision of the Foujdaree Udalut on the case above mentioned to the Joint Criminal Judge of Guntoor for his information—

(Sent in No. 428)

Read Return dated the 17th. instant from the Additional Judge of the Provincial Court of Circuit in the Northern Division to the Precept of the Court of Foujdaree Udalut under date the 11th. instant, calling for the

Statement

Statement for the last Half year of 1834 required by the Circular Order No. 4 dated the 5th July 1834.

(Here enter No. 581 of 1835)

It appears from the above Return that the Additional Judge is not in possession of the Circular Order of the Foujdaree Udalut No. 4.

Ordered accordingly, that a copy of the same be immediately forwarded to him, to enable him to conform to this Court's precept of the 11th instant.

(Sent in No. 429)

Read letter dated the 14th instant from the 1st Judge of the Provincial Court of Circuit in the Northern Division, transmitting the explanation required by the Court of Foujdaree Udalut, under date 28th February last of the circumstances connected with a petition presented by Soorum Veeraswamy to the 1st Judge, complaining of certain proceedings of the Magistrate of Nellore.

(Here enter No. 567)

The

The explanation herewith submitted is deemed satisfactory by the Court of Foujdaree Udalut. It appears that the Petitioner to the 1st Judge on Circuit, Soorum Veeraswamy "was fined in the sum of 10 Rupees under Section XXXII Regulation IX of 1816 for a breach of the peace" — the Petitioner considering himself the rightful owner having admitted that he had broken open the lock of a house, proved to have been at the time in the actual possession of another party V. Venkatanursoo, who under the orders of the Magistrate, retained possession of the house, it being left to Veeraswamy to institute a suit in the Civil Court if he thought he had a right to the property.

Ordered that Extract of these proceedings be sent to the 1st Judge of the Provincial Court of Circuit in the Northern Division for his information.

(Sent in No. 430)

Read Extract from the Minutes of Consultation under date 7th Instant, conveying the

F. C.:
29th April 1835

the orders, and observations of the Right Honorable the Governor in Council on review of the proceedings of the Foujdaree Udalut of the 29th November last on the Statements relating to the administration of Criminal Justice for the last half year of 1833.

(Here enter No. 536.)

1 Referring to para 2 of the foregoing Minutes, the Court direct, that the Magistrates of Madura and Trichinopoly be furnished with a copy of the observations of Government in the latter clause of that paragraph.

2 The Magistrates of Chittoor, Trichinopoly Canara, and Vizagapatam will explain, with reference to para 4 of the Minutes of Government and to para 7 of the proceedings of the Foujdaree Udalut, whether there is any thing peculiarly favorable to the institution of false complaints before the District Police in their Districts.

3. In para 5 the Right Honorable the Governor in Council observes, that a remedy for the abuse noticed in para 9 of the Courts proceedings (the prevalence of vexatious and groundless

groundless charges of a trivial nature before the Police) would be a great public "benefit if one could be devised." The Court are not aware that any better check upon the practice can be at present enforced, than the rule laid down on the instructions of Government in their Circular Orders of the 11th April 1831.— by which "Tasildars "were prohibited from entertaining any "complaint cognizable by a Head of a "Village, except during his stay at the "village;" and they accordingly resolve to call the attention of the Magistrates generally to this order, and to require a strict observance of its provisions.—

4. The Court are strongly impressed with the opinion, that a large proportion of these frivolous & groundless complaints are charges for "abusive language;" of which cognizance is given to the Heads of Villages & Tasildars, by Sections XV XXXIII Regulation XI of 1816; They do not think that any benefit results in the existing state of society, from the

the Police cognizance now given to this offence. And they would consider it an improvement upon the present law, if parties who might deem themselves aggrieved, were left, either to seek redress in the civil Courts, or by prosecution before the Magistrate alone, under Section XXXII Regulation IX of 1816; who should have authority to reimburse the accused in the full amount of his expences, in all cases, where he may declare the charge litigious, or vexatious, and impose a fine under Section XXXV Regulation IX 1816.

5. The Magistrate of Vizagapatam will report particularly upon the point adverted to in the 6th. Para of the Minutes of Consultation, of which a copy is herewith forwarded to him.

6 Prior to issuing the instructions referred to by the Government in para 8 of their Minutes, the Court called upon the several Magistrates, whose statements were under

Consideration

consideration in the 19th. para of their proceedings to state, for the information of the Foujdaree Adalut, the mode in which those statements had been framed. Returns have not yet been received from the subordinate officers; and the Court have not in consequence prepared the necessary orders on the subject. When issued they shall be duly laid before Government.

7. The information required in para 26 of the proceedings of the Foujdaree Adalut, and referred to in para 11 has not reached the Court; but shall be submitted to Government without delay; and the Court accordingly resolve to call upon the Provincial Court, Centre Division to desire the Criminal Judges of Bellary and Cuddapah to afford the explanation called for in their proceedings of the 29th. November last para 26, immediately.

8 The Magistrates of North Arcot & Cuddapah will respectively attend to the instructions, contained in the 15th. & 16th. para's of the Minutes of Government, and the latter

Officer

officers will furnish the necessary information in 8-days from the receipt of these orders.

9 The Court will take an early opportunity of carrying the orders of Government in the 18th Para into effect.

10 The Court have already directed the Magestrate of Masulipatam to prosecute his enquiries into the case of murder referred to in the 46th para of their proceedings of the 29th November with vigour, and they now resolve to furnish him with a copy of the observations of Government, and to authorize him under the provisions of Section XI Regulation IX of 1816 to offer a reward of 100 Rupees for the apprehension of each of the inferior offenders, and of 500 Rupees for the Sirdars. He will report in 10 days from the receipt of these orders what steps have been taken in this matter.

11 Ordered that para 22 with copy of para 31 of the Court's proceedings be communicated to Mr Angelo.

12 Ordered that para 24 of the Minutes of Consultation be transmitted this the

the 4 Provincial Courts of Circuit for the information of the several Magistrates in their divisions.

Ordered also that paras 3-4-6-7 & 9 of these proceedings be forwarded to the Secretary to Government in the Judicial Department to be laid before the Right Honorable the Governor in Council.

Sent to Govt No 71A (Sent in No 431)

Ordered also, that paras 1-2-5-8-10th & 12 be communicated with copies of the orders of Government to the Officers to whom they relate.

Ordered that paras 3 & 13 be sent to the 4 Provincial Courts of Circuit for the guidance & information of the several Magistrates within their Divisions.

(Sent following Circular No 432)

At a Court of the Conjaree Adalut

Present

Thursday 30th April 1835. Charles Gray Lushington Esqre 1st Ommie Judge

John Bird Esqre - - - - - 2d Ommie Judge,

William Rudleston Esqre - - 3d Ommie Judge,

Read letter dated 7th Ultimo from the 1st Judge on Circuit in the Southern Division transmitting the record in Case No 4 on the Enclosed Calendar 1st Sessions of 1835.-

(Here enter No 400)

The Court of Conjaree 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

2d Roolandy

is sufficient to convict him of the "charge" of torturing "Seevamoorooga Raudan" and thereby causing his death, 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 and Regulation do, hereby, require their Law Officer to declare by a second futwa to what specific punishment the Prisoner would have

Mr Bird and Mr Rudleston

shall been liable under the Mahomedan Law if he had been convicted by full legal evidence of the said crime.—

Prisoner

In the event of the Prisoner above = mentioned being convicted on the evidence of credible witnesses of the crime of Torturing and thereby causing the death of "Sevamoorooga Gaudan". his Aakila would be liable to a Deyut of 1,000 Rixdollars to be paid to the heirs of the deceased in three years.—

In commutation of the penalty of Deyut declared in the foregoing Sentence, the Court of Zoujdaree Adaulut sentence the prisoner

"Crooliandy."

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.—

1. In this case five prisoners were indicted on the charge of having murdered Sevamoorooga Gaudan, aged 50 years by illusing and torturing him in various ways, during three successive days, and thereby causing his death.— The 1st, 3d, 4th and 5th prisoners were acquitted, and released by order

order of the Court of Circuit: the case of the 2d prisoner

"Crooliandy"

having been referred for the final judgment of the Court of Zoujdaree Adaulut, he has been convicted and sentenced by that Court to transportation for life.—

2. The tortures, inflicted upon the deceased, appear by the evidence in this case to have had for their object the discovery of certain property, which he was suspected of having stolen.

3. The 1st Judge on Circuit observes, in para: 7 of his letter referring the trial, that the prisoner above named, and Ramasamy, who has absconded, "were Cavilgars, and therefore according "to the usage of the country responsible for the "lost property: and in para: 9 this officer adds, that "the practice of holding Cavilgars responsible "for theft, and which still prevails in a greater, "or less degree, where a great portion of the people are "of that class, leads to the exercise of an undue "authority, and to the infliction of torture to produce "confession, and to recover the property stolen. "when once they have begun they know not where "and when to stop, and the unfortunate person "falls a victim to an unrelenting cruelty, which the "perpetrators did not contemplate at the commencement.—

Of

4.

Of the horrible extent, to which such atrocious proceedings, as are here referred to by the Tr. Judge on Circuit, may be carried, the record of this trial affords a melancholy example.

5.

The Court of Enquiries Adalat cannot understand how a system, which was declared illegal by the provisions of Section XV Regulation XI of 1816, can, as represented in the Tr. Judge's letter under consideration, be generally prevalent, in any part of the territories subject to this Presidency. The fact, if true, would appear to indicate unaccountable supineness on the part of the Magistrate and the officers subordinate to him, or the existence of some counteracting influence rendering abortive the enactment of the legislature on this subject.-

6.

The Court of Enquiries Adalat deem it proper to direct, that the Tr. Judge do call upon the Magistrates in the Southern Division to report for the information of this Court, and of the Government, in what particular districts the practice of holding Cavilgars responsible for the recovery of stolen property, or of calling upon them to make compensation for losses by theft, prevails at

at the present time, - and to explain the causes, which have contributed to the continuance of this system since the promulgation of Regulation XI of 1816, and the measures, which have been adopted for the purpose of enforcing the provisions of the Law on this subject, with the supposed causes of their failure.-

7.

The Tr. Judge will submit the information so obtained with his remarks thereon in his Circuit Report.-

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

(Sent in No. 438

Read letter dated the 15th instant from the Acting Second Judge late on Circuit in the Northern Division transmitting an English Translation of the Proceedings in Case No. 108 on the Guntoor Calendar for the first Sessions of 1834.-

(Here enter No. 596)

Read also letter of the same date from the same officer transmitting an English Translation of the Proceedings in Case No. 131 on the Guntoor Calendar for the first Sessions of 1834.-

(Here enter No. 595)

On

On the 25th February 1835 the Court of Foujdaree Udalut took into consideration the proceedings of the acting Second Judge in Case No. 155 on the Sumtoor Calendar for the first Sessions of 1834, in which said prisoners were charged with Gang Robbery by open violence, of whom it was observed that the 1st and 3d were also concerned and convicted in Case No. 131 - and the 4th and 7th in Case No. 108 on the Calendar - and after animadverting on the insufficiency of the evidence for the conviction of the accused, they directed the immediate and unconditional release of the 5th and 6th prisoners and at the same time called upon the acting Second Judge to submit without delay an English Translation of the Proceedings in Cases No. 108 and 131 - that they might be enabled to judge of the propriety of the conviction by that Officer of the 1st, 3d, 4th and 7th prisoners respectively in those trials. -

With the view however of preventing misapprehension, it appears proper to observe in this place that although from the circumstances abovementioned an order for the unconditional release of the 5th and 6th prisoners only (in case No. 155) could be issued, yet the remarks respecting the insufficiency of the evidence for the prosecution applied to all the prisoners in that case without exception

and the acting Second Judge's sentence must, as it regards all, accordingly be cancelled. -

After these preliminary observations the Court of Foujdaree Udalut proceed to take into consideration the cases now submitted in conformity to their order of the 25th February last

Case No. 108.

In Case No. 108 the prisoners

1st Ayoonjee Bolloya,

2d Mulla Chunna Dunpadoo

3d Mulla Dolleyandoo,

alias

4th Mulla Cotadoo,

stood charged before the Court of Circuit with having in company of fourteen others, at midnight of the 28th July 1833 proceeded to the house of the prosecutor Chawaly Gopaulloo of Cauzah, entered it knocked down the women, placed over them a ct: trampled on, and beaten one Chawaly Dengunnah, pelted him with stones, and driven away eight Goats of the value of Eight Rupees, the property of the aforesaid prosecutor. -

The prisoners severally pleaded "not guilty". -

In his second Futwa, the Mahommedan Law Officer of the Court of Circuit pronounced the 1st 2d and 3d prisoners convicted and

and liable to Akoolut: and the 5th [illegible] reports.-

Concurring in this finding the Presiding Judge sentenced the 1st 2d and 3d Prisoners to imprisonment and hard labour in irons for fourteen years. The 4th was the 5th prisoner in Case No. 155, in which he had been previously sentenced by the Acting Second Judge to fourteen years imprisonment: but as he was already obscured, the Court of Zuydaree Adawlut acquitted and discharged the sentence, and directed his release.-

In the opinion of the Court of Zuydaree Adawlut there is no sufficient evidence to establish Robbery by open violence against the 3 first prisoners in this case: and they consider that the stealing from the prosecutor's compound of eight goats, is the sole offence brought home to them.-

Under these circumstances they do resolve to direct the acting Second Judge to cancel his former sentence, and pass on the prisoners one of two years imprisonment with hard labour in irons, commencing from the date of his original Warrant to the acting Joint Criminal Judge.-

In

C. C.

30th April 1835.

Case No. 131.-

In this case the prisoners

1st Mulla Mootteyalo (since dead)

2d Mulla Soobbadoo,

3d Mulla Bolloyah,

and

4th Goonjee Venkadoo,

stood charged with having in company of twenty six others at four o'clock in the afternoon of the 23d August 1833, proceeded in a gang to a field near the village of Davarayabatta pollem in which a flock of sheep belonging to the Prosecutor was grazing, seized and beaten the Prosecutor and the 1st and 2d Witnesses and some other persons, blind folded them with cloths, & knocked them down, and robbed them of the property consisting of gold earrings, cloths, &c. valued at Rupees 205. and also of 200 sheep of the value of 200 Rupees.-

The prisoners severally pleaded "not guilty."

In his second Futwa the Mahomedan Law Officer of the Court of Circuit pronounced the prisoners convicted of Gang Robbery and liable to Akoolut: in which finding the Presiding Judge concurred and accordingly sentenced them

them to be imprisoned with hard labour in irons for the period of fourteen years.-

And the Court of Sovereign Adawlut having maturely considered all the circumstances of the case, concur in the propriety of the conviction and approve of the sentence passed upon the prisoners which they accordingly direct to be carried into execution.-

Ordered that extract from these proceedings be sent to the acting Second Judge at Cuttack on Circuit in the Northern Division for his information and guidance by present returnable within five days from and after its receipt.-

(Sent following Precept No. 139)

Read Extract from the Minutes of Consultation under date the 7th Instant, conveying the orders and observations of the Right Honorable the Governor in Council on review of the proceedings of the Sovereign Adawlut of the 20th November last and the Report of the acting 3d Judge on Circuit in the Centre Division on the delivery of the Cuddapah and Bellary Jails 1st Sessions 1834.-

(Hereunto No. 537)

Ordered that paras 2 and 4 of the foregoing Minutes be generally communicated to the Puisne Judge of Cuttack, and the officiating Criminal Judge of Bellary, thro the Provincial Court of Circuit in the Centre Division. The Court conclude that under their instructions of the 20th November last the officiating Criminal Judge of Bellary has been furnished with a copy of para. 9 of those proceedings, in which they recorded the opinion that it was highly to permit the prisoners "to have access to works of an useful, or moral tendency."-

Under the orders of Government in the

3.

7th para the Court resolve to furnish the Criminal Judge, and Magistrate of Cuddapah with a copy of paras 64 67 of the acting 3d Judge's report, and of the observations of Government in the case there brought under notice. Those officers will institute the necessary enquiries to ascertain, 1st whether the facts were as stated in the report of the acting 3d Judge; and communicate the result to the Sovereign Adawlut for the information of Government.-

4.

In the 8th para of the minutes under consideration, the Right Honorable the Governor in Council

Council expresses his entire concurrence in the observations contained in the 17th Para of the Court's proceedings; and fully approves of the measure there proposed. The Court accordingly resolve to furnish the Judges who have presided at the Sessions of 1833 and 1834 in the Central and Southern Divisions, with a copy of paras 16-17. of their proceedings, and of the remarks of Government.

5. In carrying the orders of Government into effect, the Court of Sudder Dewanny Adawlut are of opinion, that the authority given to propose a mitigation or remission of the penalties, in the case of prisoners, who have been impelled to the commission of crime by want, should be exercised liberally rather than otherwise. And should not be applied solely to cases where only grain was stolen but to all cases of robbery unattended with wounding or personal injury or other aggravating circumstances where there is ground to believe, that the majority of the persons concerned were driven to plunder by the pressure of famine, and where the primary, and in the instance of many, probably the sole object of the gang was grain. If it should appear in such cases, that the prisoners had never been previously charged with any heinous offence, and had up to that date

been

lived in settled habits of industry, and would, on their release from Gaol, be returned to their families, and their ordinary callings in life, the Court consider them as fully entitled to the clemency of Government, as where it might be shewn, that the gang had taken nothing but grain. On these points it may be necessary to communicate with the Criminal Judges and Magistrates, and to ascertain from the former, the behaviour of such persons since they have been in Gaol.

6. The Court need scarcely remark, that these observations apply only to the subordinate agents in a gang robbery, and not to any who have taken the lead in such offences. They trust also, that it is unnecessary for them to urge the Judges to give their earliest attention to the subject.

7. The Court desire that the Judges of the Provincial Court of Circuit of the Centre Division will examine the Calendars of persons tried at the 1st Quarter Sessions for 1833 at Chittoor at the 2d Sessions of 1833, by the late Mr. Gahagan at Cuddapah and Bellari, and that they will if necessary communicate with the Criminal Judges and Magistrates

of

of those Districts and report if there are any persons to whom the indulgence contemplated may be extended.-

Ordered that extracts from these proceedings be communicated to the several officers whom they concern, for their information and guidance respectively, and that a copy of the extract from the Minutes of Consultation from paras 1 to 8 be communicated to the late acting 3d Judge in the Centre Division for his information.-

(Sent in No 440

Ordered that paras 2, 4, 5, 6 and 7 of these proceedings with paras 2 and 4 of the Minutes of Consultation and paras 16 and 17 of the Proceedings of the Sovereign dated of the 20th November last be sent to the Provincial Court of Circuit in the Centre Division for their information and guidance by precept returnable in two months.-

(Sent following Precept No 441

Ordered that para 3 of these proceedings with copy of paras 64 to 67 of the acting 3d Judge's report and para 7 of the Minutes of Consultation be sent to the Criminal Judge and Magistrate of Cuddapah for their information and guidance respectively by precept returnable in one month.-

(Sent following Precept No 442

Ordered that paras 4, 5 and 6 of these Proceedings with copy of paras 16 and 17 of the Proceedings of the Sovereign dated of the 20th November 1834 and para 8 of the Minutes of Consultation be sent to Mr Casamajor and that he be directed to revise the Calendars of cases tried by him at the 2d Sessions 1833 in the Northern Division, 2d Quarterly Sessions 1833 at Masulipatam, 1st Sessions 1834 in the Northern Division in conformity to the orders of Government and of the Sovereign dated by precept returnable in 2 months.-

(Sent following Precept No 444

Ordered that paras 4, 5 and 6 of these Proceedings with copy of paras 16 and 17 of the Proceedings of the Sovereign dated of the 20th November 1834 and para 8 of the Minutes of Consultation be sent to Mr Waters and that he be directed to revise the Calendars of cases tried by him at the 1st Sessions 1833 in the Northern Division, 3d and 4th Quarterly Sessions 1833 at Masulipatam, 1st Sessions of 1834 in the Northern Division in conformity to the orders of Government and of the Sovereign dated by precept returnable in 2 months.-

(Sent following Precept No 445

Ordered

30th April 1835.

Ordered that paras 4, 5 and 6 of these Proceedings with Copy of paras 16 and 17 of the Proceedings of the Conjeeveram Cutcherry of the 20th November 1834 and para 8 of the Minutes of Consultation be sent to Mr. Grey and that he be directed to revise the Calendars of cases tried by him at the 1st Sessions 1833 in the Northern Division and 2d Quarterly Sessions 1834 at Masulipatam in conformity to the orders of Government and of the Conjeeveram Cutcherry by Precept returnable in 2 months.—

(Sent following Precept No. 446.

Ordered that paras 4, 5 and 6 of these Proceedings with copy of paras 16 and 17 of the Proceedings of the Conjeeveram Cutcherry of the 20th November 1834 and para 8 of the Minutes of Consultation be sent to Mr. Baske and that he be directed to revise the Calendars of cases tried by him at the 1st Quarterly Sessions 1833 at Masulipatam and 1st and 2d Quarterly Sessions 1834 at Masulipatam in conformity to the orders of Government and of the Conjeeveram Cutcherry by Precept returnable in 2 months.—

(Sent following Precept No. 447

Ordered

J. C.

30th April 1835.

Ordered that paras 4, 5 and 6 of these Proceedings with copy of paras 16 and 17 of the Proceedings of the Conjeeveram Cutcherry of the 20th November 1834 and para 8 of the Minutes of Consultation be sent to Mr. Davis and that he be directed to revise the Calendars of cases tried by him at the 2d Sessions 1833 and 1st Sessions 1834 in the Centre Division and at the 2d 3d and 4th Quarterly Sessions 1834 at Chittoor in conformity to the orders of Government and of the Conjeeveram Cutcherry by Precept returnable in 2 months.—

(Sent following Precept No. 448

Ordered that paras 4, 5 and 6 of these Proceedings with copy of paras 16 and 17 of the Proceedings of the Conjeeveram Cutcherry of the 20th November 1834 and para 8 of the Minutes of Consultation be sent to Mr. Bailean and that he be directed to revise the Calendars of cases tried by him at the 1st Sessions 1833 and 1st Sessions 1834 in the Centre Division in conformity to the orders of Government and of the Conjeeveram Cutcherry by Precept returnable in 2 months.—

(Sent following Precept No. 449

The

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 Circuit Courts respectively; also, an Abstract of the operations of this Court from the 1st of January to the 30th June 1834 according to the forms approved by Govern=ment.-

Nos. 1 and 2.

The decrease in the cases brought before the Village Police between the present and the previous half year is considerable. In the pre=ceding half year 3346 persons were accused before them, whereas during the present half year under review the cases of only 2178 have been investigated. a diminution which may be accounted for by a year of distress and plenty. In the Western Division the cases have reverted nearly to what they were in the first half of 1833- In the Southern Division, there were 583 persons brought before the Village Police of Combaconum - 305 before the same authority in Coimbatore - in Salem there were 128 - but in Madura there were only 18 - in

Similarly

Similarly 13 and in Trichinopoly 3: amounting however altogether to 1050 or nearly one half of the whole number. In the Northern Division as on former occasions, the Court observe that the cases are scanty and the Vizagapatam return is blank. In the Centre Division also few cases seem to have been investigated by the Village Police.-

2. In three Zillas only has the number of persons brought before the Village Police increased. In Canara, the highest in the scale before, the decrease has been from 938 to 317 or of nearly two thirds. In Combaconum it has been from 741 to 583 or of more than one fifth. On the other hand the increase in Coimbatore bears a proportion above one third:- Bellore a still higher proportion, nearly one half; and Rajahmundry more than one and a half.-

	1833 - 1834
Coimbatore	196 — 305
Bellore	95 — 168
Rajahmundry	20 — 52

3. In the last statement it was observed that the smallest returns were from Ganjam, Vizagapa=tam, Madura and Trichinopoly - the variation in the present Report is but trifling: the numbers as they stood in the last and present Reports are respectively 8 - 6: 0 - 0: 13 - 15: 7 - 3: In Chittoor the number has fallen from 44 to 8 - in Bellaree from 71 to 10 - in Masulipatam from 29 to 8 and in Vizagapatam from 12 to 7.-

4. The proportion of convictions in the cases brought before the Village Police in the first half year

* South Arcot.-

year of 1834 is nearly ½. There were 1085 persons convicted and punished: 653 for petty assaults and 382 for petty thefts. There were 549 acquittals and 591 compromises. nearly the whole of the acquittals were in cases of Petty assaults. out of the whole number (408) brought before the Village Police for petty theft, 382 were convicted. 200 being punished by confinement in the Village Choultry and 182 in the stocks - only 26 were acquitted. -

5. The Court of Sudder Adawlut perceive in the statements now before them the same inaccuracy in the returns upon which the Honorable Court of Directors dwelt in para 8 of their dispatch of the 20th March 1833. In the Districts of Bellary, Chingleput, Chittoor, Guntoor, Masulipatam, Nellore, and Vizagapatam conviction appears to have occurred in every case brought before the Village Police and in Rajahmundry in 57 out of 52 cases the result was the same - In Malabar and Canara however the reverse appears: out of 367 persons brought before the Village Police in the former District only 15 and in the latter only 69 out of 371 were convicted and punished. The Court accordingly resolve to call upon the Magistrates of these Districts respectively through the Provincial Courts of Circuit to state if these returns are altogether free from error and at the same time to explain the principles upon which they have been framed in assorting

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30th April 1835.

District Police.

6. Adverting to the District Police, it appears, from the present returns, that the number of persons brought before them, in cases punishable by them, has increased more than one eighth. In the 1st half year of 1834, 40,264 persons were brought before them, and 1420 were included in cases not disposed of at the date of the last report, forming a total of 41674. The acquittals were 13570 or less than one third - in 407 of these the accusations appeared to be wilfully false and malicious. The convictions were 10574. (rather a smaller proportion to the whole than the acquittals but still more than one fourth) 10241 without reference to the Magistracy and 333 after reference - 1258 persons remained under examination. The compromises were, as usual high - 16246. The District Police punished by fine 5583 persons and by confinement in the Village Choultry 4562. 328 persons were put in the stocks by them and 101 flogged. -

7. There is a slight proportional increase in the number of false charges compared with the previous six months. 359 were in cases of "Petty assault" but only 47 in cases of petty theft. -

8. Chittoor and Trichinopoly continue in the present statements to exhibit the most numerous false charges. There is an increase however in the former

x 165 = 138 last ½ 1833
191 = 120 first ½ 1834
25 = 18

of 26 cases, in the latter a decrease of 18. The Coimbatore statement shows the largest number after Chittoor and Vizagapoly: the number in Malabar has decreased from 53 to 4 and in Madura from 39 to 10.—

9. The Court of Sessions Zillahs state in their proceedings of the 29th November 1834 that they purposed calling the attention of the Magistrates to this subject and they accordingly resolve now to issue thro the Provincial Courts of Circuit the injunctions to these Officers (with the exception of the Magistrates of Malabar and Madura) to require their Subordinate Police strictly to observe the provisions of Section II Regulation IX 1832.

10. Canara still appears in the statements as the District in which the largest number of persons (4411) were brought before the District Police for petty offences—9 only of the numerous charges are stated to have been false: the conviction (761) bear a proportion of more than ½ of the charges. In the Districts of Cuddapah, Malabar, Nellore, Salem and Vizagapatam as observed in the previous statements a considerable number of persons were charged before the District Police viz: 3607—4227—3609—3387. and 3752 respectively. In Nellore there has been a decrease from 4020 to 3609. The numbers here taken are those entered in Column 8 of the statement and include the total number of persons (1420) whose cases were not disposed of, at the date of the last report.—

	Conviction	Charges.
1.	1157	3607
2.	738	4227
3.	755	1721
4.	690	2460
5.	819	1622
6.	710	4411

Districts	Charges	Convictions	Convictions with or without Sentence
Combaconum	2457	1224	692
Vizagapatam	3725	2015	490
Canara	4411	1335	761
Cuddapa	3607	1466	988
Malabar	4227	1431	738
Nellore	3609	1836	472

11. The convictions without reference to the Magistrate were most frequent in the Districts of Salem, Malabar, Madura, Coimbatore, Chingleput and Canara.—

12. The proportion of compromises still continues very large to that of the convictions. The persons charged before the District Police (including those not examined in the previous half year) the compromises and the convictions are noted in the Table in the margin for the Districts of Combaconum, Vizagapatam, Canara, Cuddapa, Malabar and Nellore.—

13. Of the number of persons flogged by the District Police 6 appear in the statement from Canara—the rest in the Northern Division.—No further notice appears necessary here in respect to the Northern Division as the orders issued on this subject to the Provincial Court in para 10 of the proceedings of the Zillahs dated on the last Criminal Statements would not have affected those under review.—

14. The Magistrate of Canara however is required to prevent a recurrence of the proceedings in this district and the Provincial Court will take the opportunity to enjoin the Magistrate of Malabar

Malabar to prevent a repetition of "fines" by the Police for the offence of killing cattle 5 instances of which are entered in the present Report.—

15. The Provincial Court of Circuit will point out to the Magistrate of Canara that he has mistaken the Circular Order of the 17th June 1830 which requires the entry of the total amount of the fines remitted to him by the District Police in the last line of Column 4 in Statement No. 1.—

16. It is observed that the amount of fines collected during the period under review was Rupees 4437. 0. 4.—

17. In closing the review of the Statements of Offences before the District Police the Court of Sudder Adalut deem it proper to direct that the attention of the several Magistrates, with the exception of those in the Districts of Bellary, Chingleput and Tinnevelly, be directed by the 4 Provincial Courts of Circuit to the following extract from the dispatch of the Honorable Court of Directors of the 20th March 1833. "When therefore it appear from the returns that the number of persons acquitted is disproportionate to the number summoned before the Heads of District Police the Europeans authorities should draw the attention of those officers to the inference which arises from that

circumstance either that the innocent have been unnecessarily exposed to the hardship and disgrace of a Criminal charge or that the guilty have frequently succeeded in escaping the punishments due to their offences. This view of the matter patiently and judiciously impressed upon their minds as instances occur would we have little doubt be followed by a very beneficial result."—

18. The Statements now before the Court show that in Bellary Chingleput and Tinnevelly alone the convictions in cases before the District Police punishable by them bear a greater proportion to the charges than one half. In Ganjam, Madura and Salem the convictions were less than one half; in Chittoor, Combaconum, Comibatore, & Cuddapa, Trichinopoly and Pondachellum they were less than ⅓. In Rajahmundry they were less than ¼. In Canara, Guntoor and Malabar less than ⅕ In Masulipatam less than ⅙. In Bellore and Vizagapatam less than ⅐.—

Magistrates. 19. There has been a decrease in the number of persons brought before the Magistracy during the period under review including those left under examination at the close of the last Report the numbers have fallen from 5288 to 3542. the acquittals were 1568— the compromises 448— convictions

25. There were 3542 persons brought before the Magistrates in cases punishable by them and of these 1668 or more than ⅓ were acquitted. The proportions of acquittals in the different districts are as follows. In Canara, Chittoor, Guntoor, Malabar, Trichinopoly and Vizagapatam more than ½. In Chingleput, Combaconum, Cuddapa, Madura, Masulipatam, Rajahmundry and Salem more than ⅓. In Bellary, Coimbatore, Nellore, and Vizagapatam more than ¼. In Tinnevelly ⅙ were acquitted. In Ganjam there were no acquittals but there were only 2/9 convicted, the other 7/9 having been compromised.-

26. The Court of Sudder Adalut resolve to direct the Provincial Courts of Circuit to point out to the notice of the Magistrates of Canara, Chittoor, Guntoor, Trichinopoly, Vizagapatam, Chingleput, Combaconum, Cuddapa, Madura, Masulipatam, Rajahmundry and Salem, the disproportionate number of acquittals alluded to in the preceding para.-

Statement of Crimes and Misdemeanors

27. There were 9131 persons in 2960 cases brought before the District Police charged with crimes and misdemeanours. Of these 3121 persons were released being a proportion of more than ⅓-

Convictions 1466 - and there were 65 persons left under examination on the 1st July 1834.-

20. There were 452 convictions of "Petty theft" and 768 of petty assault - 61 of false complaint of petty offences "48 of fraud" mentioned when vented - 31 of "using false weights and measures" and 24 of abuse of authority" by Police officers.-

21. The statements from Chittoor exhibits 71 or more than ⅙ of the charges examined appearing wilfully false and malicious. That from Trichinopoly 48 or more than 1/9 from Madura 29 or more than 1/12 from Combaconum 14 or more than 1/35 from Masulipatam 8 or more than 1/6 and from Tinnevelly only 5 or more than 1/140.-

22. In despondency of the cases of petty theft and petty assault the present returns are comparatively light. The largest number of cases were brought before the Magistrates of Tanjore (Combaconum) and Trichinopoly and the most numerous convictions as might be expected followed as the result.-

Charges - Convictions
Combaconum 487 — 163.
Trichinopoly 420 — 169.

23. In Combaconum (166) and Salem (107) the largest number of compromises occurred.-

24. The convictions and acquittals in the present as compared with the preceding half year do not vary much.-

The

of 362 persons charged with murder 114 were released or not quite 1/3 - of 164 charged with Robbery and of murder 55 were released or about 1/3 - of 3138 charged with Gang Robbery 977 were released or less than 1/3 - of 1332 charged with housebreaking by night 553 were released or more than 1/3 - of 1967 persons charged with theft 773 were released or about the same proportion - of 205 charged with arson 147 were released or more than 1/2 - Amounting to the aggregate 9131, independent of those released - 5909 were sent to the Criminal Courts and 101, remanded under examination. -

28.

It appears from the Statements that the proportion of the number released is un= favorable to Cuddapa, Madura and Vizagapatam in which districts more than 1/2 were released. In Canara, Coimbatore, Malabar and Masulipatam more than 1/3 were discharged. In Chittoor, Rajahmundry and Trichinopoly more than 1/4. In Combaconum Ganjam and Salem more than 1/5. In Chingleput more than 1/6. In Bellary and Nellore more than 1/7. In Kimedy more than 1/12: In Guntoor less than 1/13 and in Vizagapatam less than 1/15. -

29.

The observations recorded in a previous Para of these proceedings on the acquittals

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30th April 1835.

by the District Police in cases punishable by them apply equally to the returns of which a review has been just taken and the Provincial Court of Circuit will point the attention of the Magistrates of Cuddapa, Madura, Vizagapatam, Canara, Coimbatore, Malabar, and Masulipatam to the results exhibited in these Statements. -

30.

In Nellore it is to be remarked that out of the 84 persons released 12, or 1/7, and in Trichinopoly out of 53 also discharged 13, or nearly 1/4, appear to have been sent up on false charges. -

31.

There were 1316 persons brought before the Magistracy in 393 cases not punishable by them: The most numerous cases were before the Magistrates of Chittoor, Trichinopoly and Malabar.

	Cases.	Persons
Chittoor	70	243.
Trichinopoly	59	181.
Malabar	42	132.

The number of cases sent to the Criminal Courts was 195 including 586 persons and 13 cases including 62 persons were not disposed of at the close of the Report. There were 688 persons released by the Magistracy and 95 of the charges in these instances appeared wilfully false and malicious, shewing, in omitting the cases and persons under examination, that as far as had been ascertained upwards of 1/2 of the persons forwarded were transmitted on insufficient grounds and upwards of 1/14 sent upon wilfully false charges. -

It

32. It is to be noticed however that it was only from Cuddapa (27) Madura (25) Masulipatam (12) Tinnevelly (9) and Trichinopoly (12) that persons were sent up on such false charges - from the other districts no person was so forwarded.

33. The proportion of the number released to the number sent up to the different Magistrates was as follows. In Guntoor the 14 persons in the 6 cases sent up were all released. In Chingleput, Chittoor, Coimbatore, Cuddapa, Ganjam, Madura, Masulipatam, Trichinopoly, and Verdachellum more than ½ of the persons forwarded were released. In Bellary more than ⅓ - In Salem, Tinnevelly, and Vizagapatam more than ¼ - In Canara more than ⅕ - In Malabar & & & more than ⅛ - In Combaconum more than 1/12 - In Nellore no cases appear to have been before the Magistracy. Of the 688 persons released more than ¼ were charged with Gang Robbery and another ¼ with Theft.

34. The results exhibited in the preceding Para require the Court of Circuit to call the attention of the Magistrates of Guntoor, Chingleput, Chittoor, Coimbatore, Cuddapa, Ganjam, Madura, Masulipatam, Trichinopoly, Verdachellum, and Bellary to the Circular Order of the 5th May 18

in

in which is recorded the observation that "From "the very large proportion of the persons apprehended "by the officers of Police who are shown, by these "Statements to be discharged by the Magistrates "the Judges of the Sessions Courts cannot but infer "that adequate attention is not paid to those "humane provisions of the Regulations enacted for "the guidance of the Magistrates and of the officers "under their authority with a view of preventing "the apprehension of individuals upon insufficient "grounds" The Magistrates above alluded to should at the same time be directed by the Provincial Court of Circuit to caution as enjoined by the Circular Order 17th June 1830, their District Police officers against summoning Parties before them under Section XXXIII Regulation XI 1816 unless they see reason to consider the complaint preferred to be well grounded.

35 The Court advert with satisfaction to the great reduction in the number of cases in the half year under review, as well as in the number of computed offenders. The cases have fallen from 7425 to 4816 and the computed offenders from 37264 to 24609, and this decrease is observable in the serious crimes especially - Of the 4816 cases ascertained, Column 3

f

of the Statement shews that in 1988 no one has been apprehended although the computed number of offenders in them amounts to 3475, pointing out that in upwards of one third of the whole of the ascertained cases none of the persons concerned have been apprehended: as is generally the fact the bulk of these cases is in Gang Robbery and Housebreaking by night. But the persons concerned in thefts, and murders, also, not apprehended are numerous.—

36. The Court resolve, with reference to the very large number of persons who have escaped apprehension to call upon the 4 Provincial Courts of Circuit to enjoin the particular attention of the Magistrates to the Circular Orders of the 30th May 1831.—

37. The most numerous ascertained cases appear in the Statements from Cuddapa, Chittoor, Malabar and Canara. From the returns the most frequent murders took place in Malabar 25. Salem 15. Bellary 12. Vizagapatam 12. Coimbatore 11. Cuddapah 10. In Chingleput only one case occurred. The Guntoor Statement exhibits likewise but one case of Murder, and in Nellore

no murder appears to have been committed in the half year under review.—

38. In Bellary, Canara, Chingleput, Combaconum, Coimbatore, Guntoor, Malabar, Salem, Tinnevelly, and Verdachellum the parties concerned in the cases of murder were known. The proportion of undiscovered perpetrators of murder in the other Districts varies. In Vizagapatam 8 out of 12 or 2/3 remained undetected in Ganjam, and Masulipatam 1/2 In Rajahmundry and Chittoor between 1/3 and 1/4 In Cuddapa 1/5 In Madura 1/7 In Nellore 1/8.—

39. It is to be borne in mind however that the Statements now before the Court have probably been framed (as has been lately discovered) by some of the Magistrates under the impression that the headings of Columns 3 and 21 were synonimous — an error which, it is expected, will be rectified by the Circular instructions of this Court of the 29th September 1834.—

40. No cases of "Robbery and Murder" appear to have been ascertained in Chingleput, Guntoor, Malabar, Nellore, Salem, Tinnevelly, Trichinopoly and Verdachellum. In Combaconum one case occurred. In Madura, and Rajahmundry, also, one

one instance is known but the perpetrators escaped without detection. In the other districts the proportions vary. In Vizagapatam four cases occurred but in all of them the perpetrators were apprehended. In Ganjam on the contrary 5/6 of the offenders escaped detection. In Coimbatore more than 1/3. In Canara, Chittoor and Masulipatam 1/3. In Cuddapa more than 1/4 and in Bellary more than 1/6.—

41. Gang Robbery appears to have been most prevalent in the first 6 months of 1834 in Cuddapa, where 163 cases were ascertained. In Chittoor, 135 were ascertained. In Nellore 99. Bellary 85. Coimbatore 72 and in no instance in the returns have all the parties concerned been detected. The proportion of the undetected Robberies to those ascertained would seem to be as follows. In Tinnevelly 1/7. Vizagapatam more than 1/3 Malabar 1/6. Madura 1/4. Masulipatam and Nellore nearly 1/2. Trichinopoly 1/2 and in all the other districts more than 1/2.—

42. The crime of Housebreaking by night is stated to have been of most frequent occurrence in Cuddapa where 323 cases were ascertained. In Malabar 135 were ascertained. Canara 94. Coimbatore 84 and

and the proportion of Burglaries undetected to those ascertained is — In Vizagapatam more than 1/6. In Malabar very nearly 1/3. In all the other Districts with the exception of Madura more than 1/2. In Madura alone all the parties concerned in the several cases (7) were detected.—

43. In respect to Theft the returns show that in no District were all the parties concerned apprehended. In Rajahmundry but one theft appears in the Statement and that remained undetected. The Provincial Court of Circuit in the Northern Division will call upon the Magistrate to explain if no error has crept into the Statement in this particular.—

44. In Coimbatore the most numerous cases of theft were ascertained 258. In Chittoor 145. In Salem 142. In Cuddapa 96. The proportion of undiscovered thefts to those ascertained is — in Tinnevelly and Verdachellum more than 1/2. Combaconum 1/2 Chingleput and Guntoor nearly 1/2. Bellary, Canara, Chittoor, Coimbatore and Cuddapa more than 1/3. Nellore nearly 1/3. Trichinopoly about 1/4 Salem and Masulipatam more than 1/5. Madura and Ganjam more than 1/6. Malabar 1/8 and Vizagapatam more than 1/9.—

45. Adverting to the crime of arson which has

30th April 1835

has increased during the six months under review from cases 90 with 195 computed offenders, to 122 with 328 computed offenders, it appears that the greatest number (27) occured in Canara - in Cuddapa 26 occured - Malabar 22 - In Masulipatam alone no case of Arson occured. In the following Districts in none of the cases did the perpetrator concerned in the crime remain undetected though not in every instance apprehended - Chingleput, Chittoor, Coimbatore, Guntoor, Madura, Malabar, Nellore, Rajahmundry, Salem, Tinnevelly, Trichinopoly, Verdachellum and Vizagapatam - The proportion of Arsons undetected to the ascertained cases is as follows. In Bellary as many as 8 out of 11 remained undetected - Salem ½ Canara about ¼ - Cuddapa nearly ½ Guntoor ½ - The only case of Arson in Combaconum remained undetected

46. Taking the crimes and misdemeanors collectively the Districts in which the largest number of offenders have altogether escaped detection are Cuddapa 386 - Coimbatore 213 - Bellary 157 - Chittoor 173 - on the other hand in Madura there were only 13 - in Vizagapatam 18 - Tinnevelly 21 - The number of offenders altogether which have escaped detection is 1928 a considerable diminution from the number of escapes in the previous Statements (2728) tho it bears nearly

S.G.

30th April 1835.

the same relation proportion to that of the ascertained cases more than 3 to 2.

Statements Nos. 5 and 6.

47. In the last half year of 1833, 5080 cases including 7119 persons were brought before the Criminal Courts - it is satisfactory to observe that this number has fallen to 3549 cases with 5378 prisoners. The Courts before which the greatest number of cases were brought in the 2 year under review were Nellore (C. 383 - P. 880) Chittoor (C. 299 - P. 710) Malabar (C. 261 - P. 580) Salem (C. 242 - P. 697) Cuddapa (C. 209 - P. 678) and Coimbatore (C. 206 - P. 413) those before which the smallest number was brought were Canara Auxiliary Court (C. 48 - P. 121) Canara Native Court (C. 47 - P. 77) Combaum (C. 58 - P. 119) and Tinnevelly (C. 67 - P. 145).

48. Out of the 5378 Persons before the several Criminal Courts and examined, 1588 in cases punishable by the Criminal Courts were unconditionally released and 1588 in committable cases making a total of 3396 and bearing much the same proportion to the number examined as that specified in the last report viz. about 1/3.68 of the 1588 acquittals (in cases cognizable by the Criminal Courts) or about 1/3.8 part of them were of charges wilfully false and malicious

that

Auxiliary Courts at Tellicherry and Cuntoor more than 1/20: Native Court at Vizagapatam, and the Courts at Rajahmundry, and Salem, more than 1/18: Nellore more than 1/12: Masulipatam Auxiliary Court more than 1/11, Chittoor more than 1/10, Combatore and Bellary, more than 1/9, Cuddapah, Tinnivelly, and Madura, more than 1/8: Canara, Zillah, and Auxiliary and Native Courts, Combaconum, and Madura, more than 1/7, Cuddalore more than 1/6 and Cumbum more than 1/5:—

52. The proportion of the number released out of those held to security vary materially in the different Districts but of the persons held to security by the Auxiliary Courts at Masulipatam (27) Nellore (75) and Salem (56) no one seems to have been able to furnish up to the date of the Statements the required security. This circumstance leads to the inference of security being demanded possibly without that strict attention to the provision of the Law (Clause 2d Section VII Regulation VII 1827) which enjoins that it should be fixed with reference to the situation and circumstances in life of the person from whom it is demanded — and this Court found it necessary to issue a Circular order on the subject bearing date the 2d September 1834 — of

the persons (1614) punished by the Criminal Courts, 870 were imprisoned 285 fined: 31 flogged: 24 both imprisoned and fined: and 404 both imprisoned and flogged.—

53. The proportion of convictions and Committals, together, is nearly 1/2. The proportion of those released for want of evidence by the Criminal Courts in committable cases was nearly 1/5 the proportion of the number committed was more than 1/4 of the number examined: the proportion of the number left unexamined out of the persons brought up was between 1/13 and 1/14.—

Circuit Courts.

54. The present Statements shew a still further increase in the duty imposed upon the Circuit Courts. The total number of cases and persons in the preceding half yearly Report having been 799 Cases and 3601 Persons, that in the present year being 952 Cases and 3796 Persons: a large increase of cases, without however a proportionate increase of Prisoners excepting in the Northern Division, where the work has been most arduous, the increase being from 283 Cases with 1196 Prisoners to 401 Cases with 1694 Prisoners.—

Out

55. Out of the 176 persons committed for murder. 62 or about ⅓ were unconditionally released: out of 152 for Robbery and murder 23 or more than ⅙: for Gang Robbery out of 2492-569 were unconditionally released or more than ⅓: for Robbery by a single individual out of 328-66 were unconditionally released or about ⅕. of those committed for Housebreaking by night 20 out of 121 or about ⅙: Arson 7 out of 17 or more than ⅓: Perjury 7 out of 47 or nearly ⅙ of the total number of persons committed 3798-917 were released unconditionally being more than ¼ against 19 of whom the accusations appeared to be wilfully false and malicious, and 274 were ordered to be released on security. The number convicts and punished by the same Courts was 1247 or about ⅓: of whom 205 were flogged and imprisoned for a term exceeding 7 years-29 sentenced to similar punishment for a term not exceeding 7 years-743 imprisoned for 7 years and upwards without flogging and 269 for 7 years and under also without flogging. There were 154 trials including 588 persons ordered to be referred

referred to the Zoujdaree Adalut during this period, in 78 of which the Futwas were concurred in by the Courts of Circuit but the nature of the offences made the trial, of necessity, referible, and the remaining 74 were referred because the Courts of Circuit did not approve of the Futwas. As many as 91 cases including 431 prisoners were postponed by the Courts of Circuit to the next Sessions and the cases of 114 persons were returned to the Criminal Courts.—

56. The statements from the several Divisions shew that before the Circuit Court in the Centre Division there were 280 cases including 1199 prisoners of whom 136 were released unconditionally (no false and malicious charge) and 162 on security. 537 were convicted and sentenced to punishment-223 in 53 cases whose trials were ordered to be referred to the Zoujdaree Adalut and 94 in 15 cases whose trials were postponed: and 8 cases including 11 persons were returned to the Criminal Courts.—

57. Before the Northern Court of Circuit there were 407 cases including 1694 persons of whom 545 were released unconditionally; against none however

however did the charge appear false and malicious and 52 were ordered to be released on security: 268 were sentenced to punishment. There were 280 in 66 cases whose trials were ordered to be referred and 312 in 66 cases had their trials postponed. 45 cases including 99 persons were returned to the Criminal Courts.—

58 The great and lamentable increase of the number of cases postponed and returned to the lower Courts as within their cognizance, or for further investigation occurred in the Southern Division and such notice has been taken of the proceedings of the lower tribunals as the Court of Sudder Dewanny Adawlut on revision of the Calendars thought the circumstances demanded. Explanation of the return to the subordinate Courts or of the postponement of each case stands recorded fully in the Calendars and when the omission = version of the Judge of Circuit has not been in the opinion of the Court of Sudder Dewanny Adawlut sufficiently strong they have added their re-presentation to it.—

57. The Judges deem it proper to observe that no blame whatever is attributable to the Judges

Judges of the Court of Circuit who held the sessions under review, but they regret to be obliged to notice that there existed a laxity of proceedings on the part of the committing officers, particularly at Rajahmundry and at Bellary, which called forth most severe animadversion and censure, and which they trust will never again occur.—

60. Before the Southern Court of Circuit there were 188 cases including 707 persons: of whom 165 were released unconditionally (against 8 of them the charges appeared wilfully false and malicious) 46 were ordered to be released on security: 382 were convicted and sentenced: 90 in 25 cases had their trials referred; and 21 in 6 cases had their trials postponed. no case appears to have been returned to the Criminal Courts.—

61. Before the Western Court of Circuit there were only 83 cases including 198 persons of these 73 were released unconditionally, against 11 of whom the accusations appeared wilfully false and malicious. 14 were ordered to be released on security. 75 persons were convicted and

and sentenced - 22 in 10 cases had their trials
reposed and 4 in 4 cases had their trials post=
poned - 4 persons were returned for that cause
to be disposed of by the Criminal Court -

62.

There is a difference in the Statement
of the Western Division in the number of cases
postponed and returned, according to the State=
ment there were 7 cases including 8 persons but
in the Calendars only 4 cases including 5 persons
appear. The Provincial Court of Granville nile
accordingly furnish an explanation of the
difference of three cases and three persons -

63.

The statement No 29 exhibiting
the operations of the Company Courts shows
that at the date of the last Report the number
of trials not disposed of amounted to 28 in=
cluding 131 persons and that during the half
year 99 more were remitted including 592 persons
making together 127 cases including 623 persons
whereof C. 26 - P. 52 were murder: C. 47 - P. 360. Larceny Robbery: Larceny and
Arson C. 6 including P. 25. Larceny Robbery and wounding P.
21 - Rebellion C. 3 - P. 14. Treason C. 1 - P. 1 Larceny, or Stolen
procuring, Children for Slavery C. 1 - P. 2. Of the several trials
115 were disposed of, including 584 persons: leaving
only 10 cases including 37 prisoners to be disposed of
in the following ½ year -

64.

Of the 584 persons whose cases were
disposed of by this Court within the last ½ year
215 or between ½ and ⅓ were released unconditionally
no instance however was among these of the
accusation appearing wilfully false and malicious:
76 were ordered to be released on security: 285 were
convicted and sentenced to punishment being more
than ½ of those tried: 27 were sentenced to death:
8 to be flogged and transported: 75 to be trans=
ported without flogging: 14 to be flogged and
imprisoned for more than 7 and not more than
14 years: 64 to similar imprisonment without
flogging - 84 to be imprisoned 7 years and under
without flogging -

65.

The number of trials disposed of
under Section II Regulation I 1818 were 46 including 121
persons: in C. 22 - P. 57 the factors of acquittal were
founded on personal exceptions to the Witnesses
and in the remaining C. 24 - P. 64 on the insufficiency
of the evidence. In these cases the prisoners were
sentenced

sentenced as follows; to death 16: flogged and transported 5: transported without flogging. 22: flogged and imprisoned for more than 1 and not more than 14 years 3. similarly sentenced without flogging 47: Imprisoned for 1 years and under without flogging 19.—

66. The grounds on which the Juries were over ruled in the said 24 cases will be found detailed in the Appendix to this Report.—

67. In 17 out of the 24 Cases the opinion of the Court of Louisiana Ordained was in concurrence with that of the Judge who presided at the Trials. In respect to the majority of the prisoners in the other seven cases a difference of opinion existed.—

68 Agreeably to the instructions contained in Para. 22 of the Minutes of Consultation 8th August 1834 the Court of Louisiana Ordained have the honor to report that in 5 of the 115 trials referred, the Presiding Judges disapproved of the Juries of their Law Officers, and in 2 of these the Louisiana Ordained concurred with the Presiding Judges.—

69. As enacted in the Minutes of Consultation dated 22d February 1834 in Para 11 of the

the Dispatch of the Honorable Court of Directors of 26th March 1833 the Court of Louisiana Ordained submit the following Statement of sentences passed by each Judge of the Court singly and jointly.—

	Singly	County
Mr Lushington	2	40
" Oakes	9	70
" Campbell	17	65
" Bird	1	18
The Honble " Clinch	4	9
	29	207

70. It is to be observed upon this Statement that Mr Lushington left the Court on his Certificate on the 31st April that Mr Campbell joined the Court on the 28th January that Mr Oakes joined it on the 18th of the same month and that Mr Bird did not return to his duties as a Judge of the Court of Louisiana Ordained until the end of May 1834.—

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 sent

sent to the Secretary to Government in the Judicial Department for the purpose of being laid before the Right Honorable the Governor in Council

(Sent in Cy No. 450

Ordered also that paras 5. 9. 17. 18. 25. 26. 27. 28. 29. 33. 34. 35. 36. 49. and 50 be communicated to the 4 Provincial Courts of Circuit for their information and guidance as Precepts returnable in 20 days after receipt.—

(Sent following Precepts Nos 451

Ordered also that paras 13. 14. 15. and 62 be sent to the Provincial Court of Circuit in the Western Division for their information and guidance as Precepts returnable in 20 days after receipt.—

(Sent following Precepts No. 452

Ordered also that paras 13 and 52 be sent to the Provincial Court of Circuit in the Northern Division who will submit after due enquiry whether or not the informer drawn in para 52 is correct Precepts returnable in 20 days after receipt.—

(Sent following Precepts No. 453

Appendix

Appendix.

The following is an abstract of the grounds of conviction in the trials disposed of by the Sessions Judge under section II Regulation I of 1818 from the 1st of January to the 30th June 1834.—

No. 6 Coimbatore Calendar 2d Sessions 1833.

The two Prisoners in this case were arraigned on a charge of Robbery and Murder.

The Law Officer of the Court of Circuit declared that there existed strong presumptive proof of the charge against one of the Prisoners, and that the other was guilty of having assisted the robbers.—

In the mind of the Presiding Judge the evidence against the first Prisoner was not so conclusive as could be desired, and that against the second Prisoner amounted only to proof of his having concealed the property without being privy to the murder.—

The futwa of the Cazee-ool-Cozat and Mooftees of the Sessions Judge was to the effect that although the crime of murder was not proved against either of the

the Prisoners, the crime of Highway Robbery and of beating the deceased was established against the Te Prisonir on strong presumptive proof, and that of burying the plunder property against the second.—

The Court of Sonjdaree Adalut considered the confession of the Te Prisonir given before the Police compared with the Prisoners and others having traced footsteps to the Prisoners Village from the spot where the corpse of the deceased was discovered, with articles, which it is proved were with the deceased at the time of his murder, being found in possession of the Prisonir ample grounds on which to convict him of the crime charged.—

By likewise held the second Prisonir convicted of the same offence, on the grounds of his residing in the same Village with the first and having on the morning succeeding the murder, pointed out where part of the deceased's property have been buried

buried, corresponding with his very circumstantial confession made before the Police officer which he in a great degree confirmed before the Joint Criminal Judge.—

No 52 Preliminary Calendar Te Sessions 1835.—

In this case the Prisonir stood charged with murder.—

The Presiding Judge did not concur in his Law officers Futwa of acquittal.—

The Cazee-ool-Cozat and two other

of the Sonjdaree Adalut also declared the acquittal of the Prisonir in their Futwa.—

The view of the case taken by the Judge who presided at the trial coincides with that of the Sonjdaree Adalut. There was, it is stated in the letter accompanying the trial, the sworn declaration of the Prosecutrix, intimately acquainted of course with the features of the parties, who declares that from a distance of two fathoms she saw by broad day light the stabs given. Since is next the free confession of the Prisonir before the Head of Police, with the production of the blooded cloths, shewn to have been on the corpse

corpse as also of the knife produced from near the Prisoners dwelling and owned by him to be the instrument with which he inflicted the fatal deed.-

No 13 Malabar Calendar 1st Sessions 1836.-

This was a case in which 2 Prisoners stood charged with Murder.-

The Provincial Law Officer in his opening admitted that the death of the deceased was occasioned by blows received from the Prisoners, whilst the Judge who presided at the trial declared that in his opinion all the Prisoners were fully convicted of the Murder.-

The Cazee-ool-Corzat and Deroghas of the Tongaree Colaut held that the crime of beating the deceased was established against the Prisoners by their confessions.-

The Court of Tongaree Colaut it appeared that the proof against the Prisoners was sufficient to show that they had been guilty of Culpable Homicide - They did not believe that the Prisoners had the intention to destroy the deceased, or that they imagined that the punishment they inflicted upon him, could possibly have endangered his life.

Five

30th April 1836.

There was full evidence of a most cowardly and barbarous assault on the deceased.-

No 31 Nellore Calendar 2d Sessions 1836.-

The two Prisoners in this case likewise were tried on a charge of Murder.-

They were convicted by the Provincial Law Officer of the crime on strong presumptive proof. The opinion of the Presiding Judge was that though he could not convict the Prisoners the case approached as near to conviction as was well possible without reaching it. The Cazee ool-Corzat and Deroghas of the Tongaree Colaut held that the crime of wounding the deceased, which caused his death, had been established against the Prisoners.-

The Court of Tongaree Colaut passed upon the Prisoners a judgment of "Murder". The third and fourth witnesses deposed to have overheard the 1st Prisoner, on the day on which the murder took place, declare that until he had destroyed the deceased he could not rest. The 5th witness recognized both Prisoners under a tree a very short time before the Murder. The 1st and 2d witnesses saw the deceased receive his death wounds from the Prisoners

while

while the 6th witness saw them run away after committing the murder. It was also in evidence that the deceased and 1st Prisonier were not on friendly terms and there was further the dying declaration of the deceased to the Cahiers and many others that he distinctly recognized the Prisoniers as the persons who had wounded him.

No 1 Combaconum Supplemental Calendar 1st Sessions 1834.

The charge of murder was brought against the Prisonier in this case also.

The Provincial Law officer acquitted the Prisoner. To the Judge who presided at the trial the offence of the Prisonier appeared to be Homicide.

The Cazee-ool. Cozgat and Inspector of the Foujdaree Adalut considered the Prisonier entitled to his release.

The Court of Foujdaree Adalut were of opinion that the crime of the Prisonier amounted to culpable Homicide. it having been clearly proved that the deceased had been wounded in an affray by the Prisonier that there was evidently no intention on the part of the Prisoner to take the life of the deceased nor any

any premeditated malice.

No 1 Chittoor 2d Supplt Calendar 2d Sessions 1833.

The eight Prisoniers in this case were tried for Robbery and Murder.

The Provincial Law officer considered that suspicion of murder existed against one of the 8 Prisoniers of aiding and abetting murder against the eighth.

The Presiding Judge recorded his opinion that the Prisoniers were guilty of the crime laid to their charge.

The Cazee-ool-Cozgat and two of the of the Foujdaree Adalut declared in their opinion that though the crime of murder was not proved against the Prisoniers that of Plundering on the highway was established against them.

The Court of Foujdaree Adalut concurred in the opinion of the Presiding Judge.

The circumstances of the case as established in evidence were these, a party of Lumbers were travelling; they were attacked on the high road near a Village, five of them murdered and three others severely wounded.

Against the first Prisonier there were

were the depositions of the 1st, 4th and 5th Prosecutor supported by the evidence of the 1st, 2d, 4th, 5th, 11th and 12th witnesses.—

Against the next three was the testimony of the same Prosecutors corroborated by that of the 6th, 7th and 8th witnesses.—

Against the next the depositions of the 3d Prosecutor and of 3 witnesses; against the fourth, the evidence of three Prosecutors and six witnesses.—

Against the next the testimony of three Prosecutors and four witnesses.—

Against the sixth Prisonir the substance of the 5th Prosecutor and evidence of 4 other witnesses

Against the next the evidence of two of the Prosecutors and 6 witnesses - and

Against the eighth the deposition of the 1st and 5th Prosecutors supported by the 1st, 2d, 3d, 4th and 9th witnesses.—

No 6 Tinnevelly Calendar 1st Sessions of 1834.—

This also was a case of "Gang Robbery and Murder" of which crime the Provincial Law Officer in his petition found the 3 Prisoners guilty and the Judge who presided at the trial concurred in the finding.—

The Cazee-ool-Cozat and Mooftee of the Zillah Court of Zillah declared acquitted the Prisoners adverting to contradictions in the evidence which the Court of Zillah did not consider of any importance.—

The Court of Zillah declared the evidence was most clear and satisfactory establishing the guilt of the Prisoners beyond the possibility of doubt. Two of the Prisoners were seen to inflict the wounds on the deceased of which he died never having been able to leave his cot after the time he was brought home, and the 3d Prisoner was also seen in the Gang and identified on the trial.—

No 6 Cuddalore Calendar 1st Sessions 1833.

also Nos 7-8-10-12-

The Prisoners in these cases stood charged with Gang Robbery on various dates and were respectively concerned in the several cases.—

The Prisonir in No 6 Kumbapaporaddy was concerned also in No 12 and was convicted in the opinion of the Provincial Law Officer as well as in that of the Presiding Judge in both these cases.—

The Cazee-ool-Cozat and Mooftee of the Zillah declared acquitted the Prisonir in their petition

The

30th April 1835.

The Prisonier was proved to the satisfaction of the Court of Congaree Edatut to have been concerned in the Robberies in the two cases. having been identified by the Prosecutor and witnesses and part of the stolen property having been found upon him.—

No 7.

The Prisoner Paranaiken in this case was also concerned in Cases, 8 and 10 and convicted in the opinion of both the Provincial Law officer and the Presiding Judge in all three.—

The Cazeerol-Coojat and Swoftar of the Congaree Edatut acquitted him in case No 7 but convicted him of aiding and abetting Robbers in Nos 8 and 10.—

The Court of Congaree Edatut granted their sentence of conviction on the acknowledgment of the Prisonier of the crime with which he was charged and on his confessions made before the Police and Criminal Court.—

No 8.

The Prisonier Parraroken appeared to the Provincial Law officer and to the Presiding Judge to have been proved guilty on the evidence adduced before the Court of Enquiry.—

The Cazeerol-Coojat and Swoftar of the Congaree Edatut considered the evidence sufficient to establish against him the crime of aiding

30th April 1835.

aiding and abetting Robbers.—

The Sentence of conviction was unhesitatingly passed upon the Prisonier by the Court of Congaree Edatut on his own confessions.—

No 10.

The Prisonier Paranaiken in this case has been already disposed of, the other Prisonier Yoomdaready concerned also in cases 7 and 8 died before sentence was passed.—

No 12.

The Prisonier in this case Dralungoo was declared by the Provincial Law officer and the Presiding Judge guilty of the crime charged.—

The Cazeerol-Coojat and Swoftars of the Congaree Edatut gave a finding of suspicion.—

The Court of Congaree Edatut held the Prisonier to have rendered himself liable to transportation for life. having been recognized among the Gang by the Prosecutor and identified on the Trial.—

No 45 Cudaloor Calendar 1st Sessions 1833.—

Of the 3 Prisoners in this case the Provincial Law officer held one to be convicted of Gang Robbery the crime charged against them. The Presiding Judge, as their Police confessions were supported by the production of part of the Stolen property and by identification of their persons by the Prosecutor, held that the three were convicted.—

The

The Cazes-col. Cozat and Desoftes of the Tonjaree Ecclatut acquitted the prisoners in their futura.—

It is only necessary to add the concurrence of the Court of Tonjaree Ecclatut in the opinion of the Presiding Judge founded on the facts above stated.—

No. 18 Salem Calendar 2e Session 1833.

This was another trial of Gang Robbery.—

The Provincial Law officer considered that there existed strong presumptive proof against the prisoner. The Presiding Judge was of opinion that the crime of Gang Robbery was proved against him.—

The Cazes-col. Cozat and Desoftes of the Tonjaree Ecclatut acquitted the prisoner.—

The Prisoner confessed before the Police his participation in the Robbery. He was identified by the Pe Prosecutor as an active agent in the aggravating acts that accompanied the Robbery and by others as having entered the house the property found on the person was Ramie identified.—

No. 61 Salem Calendar 2e Session 1833.—

In this case the charge was Gang Robbery and the prisoner was found guilty by the Provincial Law officer of only the crime of

offence of knowingly receiving plundered property in this finding the Presiding Judge concurred.—

The Cazes-col. Cozat and Desoftes of the Tonjaree Ecclatut was to the effect that the prisoner was convicted of being a party to the design of Robbery and of having received a part of the stolen property.—

In the opinion of the Court of Tonjaree Ecclatut the prisoner was clearly convicted on his confession before the Police and Criminal Court of being concerned in Gang Robbery.—

No. 3 Chingleput Calendar 2e Session 1833.—

The fifteen prisoners in this case were arraigned on a charge of Gang Robbery.—

The Provincial Law officer held that all the Prisoners ought to be acquitted. The Presiding Judge was of opinion that nine of the 15 prisoners were convicted on their Police confessions corroborated by the circumstance of their having been seen by the Prosecutors and three Witnesses and by the delivery of stolen property—against the others the evidence adduced appeared to the Presiding Judge insufficient for conviction.—

The Cazes-col. Cozat and Desoftes of the Tonjaree Ecclatut did not consider that the crime charged had been established against the Prisoners.—

g

30th April 1835.

8th May 1835

J. H.

30th April 1835.

No 79 Rajahmundry Calendar 1st Sessions 1833.

The Prisonir in this case was arraigned on the charge of Gang Robbery, and by the Provincial Law officer held to be convicted on strong presumptive proof.

In the opinion of the Presiding Judge merely suspicion of the crime existed against him.

The Cazee-ool-Zogat and Inooftee of the Tongaire Zedalut gave a futwa of suspicion only.

The recognition of the Prisonir by the Prosecutor combined with his production of the property from the place where he admitted he had buried it, was, in the judgment of the Court of Tongaire Zedalut sufficient to convict the Prisonir.

No 3 Chittoor Calendar 2d Quarter Sessions of 1834.

The Prisoners in this case were charged with adultery.

The Provincial Law officer acquitted the Prisoners of the crime owing to certain discrepancies in the evidence. To the Presiding Judge it appeared that from the evidence adduced it was impossible to come to any other conclusion than that the conviction of the Prisoners had been established.

The Cazee-ool-Zogat and Inooftees of the Tongaire Zedalut gave a futwa declaring that the crime of adultery had not been proved.

The discrepancies in the evidence alluded to by the Provincial Law officer did not seem to be of importance to

30th April 1835.

of the Prisonir admitted to be the Principal as convicted the Court of Tongaire Zedalut was also of opinion that 6 were clearly proved guilty of the crime charged and although there was a good deal of inconsistency in respect to the acts of the remaining Prisonir, the Court considered that the identification had been established.

No 6 Rajahmundry Calendar 1st Sessions 1833.

Robbery.

This was another case of Gang

By the Futwa of the Provincial Law officer the Prisoners, two in number were acquitted of the crime charged.

The Presiding Judge however considered the crime fully established by no less than (5) five people some of whom knew the Prisonir before declared that they distinguished them among the Robbers and the property was found in their possession.

The Cazee-ool-Zogat and Inooftee of the Tongaire Zedalut gave a futwa clearing the Prisoners of the crime charged.

The Court of Tongaire Zedalut held the crime to have been proved against the Prisoners by the evidence of five witnesses

30th April 1835.

to the Court of Sonjaree Adalut upon due consideration of the circumstances of the case. There were eye witnesses to the fact and one of the prisoners was apprehended coming out of the house where the crime was committed and the other was taken into custody half an hour afterwards

No. 2. Zillah Supplemental Calendar 7th Session 1834.

This was a trial for Perjury.

The Provincial Law officer acquitted the Prisoner but the Presiding Judge did not concur in the finding

The Cazee-ool-Coozat and Mooftee of the Sonjaree Adalut gave a futwa in favor of the Prisoner acquittal of the crime charged.—

The Court of Sonjaree Adalut agreed with the Presiding Judge that the Prisoner had been forced to have given a declaration on oath in open Court containing a gross and palpable falsehood and thus rendered himself liable to penalties of Perjury. There were witnesses to the point of the one relating to the deposition by the Prisoner in which the Perjury for which he was sentenced was contained. The Prisoner called 3 witnesses to prove the deposition entered into Perjury had been forced but when examined the Prisoner witnesses all swore that they were not present at the time of his examination.—

No. 3 Nellore Additional Calendar 2d Session 1834.

In this case the Prisoner was charged with Gang Robbery attended with Murder

30th April 1835.

Both the Provincial Law officer and the Presiding Judge considered the proof sufficient for the conviction of the Prisoner.—

The Cazee-ool-Coozat and Mooftee of the Sonjaree Adalut gave a futwa of acquittal.—

The Prosecutor in this case when the Robbers effected their entry into the house was bound by them to a Post with a bandage across his eyes. The Prisoner, before known to the deponent, led Prosecutor's Daughter about the house desiring her to show where the property was concealed. The Gang plundered every thing they could find and the Prosecutor hearing his daughter cry out pulled the cloth a little off his eyes and distinctly saw every thing — after sacking the house on fire, the Gang of which the Prisoner was one, retreated.—

The Court of Sonjaree Adalut fully concurred with the Presiding Judge and accordingly passed sentence on the Prisoner.—

No. 16 Nellore Calendar 2d Session 1835.—

The three Prisoners in this case were tried on the charge of house breaking and Robbery.

The Provincial Law Officer acquitted the Prisoners and the Presiding Judge was of the same opinion as regarded two of them — the third he considered to have been convicted of receiving Stolen property.—

The Cazee-ool-Coozat and Mooftees

of

of the Conjeare Gedatut held that the crime charged had not been legally established against the Prisoners.—

In the opinion of the Court of Conjeare Gedatut the Robbery was proved against two of the Prisoners and against the other the crime of having melted the Jewels being perfectly sensible that they were stolen property.—

The two first Prisoners had been overheard by two witnesses planning the Robbery of the House in question and they confessed before the Police. The other Prisoner acknowledged having resumed the stolen property which was found on him (and identified) from the above Prisoners knowing that the articles had been taken by the Prisoners in the Robbery. It was also from the information of the 1st and 2d Prisoners that the property was traced to the third.—

The

No 74 Nellore Calendar 2d Sessions of 1833.

The Prisoner in this case was tried on the charge of sheep stealing attended with beating and wounding.—

The Provincial Law Officer gave a Verdict of conviction and the Presiding Judge concurred in it.—

The Cazee-ool-Cozzat and Mooftar of the Conjeare Gedatut held that the crime charged had not been established against the Prisoner.—

The Court of Conjeare Gedatut were of opinion that the conviction of the Prisoner as declared by the Presiding Judge was full and complete.—

It appeared that the Prosecutor and his younger brother were watching the flock when the Prisoner and another came up and shortly after fell upon them, beat them severely and left them in a state of insensibility, that the flock not having returned home at night one of the witness, a member of the family and others went out in search of the Prosecutor and his brother. They found them lying insensible

meanwhile and after ten days found part of the flock with the Prisonier and his accomplice who escaped.—

No. 12 Chingleput Calendar 2d Sessions 1833.—

The charge against the said Prisonier in this case was for Highway Robbery and wounding.—

The Provincial Law Officer held that the Prisoners had by the evidence been acquitted; the Presiding Judge that they had been convicted.—

The Prisoners were also declared in the future of the Cazee-ool-Cozzat and Fouzdaree Adalut to be entitled to their release.—

The Court of Fouzdaree Adalut coincided in the opinion of the Presiding Judge as to the guilt of the Prisoners.—

There were the confessions of four out of the said Prisoners before the Police corroborated by the circumstances of all the Prisoners having been seen and identified by the Prosecutrix and by four of her witnesses.—

GAP

F. 46.

At a Court of the Fouzdaree Adalut

Present

Friday 1st May 1835. Charles May Lushington Esqre 1st Puisne Judge

John Bird Esqre 2d Puisne Judge

William Hudleston Esqre 3d Puisne Judge

Read again letter dated the 31st December 1834 from the late Acting 1st Judge of the Provincial Court of Circuit in the Centre Division transmitting the statement of trials for the 2d & 3d Quarterly Sessions of 1834 required by the Circular Order No. 4 of 1834.—

(Here enter No. 103.)

The Court of Fouzdaree Adalut perceiving that certain trials have been entered in the above statement, which were dispatched subsequent to the close of the year 1834, deem it proper to intimate to the late Acting 1st Judge that the statement in question, having reference only to trials submitted within the year should not have exhibited those which were forwarded after the 31st of December.—

The

The trials dispatched since the 31st of December must be entered in the statement to be forwarded for the 1st half of 1835.

Ordered, that Extract of these proceedings be sent to the Late Acting 1st Judge Centre Division for his information and guidance.

(Sent in No. 455)

Read Return dated the 22nd to Receipt of the 11th April, calling on the late Acting 2d Judge of the Provincial Court of Circuit in the Centre Division to transmit the statement of trials for the last ½ year of 1834 required by the Circular Order No. 6 of 1834.

(Here enter No. 611)

The Court perceive that the late Acting 2d Judge has entered in the statement submitted with the above return, certain trials dispatched by him subsequent to the close of the year 1834.

The statement in question is to be submitted half yearly [illegible]

intended to contain any cases which were not transmitted before the close of the half year which it embraces.

Those trials which were submitted subsequently to the 31st of December must be entered in the corresponding statement for the first half of 1835.

Ordered that Extract of these proceedings be sent to the Acting 2d Judge of the Provincial Court of Circuit in the Centre Division for his information and guidance

(Sent in No. 458.)

Read Return dated the 18th Ultimo from the Acting 2d Judge of the Provincial Court of Circuit in the Northern Division to Receipt of Foujdaree Adalut dated the 11th April 1835; requiring him to submit a statement of the number of trials referred to, or called up by the Foujdaree Adalut during the half year from the 1st January to the 30th June 1834.

(Here enter No. 664.)

The same Order as above.

(Sent in No. 457)

Read

Fo 16
1st May 1835.

Read again return by the Provincial Court Northern Division dated the 16th March, to Precept of the Foujdaree Udalut of the 11th February 1835, conveying their observations and orders on the Criminal Reports of the Northern Division for the Month of November 1834.

Read also Supplemental return to the above Precept.

(Here enter No. 446. 578.)

The above Supplemental Return is accompanied by the returns of the subordinate authorities relative to the reports in question, but the Court of Foujdaree Udalut do not find with them any explanation of what the Provincial Court of Circuit have done, under the conditional order conveyed to them in para 6 & 8 of the proceedings of the 11th February.—

By the former, the Provincial Court of Circuit were desired to dispose of the question of the legality of certain fines levied from the prisoners in No. 283 of the Nellore Report, & by the latter of the propriety of quashing the commitment in Case No. 170 of the Guntoor Report No. V.

Fo 16
1st May 1835

The Provincial Court of Circuit will inform the Court of Foujdaree Udalut without delay, of the result of their proceedings in respect to these two cases.

Ordered, that Extract of these proceedings be sent to the Provincial Court Northern Division for their information and guidance by Precept returnable in 8 days after receipt.—

(Sent following Precept No. 458)—

F. U.

At a Court of the Foujdaree Udalut—

Present,

Monday,
4th May 1835.

Charles May Lushington Esqr. 1st Puisne Judge,
John Bird Esqr. 2nd Puisne Judge,
William Hudleston Esqr. 3rd Puisne Judge.

Read a Miscellaneous Petition—
presented on the 2nd February 1835 by Gungee
of the Zillah of Chittoor—

(Here enter Mis. Pet. No. 10 of 1835.)

The Petitioner represents herself
to be the wife of "Gellen," a Prisoner in Case
No. 1. on the Chittoor Seventh Supplemental
Calendar, for the third Quarter Sessions of
1834. and complaining, that he, with others,
was sentenced, on a false and malicious
charge of Highway Robbery preferred by
his "inveterate enemies," to imprisonment
for fourteen years by the Circuit Judge—

2 She prays that the record of
the case may be called for, and orders
passed regarding it—

3 The Petitioner is informed
that her request is inadmissible. There is
no appeal from the sentence of a Court of
Circuit: and further, after a deliberate
consideration of the case as it appears in the
Calendar, the Court of Foujdaree Udalut

see

see no reason to doubt the justness of the
Sentence.-

Ordered accordingly that the prayer
of this Petition be rejected and that Extract
from these proceedings be furnished to the
Petitioner on her application.-

Read Miscellaneous Petition
presented on the 13th April 1835 by Iyahsammy
Pillay of the Zillah of Madura.-

(Here enter Mis. Pet. No. 29 of 1835)

1 The Petitioner represents himself
to be the father-in-law of Govindoo Pillay late
Meerasey Curnum of Malamanttoor, in the
Talook of Mandancoalum, in the Zillah of
Madura, who, he alleges, was murdered by
at the instigation of Annamien, formerly
Nauttamie of the above Village, dismissed
for malpractices, his son a Renteree Roya-
-sum, his father-in-law a Dolaee Royasum,
Soondara Iyen the present Nauttamie of
the above Village, and four other persons
of whom three are Cannilcars in consequence
of his refusal to aid them, (by falsifying
accounts &c.) in obtaining possession of
the lands belonging to one Ebrahim Lahib
for which a suit No. 88 of 1831 was then
pending in the Zillah Court, and he com-
plains that from the great misconduct
of the Police Officers, and the operation

of

of sinister influences on the minds of the
several European Functionaries who have
had cognizance of the charge of Murder,
his repeated efforts to induce an investiga-
tion and bring the perpetrators of the crime
to Justice, have hitherto been unsuccessful.-

He therefore prays the Court
2 of Tongdaree Udalut to call for the depositions
&c. connected with the case, to summon his
witnesses, and then to pass sentence of death
on the offenders.-

Among the documents which
3 accompany this Petition is an Extract
from the proceedings of the Provincial
Court of Circuit in the Southern Division
under date the 6th March 1835, in which the
second Judge (alone) of that Court expresses
his complete concurrence in the view taken
by the Criminal Judge of Madura of the
case of the Petitioner, and declines to disturb
his order on the subject.-

It appears to the Court of
4 Tongdaree Udalut, that under Section XXIV
Regulation X of 1816, the order must be
passed by two, or more Judges of the Court
of Circuit, to whom accordingly the Peti-
tioner should again refer his complaint.-

Ordered, that Extract from
these proceedings be sent to the Provincial

Court

S. A.

4th May. 1835.

Court of Circuit in the Southern Division for their information.-

(Sent following letter No. 460)

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

Read Miscellaneous petition presented on the 30th April 1835 by Poulanum-na Tauen of the District of Timmevelly.-

(Here enter Mis. Pet. No. 31 of 1835.)

The Petitioner prays, that an order may be issued to the Criminal Judge of Madura, directing him to release his elder brother Makalingum, Prisoner in Case No. 10 on the Madura Calendar for the second Sessions of 1834, who, the petitioner represents, has, on a false and malicious charge of murder preferred at the instance of the Zamindar of Sanpattore, been sentenced by the Sanjdaree Adalut on the recommendation of the Circuit Judge who tried the case, to three years imprisonment.-

2 The Petitioner is informed that the sentence of which he complains was passed by the Sanjdaree Adalut, after the fullest and most deliberate consideration of all the circumstances of the case in question, and that his request is inadmissible.-

Ordered

S. A.

4th May, 1835.

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

Read letter dated the 26th March last from the Late Officiating Judge late on Circuit in the Northern Division, now at Cuddapah, transmitting the record of proceedings in Case No. 8 Nellore Calendar 2nd Sessions of 1833.-

(Here enter No. 484.)

Mr. Pushington.

The Court of Sanjdaree Adalut having maturely considered the proceedings held before the Judge on Circuit, the Putwa of the Provincial Law Officer, and the Putwa of the Cauzee col Coozat and Mooftee of the Sanjdaree Adalut, confirm such part of the said Putwa of the Cazee col Coozat and Mooftee aforesaid, as acquits the Prisoners,

18th Vunteeandy Vencatasoogandoo,

and

52nd Bontoty Beda Dalado,

and accordingly direct that they be set at liberty.-

But being of opinion that the proof against the Prisoners

46th Carayty Ganadygadoo,

and

51st Bontoty Dauparoo,

is

F. U.

4th May, 1835.

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 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 No. 461

Circular Order

No. 43-

Several instances having been brought to the notice of the Judges of the Sudder Adalut, where the Subordinate Officers of a Criminal Court have passed sentence of conviction on Prisoners tried by them, without taking their defence, or calling upon them to designate their witnesses: They resolve to direct the attention of the several Criminal Judges, to their Circular Orders under date the 21st May 1829, and to require them, to enjoin a strict observance of them, upon the subordinate authorities in their Courts:-

Ordered, that Extract from these proceedings be sent to the 4 Provincial Courts

F. U.

4th May, 1835.

Courts of Circuit for communication to the Criminal Judges, Assistant Judges, and Native Judges in their Divisions.-

Sent following Circular Orders Nos. 462.

Sent to Govt. No. 74.

8th May 1835

No 6:

At a Court of the Fouydaree Adalut.

Present,

Tuesday 5th May 1835.

Charles May Lushington Esqre 1st Puisne Judge

John Bird Esqre ——— 2d " Puisne Judge

William Hudleston Esqre 3d " Puisne Judge

Read again letter dated the 26th March last, from the late Officiating Judge late on Circuit in the Northern Division, submitting the record of Proceedings in Case No 6 on the Mellow Calendar for the 1st " Sessions of 1834.

(Here enter No 485)

Read also return dated the 20th Ultimo from the same Officer, to the precept of the Court of Fouydaree Adalut under date the 11th April 1835, requiring an explanation of the entry which, at page 50 of the English translation of the Proceedings in Case No 6 on the Mellow Calendar for the 1st " Sessions of 1834, appears immediately above the deposition of "Mooda Vesala Condea" one of the subscribing witnesses to the Police confessions of the Prisoners.

(Here enter No 594)

The

5th May 1835.

Mr Bird
Mr Anderton.

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 prisoners

4th Suttyala Naureganoo

5th Commoo Sobbadoo

and
6th Munchoo Sobbadoo.

and accordingly direct that they be set at liberty.

But being of opinion that the proof against the prisoner

1st Paulaty Pitcheeganoo

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 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 labor in irons on the public roads or other public works for and during the period of (5) five years—

The

5th May 1835.

1 The late Officiating Judge explains that the deposition of the above named witness, is his "deposition before the Criminal Court, "which as he was either dead or certified to have gone "off from his village during the famine in quest of "food and not heard of since, was read in evidence "before the Court of Circuit"

2. The Court of Foujdaree Udalut deem it necessary to point out to the late Officiating Judge that their Circular Order of the 8th May 1833 is, as explained by their subsequent order No 3 dated the 4th July 1834, confined in its operation "exclusively "to three cases - viz - where the deponent before the "Criminal Court is dead - where he is prevented "from appearing by severe illness, and where he is "kept away through the contrivance of the Prisoners": and that the last mentioned order provides that "in all other cases the evidence to be available "against the prisoner must be delivered in open "Court in person"

3. Again, in their Circular Order No 36 dated the 6th April 1835, the Court of Foujdaree Udalut called "the particular attention of the Courts "of Circuit to that part of the Circular Order" of the

5th May 1835.

1835.

the 8th May 1833. " which indicates as a condition of
" the admissibility of the depositions in question that
" it must be proved on oath to the satisfaction of
" the Court that the informant is dead or prevented
" &c &c. "

4.

From the observation of the late Officiating Judge, the Court of Foujdaree Udalut gather that the "death" of the witness was certain "not" proved on oath to the satisfaction of the "Court" and it is abundantly evident that his "going off" even though the fact was "certified" was not the effect of any one of those causes which for the foregoing reasons could alone form a ground for the admission of the absentee's testimony

Ordered that Extract from these proceedings be sent to the late Officiating Judge late in Circuit in the Northern Division for his information and future guidance.

(Sent following letter No 466)

Read letter dated the 8th Ultimo from the 1st Judge of the Provincial Court of Circuit in the Western Division, forwarding Trial in Case No 1 on the Second Additional Calendar of the Auxiliary Court of Malabar

for

J.B.

5th May 1835.

Mr Bird Can
Mr Hudleston

for the 1st Quarter Sessions 1835.

(Here enter No 569)

The Court of Foujdaree Udalut,
having maturely considered the proceedings held
before the Judge on Circuit, the futwa of the
Provincial Law Officer and the futwa of the
Cazee-ool-Coozat and Mooftee of the Foujdaree
Udalut, confirm the said futwa of the Cazee
-ool-Coozat and Mooftee aforesaid, convicting the
prisoner

"Donavan Cunky Penny"

of wilful murder and awarding Kissas, and
accordingly under the provisions of Section X,
Regulation VIII of 1802, sentence the prisoner

"Donavan Cunky Penny"

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

(Sent following letter No 467)

Read letter dated the 23d Ultimo
from the 1st Judge of the Provincial Court of
Circuit in the Centre Division, submitting copy
of the Chittoor Calendar for the Second Quarter
Sessions of 1835.

(Here enter No 614)

The

Case No 1.

1

The Court of Foujdaree Udalut having maturely considered all the circumstances of this case as they appear in abstract on the Calendar, approve of the recommendation submitted by the First Judge for a mitigation of punishment; and under the authority vested in them by Clause third Section III Regulation I of 1825, sentence the prisoner

"Chelladoo"

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) five years.

Case No 2.

2

In this case the Court of Foujdaree Udalut observe, that the Sentence is not legal under the provisions of Clause third, Section II, Regulation XV of 1803; the First Judge concurring in the conviction of the Prisoner, should have required the Law Officer to declare, by a second future, to what specific punishment the prisoner would have been liable under the Mahomedan law, if he had been convicted by full legal evidence, and should have proceeded thereupon to pass Sentence accordingly to such second future. This caused the first Judge to be now

pursue, and it will be competent to him to apply to the Foujdaree Udalut for a mitigation of the punishment, should he consider that proceeding to be expedient.

3

The Court of Foujdaree Udalut observe that while up to the 15th April, only three cases, including three prisoners had been laid before the Court of Quarter Sessions, in the Criminal Report for the month of March last, forwarded by the Acting Criminal Judge of Chittoor, eighteen cases including fourteen prisoners are entered as standing committed on the 31st of the last named month.

4

The Court of Foujdaree Udalut in consequence resolve to direct the First Judge to call upon the Acting Criminal Judge to explain why the whole of the 18 Cases were not brought before the Court of Quarter Sessions at the date of the Calendar under review.

Ordered that Extract from these proceedings be sent to the first Judge of the Provincial Court of Circuit in the Centre Division

Division for his information and guidance by
precept returnable within 5 days from and after
its receipt.

(Sent following Precept No. 468)

Read letter dated the 16th
April 1835, from the Provincial Court in the
Northern Division, transmitting copies of the
returns of the Subordinate authorities, connected
with their proceedings upon the Criminal
Reports for the month of October 1834.

(Here enter No. 610.)

Chicacole
Supplemental Report
Case 119 of 1834.

In the return of the Assistant
Criminal Judge of Chicacole it is stated by
that Officer that "he will pay strict attention
in future to the instructions conveyed by the
Provincial Court in their remark that he "ought
to have committed the prisoners for trial provided
the evidence was sufficient, leaving its credibility
or the probabilities or improbabilities in the
case, to the Judgment of the Court by whom
the case is cognizable".

The Provincial Court of Circuit
in recording this remark "labored under a
misapprehension of the provisions of the Regulations

and

and of the Circular Orders respecting the exa-
mination of committable cases, and the Court
of Foujdaree Adalut accordingly deem it
proper to point out the error to the notice
of the Provincial Court of Circuit and to
instruct them to enjoin the Assistant Criminal
Judge to act in due observance, in similar
cases, of Section II Regulation XIII of 1832, and
of the Circular Orders 20th July 1829 and 16th Novem-
ber 1831, which declare that commitment shall
not take place without a reasonable probability
of conviction.

Ordered, that Extract of these
proceedings be sent to the Provincial Court
of Circuit in the Northern Division for their
information and guidance by precept returnable
in 10 days after receipt.

(Sent following Precept No. 469).

At a Court of the Soujdaree Udalut

Present

Wednesday 6th " May 1835. Charles May Lushington Esq re " 1st " Puisne Judge

John Bird Esq re " — 2d " Puisne Judge

William Budleston Esq re " — 3d " Puisne Judge

Read letter dated the 13th " Ultimo from the Additional Judge on Circuit in the Northern Division, transmitting the record in Case No 49 on the Chicacole Calendar for the 2d " half of the year 1834.

(Here enter No " 582.)

Mr " Bird & Mr " Budleston

The Court of Soujdaree 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.—

"Mautah Tummaudoo"

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 sentence him to be imprisoned and

kept

kept to hard labour in irons on the public roads or other public works for and during the period of his natural life.-

1 The Court of Foujdaree Adalut observe that the Additional Judge most unaccountably omitted to put a single question to any one of the five last witnesses in this case, tending to elicit further evidence, and explanation from them; and that he also failed to cause the declaration of the prisoner before the Criminal Court to be proved.-

2 The Court of Foujdaree Adalut are also of opinion, that the questioning the prisoner when put on his defence, and thereby eliciting an admission that he had confessed, and had given up the ornaments was an objectionable proceeding on the part of the Additional Judge.-

3 The arraignment of the prisoner before the Court of Circuit is defective, in as much, as it contains no specification of the place in which the murder was committed

or

or of the manner in which the offence was perpetrated.-

4 In para 10 of his letter referring the trial the Additional Judge observes, that the Law officer declared the prisoner convicted of the crime charged, and liable to Dohebut, Khisaas being barred by his minority and in para 11 he represents his inability to fix on "any Section of a Regulation fully "bearing on the point to quote as an authority "under which to refer it." which induced him to "select Clause Second Section II Regulation "VI of 1824 which" he conceives "may be held "to apply."-

5 With reference to the foregoing observations, the Court of Foujdaree Adalut deem it proper to require the Additional Judge to explain on what grounds he deemed the provisions of Clause Second Section XV Regulation VII of 1802 (which direct that in cases wherein a Futwa of conviction on a charge of Murder may be delivered by the Law Officer of the Court of Circuit

Circuit, and the Presiding Judge may concur, the proceedings be referred to the Foujdaree Udalut to be inapplicable to this case—

Ordered that Extract from these proceedings be sent to the Additional Judge on Circuit in the Northern Division by Precept returnable within three days from and after its receipt.—

(Sent following Precept No. 476)

Read letter dated the 23d Ultimo from the third Judge of the Provincial Court in the Centre Division transmitting the record in Case No. 1 of the Chittoor Seventh Supplemental Calendar 1st Quarter Sessions of 1835.

(Here enter No. 617)

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—

"Gopaul Dass"

is sufficient to convict him of the crime of Rape

Rape, &c, under the authority with which they are vested by Clause First, 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 Seventh Section II Regulation XV of 1803, sentence him to receive 150 Lashes of the Cat of nine tails, and to be imprisoned and kept to hard labour in irons on the public roads or other public works for and during the period of Seven years—

(Sent following letter No. 477)

The Court of Foujdaree Udalut deem it necessary to call upon the late Acting Third Judge late on Circuit in the Centre Division to submit—without any further delay, his referible cases on the Cuddalore Calendar for the Second Sessions of 1834, and at the same time to explain the causes which have operated to prevent their earlier transmission—

Ordered that Extract from these proceedings be sent to the late Acting Third Judge late on Circuit in the Centre Division by Precept returnable within three days from and after its receipt.—

(Sent following Precept No. 478)

Read

Read letter dated the 27th Ultimo from the 1st Judge on Circuit in the Southern Division - reporting his arrival at Salem the opening of the Sessions and the State of the Calendar. -

(Here enter No. 634.)

Read letter dated the 24th Ultimo from the 1st Judge of the Provincial Court of Circuit in the Western Division - transmitting copies of several Calendars presented at the 4th Quarter Sessions 1834, and those presented at the First Quarter Sessions 1835.

(Here enter No. 637.)

Read letter dated the 6th Ultimo from the Additional Judge on Circuit in the Northern Division - reporting the death of Hasan the 4th prisoner in Case No. 58 on the Chicacole 1st Calendar for the 2d Sessions of 1834.

(Here enter No. 544.)

Read Return dated the 29th Ultimo from the 1st Judge in the absence of the 2d Judge late on Circuit in the Northern Divisi to Precept of Poojdaree Adalut dated the 1[illegible] Ultimo calling

6th May 1835.

calling for Return to their precept of the 22d January 1835. -

(Here enter No. 646.)

Read letter dated the 18th Ultimo from the Additional Judge on Circuit in the Northern Division - transmitting original warrant &c. in Case No. 8 on the Chicacole Calendar for the Second Sessions of 1834 -

(Here enter No. 651.) -

F. 41.

Thursday 7th. May 1835

At a Court of the Zoujdaree Adalat

Present

John Bird Esqr. 2d. Puisne Judge

William Maddleston Esqr. 3d. Puisne Judge

Read Miscellaneous Petition presented on the 27th. April 1835 by Moottummaal alias Annyummall and her son Catamala Pillay of Cuddalore.—

(Here enter Miss. Petn. No. 32 of 1835)

The prayer of this petition is precisely the same as that of Number 24 of 1835, presented by the same parties, which in their proceedings of the 20th. April 1835 the Court of Zoujdaree Adalat rejected.—

It is therefore ordered that the petitioners are accordingly referred, and informed that the same is final.—

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 on the 7th. Ultimo by Munja Setty of the Pillah Caniara.—

(Here enter Miss. Petn. No. 33 of 1835)

The

The Petitioner alleges that his elder brother Timmapa Setty has been unjustly sentenced by the Court of Circuit to 7 years imprisonment, and prays the Court of Poujdaree Udalut to issue orders for his release.—

The Petitioner is informed that there is no appeal from the sentence of a Court of Circuit, and that his Petition is accordingly rejected.—

Ordered that Extract of these Proceedings be furnished to the Petitioner upon his application.—

Read Miscellaneous Petition presented on the 27th April 1835 by Nulla Thamby Moodelly of the Zillah of Chittoor.—

/Here enter Mis: Pet: No: 34 of 1835/

The Petitioner represents that the ten prisoners /whose names he enumerates/ in Case No: 1 on the Chittoor Calendar for the Fourth Quarter Sessions of 1834 form part of an armed gang of Robbers who on the night of the 14th January of the year Eezya attacked and entered his house bound and ill treated him, his mother and his children and robbed him of property to the value of 220 Rupees; that on his preferring a complaint the prisoners were apprehended and committed for trial before the Court of Circuit by whom the case was referred to

to the Poujdaree Udalut.—

He prays that Court to award an adequate punishment against the prisoners who he alleges have threatened if released to kill him.—

The Petitioner is informed that the trial to which he alludes has been referred to the Poujdaree Udalut by whom it will be duly considered and disposed of according to Law; but that Petitions of this nature are irregular and inadmissible.—

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

Read Miscellaneous Petition presented on the 4th May 1835 by Veerappa Moodely alias Soobaraya Moodely of the Zillah of Chingleput

/Here enter Mis: Pet: No: 35 of 1835/

The Petitioner represents that on a false and Malicious charge of theft, his younger brother Moneyappen has been sentenced by the Sudr Ameen of the Zillah Court of Chingleput to 150 Lashes of a cat of nine tails, and imprisonment with hard labour in irons for six Months; and that his complaints to the Criminal Court and the Court of Circuit on the subject have received no attention.—

He

The

He therefore prays that a precept may be issued to the Criminal Court requiring the transmission of the Record of the case and that pendency the investigation by the Sadr Dewanee Adalut the Sentence of Corporal punishment may be suspended.—

The Petitioner is informed, that the Court of Sadr Dewanee Adalut see no grounds for doubting the propriety of the Sentence of which he complains.

Ordered, that the prayer of this Petition be rejected and that extract from these proceedings be furnished to the petitioner on his application.

Syad Lawny Pillay of the Zilla of Madura moves the Court to return the enclosures in his Miscellaneous Petition No. 29 of 1835.—

Ordered accordingly

Read returns, dated the 25th & 28th Ultimo, and the 1st Instant from the Provincial Courts of Circuit in the Centre, Western and Northern Divisions, to Precept of Sadr Dewanee Adalut dated the 20th April 1835, conveying Circular Order No. 41, directing that in all trials before the Courts of Circuit, when the prisoner may have confessed the charge before the Criminal Judge the Magistrate or proper officer of Police the subscribing Witnesses to such confession be first examined as to the contents of the

declaration attested by them &c &c.

/Here enter No. 627-671-664/

Read return dated 30th Ultimo from the Provincial Court of Circuit in the Northern Division to Precept of Sadr Dewanee Adalut dated the 18th April 1835 conveying Circular Order No. 40 remarking Circular Order 29th October 1829 and part of Circular Order 24th November 1823, and directing that in future the Criminal Reports be transmitted to the Sadr Dewanee Adalut direct.—

/Here enter No. 662/

Read return dated 29th Ultimo from the Provincial Court of Circuit in the Northern Division to Precept of Sadr Dewanee Adalut dated the 23rd April 1835, requiring them to furnish the Additional Judge on Circuit with Copies of Circular Orders issued for the information and guidance of Judges on Circuit subsequently to the 9th April 1834, and to explain why that Officers requisition has not been complied with.—

/Here enter No. 663./

Read further return dated 27th Ultimo from the Provincial Court of Circuit in the Northern Division, to Precept of Sadr Dewanee Adalut dated the 25th February 1835 conveying their

7th May 1835

their observations &c. on the Criminal Reports for the Month of December 1834.

(Here enter No. 665)

Read letter dated 4th Instant from the Late Acting 3d Judge on Circuit in the Centre Division transmitting the Death Warrant in No. 32 of the Bellary Calendar for the 2d Sessions 1834.

(Here enter No. 669)

Read letter dated 2nd Instant from the 1st Judge on Circuit in the Southern Division, reporting his intention to open the Sessions at Coimbatore on the 4th June next.

(Here enter No. 670)

Read letter dated 25th Ultimo from the Acting 2nd Judge of the Provincial Court of Circuit in the Northern Division transmitting the Calendar of the Masulipatam Auxiliary Court for the 2d Quarterly Sessions of 1835.

(Here enter No. 642)

Friday 8th May 1835.

At a Court of the Foujdary Udalut.

Present,

John Bird Esqre ..... 2nd Puisne Judge.

William Rudleston Esqre ..... 3d Puisne Judge.

Read letter dated the 15th Ultimo from the Additional Judge on Circuit in the Northern Division transmitting the record of proceedings in case No. 58 on the Chicacole Calendar for the 2nd half of the year 1834.

(Here enter No. 583)

The Court of Foujdary Udalut having

Mr. Bird and Mr. Rudleston

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, confirm such part of the said Futwa of the Cazee ool Coozat and Mooftee aforesaid as acquits the prisoners,

5th Tobadoo

6th Soonkary Mohunty

7th Ramacristnoo

10th Kionty Sarady

and

11th Mods Naicko.

and

and accordingly direct that the prisoners

5th Sobadoo

10th Kionty Sarady

and

11th Mods Naickoo

be set at liberty.-

But considering that strong suspicion though

not amounting to conviction attaches to the prisoners,

6th Soonkary Mohunty

and

7th Ramacristnoo.

the Court direct, under the provisions of Clause Sixth Section II

Regulation XV of 1803 that they be respectively required

to find two sureties in (50) fifty 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 in confinement.-

And further being of opinion that the

proof against the prisoners,

1st Deena Naikoo

2nd Pendacadoo.

and

3d Balagee

is sufficient to convict them of the crime of Gang Robbery

by open violence accompanied by murder, the Court do under

the

F.U.
8th May 1835

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 Deena Naikoo

and

2nd Pendacadoo.

to suffer death by being hanged at the usual time and

place of execution and the prisoner,

3d Balagee

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 1084

Read letter dated the 21st Ultimo from

the 3d Judge of the Provincial Court of Circuit in the

Centre Division transmitting the 6th 7th and 8th Supple-

mental Calendars for the 1st Quarter Sessions of 1835.-

(Here enter No 613)

The prisoner noted in the margin, also

concerned in several other cases in the Calendar, has been

sentenced

6th Supplemental Calendar
Case 2

sentenced, on proof of the charge in this case (of having in company with some others gone armed with weapons, attacked the prosecutor on the high road, assaulted his servant and thrown down the Prosecutor from the back of the bullock and after attempting to cut him with a knife robbed them both of ready cash viz to the amount and value of Rupees 73-5-) and of the charges in the several other cases," under Clause 4th Section II Regulation VII of 1822 to 14 years imprisonment with hard labor in irons in banishment to the Zillah of Bellary."

2 The Court of Foujdary Udalut do not consider the provision of the Law quoted by the 3d Judge applicable to the case of the prisoner, nor do they admit his competency to banish the prisoner to a particular District. They deem it proper accordingly to direct that the sentence may be cancelled, and a fresh sentence passed under Clause 3d Section IV and Clause 3d Section VIII Regulation XII of 1803, and further that a copy of the warrant of banishment be transmitted to the Court of Foujdary Udalut by the Acting Criminal Judge of Chittoor under the Circular Order 6th January 1823, for their orders as to his disposal.—

Case 13

3 The Court of Foujdary Udalut on mature consideration

F. U.
6th May 1835

consideration of all the circumstances of the case recorded in the Calendar, sanction, agreeably to the recommendation of the Presiding Judge, the mitigation of the punishment to which the prisoners have rendered themselves liable and accordingly under Clause 3d Section III Regulation I of 1825 direct that the prisoner

1st Vencatayan

be imprisoned and kept to hard labor in irons on the public roads or other public works for (7) seven years.

and the prisoner,

2nd Ramun

be imprisoned and kept to hard labor in irons on the public roads or other public works for (3) three years.

4 The second question put by the 3d Judge to the Law officer in this case was— "If the evidence of the 1st 2nd 3d 5th and 6th Witnesses had been admissible according to the Mahomedan Law of what crime would the prisoners have been convicted and to what punishment would they have been liable?"

8th Suppl. Calendar Case 3

5 The Court of Foujdary Udalut observe that one of the grounds of exception taken to the evidence of the 1st 2nd 3d and 6th witnesses was, that they were "not formerly acquainted with the prisoners" an exception which

which it was not competent to the 3d Judge to over rule.

6 Under this circumstance the trial necessarily becomes referrible and the 3d Judge will accordingly transmit without delay an English and Persian translation of the record.-

Ordered, that Extract of these proceedings be sent to the 3d Judge of the Provincial Court in the Centre Division for his information and guidance by Precept returnable in 8 days after receipt.

(Sent following Precept No. 485

Read letter, dated the 24th Ultimo, from the Provincial Court of Circuit in the Northern Division, transmitting Criminal Reports from the several Criminal and Joint Criminal Courts of the Division-

(Here enter No. 624)

Read the Criminal Reports prescribed by Section XXXII Regulation X 1816 transmitted by the Criminal Judge of Nellore for the month of March 1835-

Suppl. Report Case 30-

1 The prisoner in this case having been kept in Custody from the 13th January to the 31st March without any examination of the charge against him, if further detention appears to the Court of Foujdary Adawlut indefensible- if therefore the required testimony cannot be obtained within one week after the receipt of this order, the Criminal Judge will dispose of the case on such evidence as may then be before his Court-

Case 31-

2 In this case the prisoner was charged with entering during the night into a dwelling house, by removing the tat which was not fastened to the gate, and stealing property to the value of Rupees 15. 14 and he was sentenced for this and the following case to 8 months imprisonment with hard labour in irons under the provisions of Section VII Regulation X of 1816, and Clause third Section II Regulation II of 1822. The Regulation last cited is evidently a clerical error for Regulation VI of 1822, and altho the sentence need not be disturbed, the Criminal Judge will bear in mind, that an absolute sentence of imprisonment exceeding six months is not warranted under Section VII Regulation X of 1816- It is concluded that the sentence for the theft was 6 months and that for the escape in the following case was two months; but as the offence of escape is distinct from every other the sentence should also have been distinctly recorded in the Report.-

The

Case 41

3 The detention of this case before the Criminal Court for want of evidence, has extended already from the 18th February to the 31st March, and the Court of Foujdary Udalut deem it proper to direct that, if the required Witnesses do not present themselves before the expiration of 20 days after receipt of this order, the case be disposed of on the evidence then before the Criminal Court.—

Cases 46 & 47

4 The same order applies to these Cases, in which the prisoner has been detained "under examination from the 27th having been apprehended on the 3d of February"...

Case 48

5 The Court of Foujdary Udalut are constrained to record their concern at the unsatisfactory proceedings connected with this case, in which the prisoner, against whom nothing is established, was kept in confinement from 3d February to 23d March. The Criminal Judge states that "there is no evidence of the Robbery except the Prosecutrix's uncorroborated assertions, and one witness only (a Girl) deposes to the necklace being the Prosecutrix's which the Court are however of opinion is shewn by other evidence to belong to the prisoner." The Criminal Judge will

will furnish to the Magistrate, copy of this para, and of the case as it stands recorded in the Report for his information—

Report II
Case 51

6 This case appears to have been "forwarded by the Head of Police of Vaumoor Division, who states that the prisoners were brought to him on the night of the 1st March." The prisoners having been apprehended on the 20th February, the Magistrate will submit an explanation as to where the prisoners were from that date till the 1st March. The Judge will accordingly furnish a copy of this para and of the case as it stands in the report, and the Magistrate will transmit the explanation direct to this Court in 14 days after receipt of this order—

Case 53

7 The same order applies to this case, as respects the 1st and 2nd prisoners who appear to have been apprehended on the 28th February and not brought before the Head of Police of Nellore, till the 3d March—

55

8 The same order applies to the prisoner in this case apprehended on the 7th February and stated to have reached the Head of Police of the Googoolapully Tarah on the 6th March—

The

Case 58

9 The same order is applicable to this case in which the prisoners are not accounted for from the 7th and 8th till the 15th March - The Court are of opinion that no sufficient ground is shewn in the Report for sending the 2nd prisoner to the Criminal Court -

Case 64

10 The following recorded grounds in this case for the detention of the prisoners in the Talook for 10 or 12 days are altogether insufficient in the opinion of the Court of Foujdary Udalut - The Head of Police of the Cavaly Talook assigns his reasons for the delay "that he published a proclamation for the attendance of any persons claiming the stolen property found with the prisoner, that the Prosecutor having come forward on the 26th claiming the above stolen property, he prepared and forwarded the case to the Criminal Court" The Criminal Judge will furnish the Magistrate with copy of this case and of this para for his information -

11 The Criminal Judge of Nellore, according to the "Statement" has entertained a greater number of Extra Coons than is allowed by the late Circular Order dated 13th March 1835 on this subject and to which the strictest adherence is expected in future -

Ordered

F.U.
8th May 1835

Ordered that Extract of these proceedings be sent to the Criminal Judge of Nellore for his information and guidance by Precept returnable in 21 days after receipt -

(Sent following Precept No. 486

Read the Criminal Reports prescribed by Section XXXI Regulation X 1816 from the Officiating Criminal Judge of Chicacole for the month of March 1835 -

Suppl. Report

1 There are 3 cases only in this Report and the prisoners having been in custody from the 2nd of February to the 31st of March, the Court of Foujdary Udalut deem it proper to direct, that if the evidence for which application is stated to have been made, is not forthcoming at an early period, the cases be disposed of on that which may be now before the Criminal Court -

Report No. 9

2 The Court of Foujdary Udalut do not understand the entry of Case No. 70 of the Chicacole Calendar 1st Sessions 1833 in this Report, as referred to the Foujdary Udalut - The Officiating Criminal Judge will correct the error in the next Report as the prisoners, according to

Case 58

9 The same order is applicable to this case in which the prisoners are not accounted for from the 7th and 8th till the 15th March - The Court are of opinion that no sufficient ground is shewn in the Report for sending the 2nd prisoner to the Criminal Court -

Case 64

10 The following recorded grounds in this case for the detention of the prisoners in the Talook for 10 or 12 days are altogether insufficient in the opinion of the Court of Foujdary Udalut - The Head of Police of the Cavaly Talook assigns his reasons for the delay "that he published a proclamation for the attendance of any persons claiming the stolen property found with the prisoner; that the Prosecutor having come forward on the 26th claiming the above stolen property, he prepared and forwarded the case to the Criminal Court" The Criminal Judge will furnish the Magistrate with copy of this case and of this para for his information -

11 The Criminal Judge of Nellore, according to the "Statement" has entertained a greater number of Extra Peons than is allowed by the late Circular Order on this subject and to which the strictest adherence is expected in future -

dated 13th March 1835

Ordered

Ordered that Extract of these proceedings be sent to the Criminal Judge of Nellore for his information and guidance by Precept returnable in 21 days after receipt -

(Sent following Precept No. 486

Read the Criminal Reports prescribed by Section XXXI Regulation X 1816 from the Officiating Criminal Judge of Chicacole for the month of March 1835 -

Suppl. Report

1 There are 3 cases only in this Report and the prisoners having been in custody from the 2nd of February to the 31st of March, the Court of Foujdary Udalut deem it proper to direct, that if the evidence for which application is stated to have been made, is not forthcoming at an early period, the cases be disposed of on that which may be now before the Criminal Court -

Report No. 9

2 The Court of Foujdary Udalut do not understand the entry of Case No. 70 of the Chicacole Calendar 1st Sessions 1833 in this Report, as referred to the Foujdary Udalut - The officiating Criminal Judge will correct the error in the next Report as the prisoners, according to

to the return of the Acting 3d Judge dated 24th February 1835 to Precept of the Court of Foujdary Udalut of the 30th September 1834," were released on Bail, to be hereafter brought to trial if satisfactory evidence should be forthcoming that there ever was a bond of the description "(alluded to in the case)" in existence -"

Ordered, that Extract of these proceedings be sent to the Officiating Criminal Judge at Chicacole for his information and guidance -

(Sent in No. 487

Read the Criminal Reports prescribed by Section ~~XXXV~~ Regulation X of 1816 for the month of March 1835, transmitted by the Acting Criminal Judge of Rajahmundry -

Report No. V
Case 12 -

1 In the Case noted in the margin, the first Prisoner was charged with the attempt to commit housebreaking, and the second with aiding and abetting him - The first having been at a former period sentenced to 1 years imprisonment for theft, has been committed under Clauses 2nd & and 5th & Section II Regulation VII 1822 - ~~The~~ Court conclude that an error of the copyist has occurred in stating Clauses 2nd & and 5th & which is the entry in the Criminal Report for "2nd & and 4th &" - The second prisoner, the Acting Criminal Judge has sentenced to one years imprisonment with hard labor in irons under

under Clause 6th & Section II Regulation VII of 1822 -

2 On this the Court have to observe that, under Clause 2nd & Section II Regulation VII of 1822, the second should have been committed as well as the 1st & prisoner: the sentence however need not in the present instance be disturbed -

Case 13

3 This case, in which the prisoners were apprehended on the 26th February, was detained in the Talook till the 12th of March in consequence of a reference to the Magistrate: and the Court of Foujdary Udalut accordingly direct, that an explanation of the cause of the reference be required from that officer, who will, in future similar Cases, cause to be forwarded to the Criminal Court for insertion in the Criminal Report, the grounds of reference - This proceeding is always necessary to clear both the Police officer and Magistrate from the imputation of blame -

4 The Acting Criminal Judge will convey to the Magistrate copy of the above and of this para together with Extract of the case as it stands in the Criminal Report, and the Magistrate will communicate the explanation direct to the Court of Foujdary Udalut within 8 days after his receipt of the communication -

The

F. U.
8th May 1835

5 The sentence upon the first prisoner convicted apparently of theft has been passed under Clause 6th Section II Regulation II 1822 - another error which the Court conclude is clerical for Regulation VII 1822 - The Acting Criminal Judge does not appear to have duly revised his Report, in which also should have been stated the circumstances which brought the case under that Clause and Section of the Regulation.-

Case 17 6 With reference to the concluding remark of the Acting Criminal Judge, respecting the sentence of two year's imprisonment passed by him on the prisoner in this case for the offence of "escape", "the sentence will not be enforced till after the result of the treal before the Court of Circuit-" "in order that the imprisonment for the lesser crime may merge in that for a greater, should he be convicted in that number" the Court of Foujdary Udalat direct that his attention be pointed to the Circular Order of 13th July 1829, which lays down that the punishment for the offence of escape is distinct from and in addition to that for any other-

7 It is observable that the Acting Criminal Judge has not forwarded his Reports on "demy paper" as prescribed by the Circular Order of the 29th November 1

F. U.
8th May 1835

8 The Criminal Judge will accupy on some public work in future, the nine prisoners entered in the statement of labor as "watering tats for Court-" The opinion of the Court of Foujdary Udalat having been recorded on the 13th Ultimo that "watering the tats of the Court House" is "not proper employment for convicts who under the orders of the 1st of August 1827 should never be employed on any works which are not strictly public-"

Ordered that Extract of these proceedings be sent to the Acting Criminal Judge of Rajahmundry for his information and guidance by Precept returnable in 12 days after receipt-

(Sent following Precept No. 488

Read the Criminal Reports prescribed by Section XXXV Regulation X 1816 transmitted by the Joint Criminal Judge at Guntoor for the month of March 1835-

Report V 1 In the Column of remarks, it is stated that
Case 29 this case - one of murder - was delayed for 19 days in the Talook, in consequence of the Head of Police of Bapa "having investigated into the circumstance of the Prosecutors

Prosecutors having been beaten, and sent the proceedings for the perusal of the Magistrate, according to his orders, who on perusing them gave directions to take further evidence - after which a Chauky Comastah reported to him the death of the Prosecutor, and he reported the same to the Magistrate, who thereupon ordered him to complete the record and send the prisoner to the Court."

2 The necessity for the reference should in this as in all similar cases, have been given by the Magistrate and shewn in the report: for the omission of this information necessarily leaves the proceedings both of the Magistrate and the Police officer open to reprehension. The attention of the Magistrate is accordingly directed to the Circular Order dated 28th November 1834, and the Joint Criminal Judge will without delay furnish him with copy of this para and of the case as it stands in the Report and the Magistrate will submit direct to the Court of Foujdary Udalut in 15 days after receipt of this order, a full explanation of the circumstances connected with the case, stating at the same time whether or not he considered the reference of the Police officer authorized under the Circular Order above cited, and

if not, what notice he has taken of the proceedings.

3 The Court of Foujdary Udalut do not find with the Reports of the Joint Criminal Judge, the "Statement of Extra Peons" for March, and he will therefore transmit it without delay.

Ordered, that Extract of these proceedings be sent to the Joint Criminal Judge for his information and guidance, by Precept returnable in 8 days after receipt.

(Sent following Precept No. 489

Read the Criminal Reports prescribed by Section XXXVI Regulation X 1816, for the month of March 1835, transmitted by the Joint Criminal Judge at Masulipatam.

Masulipatam Suppl: Report Case 154 of 1834

1 The Court of Foujdary Udalut resolve, with reference to the protracted detention of the case of these prisoners before the Joint Criminal Court, to direct that they be discharged, if the evidence so long wanted for, is not procurable within one week after the receipt of this order.

Report I Case 10

2 It is stated in the Report, that "the 1st 2d and 3d prisoners are released; no one witnessed the Robbery, nor was any property found on the prisoners: they

F.U.
8th May 1835

they were apprehended on the crumination of their names by the 4th prisoner". If the circumstance of these prisoners having been forwarded after such very insufficient enquiry into the charge has not, under the Circular Order 21st May 1823, been already brought to the notice of the Magistrate, the Joint Criminal Judge will communicate it to him without delay.-

3 The Extra Peons (114) entertained throughout the month to guard the prisoners (438) worked outside the Jail, exceeds the proportion recognized by the Circular Order dated 13th March 1835, to the strictest observance of which, all officers in charge of Jails are expected to adhere.-

Ordered that Extract of these proceedings be sent to the Joint Criminal Judge at Masulipatam for his information and guidance by Precept returnable in 8 days after receipt.-

(Sent following Precept No. 490

Circular Order No. 44

Cases have occurred, in which a Magistrate, against whom a suit had been instituted, transmitted to the Court of Foujdary Udalut the reference, mentioned-

F.U.
8th May 1835

mentioned in Clause second Section III Regulation I of 1829. as the "official superior at the Presidency", contemplated in that provision.-

The Court of Foujdary Udalut, having represented to the Right Honorable the Governor in Council the objections, which appeared to them to lie against this course of proceeding, if sue with the sanction of Government, the present instructions for the guidance of the Magistrates in such cases.-

The reference prescribed in the Clause above cited, is to be made to the Secretary to Government in the Judicial Department, as "the official superior at the Presidency," therein contemplated-

Ordered, that Extract of these proceedings be sent to the four Provincial Courts of Circuit, by Precept commanding them to communicate the same to the several Magistrates within their respective Jurisdictions, for their information and future guidance.-

Precept returnable in 3 days

(Sent following Precept No. 491)-

J. C.

At a Court of the Tongdaree Udalut

Present

Monday. 11th. May. 1835. Charles May Lushington Esqr. 1st. Puisne Judge,

John Bird Esqr. - - - - - - - - 2nd. Puisne Judge,

William Hudleston Esqr. - - - 3rd. Puisne Judge,

Read again letter dated 22nd. December 1834. from the Acting 3rd. Judge, late Additional Judge on Circuit in the Northern Division, transmitting the record in case No. 39 on the Chicacole Calendar 1st. Sessions of 1833.

(Here enter No. 1854.)

Read return dated 12th. February 1835 from the Acting 3rd. Judge late Additional Judge, late on Circuit in the Northern Division to precept of Tongdaree Udalut dated the 31st. January 1835. requiring him in communication with the Officiating Criminal Judge to procure from the Magistrate an accurate ground plan of the premises of the murdered Zamindar at Chekaty. Case No. 39. Chicacole Calendar 1st. Sessions of 1833.

(Here enter No. 260.)

Read also letter dated 3rd. April 1835 from the Acting 3rd. Judge late Additional Judge late on Circuit in the Northern Division forwarding

forwarding plan of the premises of the Chikaty Zamindar, in Case No. 39 Chicacole Calendar 1st Sessions of 1833, as required by the precept of the Sayjdaree Adalut under date the 31st January 1835.-

(Here enter No. 524.)

Mr. Sushington.
Mr. Hudleston.

The Court of Sayjdaree 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 Doorvashottama Deo,
2d. Madana Mohana Deo,
and
3d. Jury Prasatma Deo,

is sufficient to convict them of the crime of wilful Murder, &c, under the authority with which they are vested by Clause first, Section II Regulation I of 1818 convict them thereof, and sentence them to suffer death, as prescribed by Section X Regulation VIII of 1802. by being hanged at the usual time and place of execution.

The Court of Sayjdaree Adalut observe with serious displeasure, that the (late) Additional Judge of Circuit took upon himself to dispense with the evidence of the 18th and 19th witnesses in this case as immaterial, whereas it was most material.

He also, on the same grounds dispensed with the testimony of the 31st, 33d and 23d witnesses, who before the Criminal Court confirmed the 20th witness's account, and expressly spoke to stains of blood on the cloths of the Prisoners. a most important circumstance. Very material evidence was also given to a similar purport by the 24th and 25th witnesses, whom also the Additional Judge did not think proper to examine.-

2. This proceeding is not only unaccountable, but opposed to the express orders of the Sayjdaree Adalut (14th March 1832) that all witnesses adduced in capital cases be examined: it is moreover directly at variance with the Circular Order of the 15th July 1830, which enjoins the examination of all material witnesses in Criminal trials, and the Court of Sayjdaree Adalut but deem it necessary, that the Judge should explain the grounds, upon which he adopted the motion, that the testimony of the several witnesses above mentioned was not material to the issue of this most important trial.-

Ordered, that Extract from these proceedings be sent to the late Additional Judge late on Circuit in the Northern Division (at Chicacole) now at Nellore

by

11th. May 1835.

by precept returnable in five days.

(sent following precept No. 499

Read letter dated 13th. April last from the Third Judge of the Provincial Court of Circuit in the Centre Division, transmitting the record in Case No. 3 of the 2d. Supplemental Calendar of the Zillah of Chittoor for the 1st. Quarterly Sessions of 1835.

(Here enter No. 564.)

Mr. Lushington. & Mr. Bird.

The Court of Sunjdaree 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 Sunjdaree Udalut, confirm the said Futwa of the Cazee ool Coozat and Mooftee aforesaid acquitting the Prisoner

1st. Honnoorgandoo

and accordingly direct that [illegible]

11th. May. 1835.

Prosecutor's house by open violence, and murdered "Beekeenadoo", and the Prisoner was arraigned before the Court of Quarter Sessions on the same charge, nevertheless, before the former Officer, there is not one word of evidence respecting the Murder, and nothing but allusions to the Robbery by the Prosecutor only.-

3 In like manner, before the Court of Quarter Sessions, there is no evidence respecting either the Robbery, or the Murder, excepting the short account given of the Robbery by the Prosecutor, and the mere assertion on his part that the Robbers "murdered one "Bee Keegandoo, who had come there to render "his assistance".-

4 Both of these Officers must have been well aware, the one, from the examination and, the other, from the trial of Case No. 1 on the 9th. Supplemental Calendar

F.U.

11th May. 1835.

Read letter dated the 13th Ultimo from the Third Judge of the Provincial Court of Circuit in the Centre Division, submitting English and Persian Translations of the proceedings in Case No. 1 of the ninth Supplemental Calendar for the Zillah of Chittoor, for the Fourth Quarter Sessions of 1834.-

(Here enter F.U. No. 563 of 1835.)

Mr. Lushington. and Mr. Bird.-

The Court of Tanjore 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 Tanjore Udalut, confirm such part of the said Futwa of the Cazee ool Coozat and Mooftee aforesaid as convicts the Prisoners—

3d. Gaundla Sippunnah,
4th. Bodeegandoo,
5th. Chenraidoo,
6th. Chinneegandoo,
7th. Dansareegandoo,
and
8th. Mannattoory Dunpadoo,

and such part as acquits the Prisoner,

2d. Takeer Sah,

and accordingly under the provisions of Clause third Section II Regulation I of 1825 and Clauses first and fifth Section IV Regulation XII of 1809, sentence the Prisoners

F.U.

11th May. 1835.

Prisoners,

3d. Gaundla Sippunnah,
4th. Bodeegandoo,
5th. Chenraidoo,
6th. Chinneegandoo,
7th. Dansareegandoo,
and
8th. Mannattoory Dunpadoo,

severally to receive 195 lashes with a cat of nine tails; and to be transported to such place beyond sea, as the Governor in Council shall appoint, there to be imprisoned and kept to hard labour in irons on the public roads or other public works for and during the period of their natural lives.-

The Court further direct that the Prisoner,

2d. Takeer Sah

be set at liberty.-

And being of opinion that the proof against the Prisoner,

1st. Soobdoola Mooneegandoo,

is sufficient to convict him 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 1816 convict him thereof and in conformity with the

the examination of witnesses in Cases investigated by the Magistracy shall invariably be conducted.

3 The Court of Sayjdaree Udalut resolve to direct, that the 3d Judge be required to communicate the foregoing observations to the Magistrate of Chittoor for the information of his Head Assistant, enjoining on him an undeviating attention in all future Cases to the provisions of the enactment above quoted.

Ordered, that Extract from these proceedings be sent to the Third Judge of the Provincial Courts of Circuit in the Centre Division for his information and guidance by precept returnable within Seven days from and after its receipt

/Sent following precept No. 501

Read again letter dated 17th March 1835 from the 1st Judge on Circuit in the Southern Division, transmitting the record in Case No. 13 on the Madura Calendar 1st Sessions of 1835.

/Here enter No. 433./

Read also return dated 28th Ultimo from the 1st Judge on Circuit in the Southern Division to precept of Sayjdaree Udalut dated the 30th March 1835, Commanding the 1st Judge on Circuit to call upon the Acting Criminal Judge of Madura, to obtain upon oath the examination of the 1st and 2d witnesses in

Case

the provisions of Clause third Section II Regulation I of 1825, and Clauses first and fifth Section IV Regulation XV of 1803, Sentence him to receive 195 lashes with a Cat of nine tails, and to be transported to such place beyond Sea, as the Governor in Council shall appoint there to be imprisoned and kept to hard labour in irons on the public roads or other public works for and during the period of his natural life.-

1 The Court of Sayjdaree Udalut observe with dissatisfaction, that the examination by the Head Assistant Magistrate of the witnesses in this Case, is confined to reading over to each, his unsworn testimony before the Police Officer, and swearing him to its correctness.-

2 It is obvious to remark, that so irregular a proceeding defeats the Ojject of an examination by an European Officer, in as much as it excludes a comparison of the contents of the different Depositions: it has been expressly prohibited by the Sayjdaree Udalut in the Circular Orders: and is, moreover, indirect opposition to the provisions of Clause first Section XXIV Regulation IX of 1810 which prescribe the mode in which the

Case No. 13 of the Madura Calendar 1st Sessions 1835, and to allow the Prisoner Aundy to put to the above witnesses such questions as he may require during their examinations, and to forward the same, annexed to the English and Persian records of the case.

(Here enter No. 639)

Mr. Bird - and Mr. Hudleston - The Court of Tanjore 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,

"Aundy"

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.-

(Sent in No. 502

Read supplemental return by Provincial Court Northern Division dated the 21st Ultimo to Precept of the 25th February last conveying the observations and orders of the Court of Tanjore Adalut upon the Criminal Reports for December 1834.-

(Here enter No. 643)

with

With reference to the explanation of the Joint Criminal Judge, of the appearance in this Report of the 25 Cases which formed the subject of Remark in para 7 of the Court's Proceedings of the 25th of February last. "the sentences and orders connected with 25 Cases not having been received till the 7th and 10th January last was the cause of the Prisoners being entered in the Report for December" the Provincial Court of Circuit will intimate to the Joint Criminal Judge, that when Prisoners have been once entered in the Calendar, they should not be brought into the Report No. 8 again unless their cases have been postponed.-

Ordered, that Extract of these proceedings be sent to the Provincial Court in the Northern Division for their information and guidance by precept returnable in 5 days after receipt.-

(Sent following precept No. 503

Read return dated 27th by the Judge on Circuit in the Southern Division to precept of the 11th Ultimo conveying the observations of the Court of Tanjore Adalut on the trial No. 10 of the Madura Calendar 1st Sessions of 1835.-

(Here enter No. 633)

It appears from the above return

return that the Magistrate of Madura is
not in possession of the Circular Orders of
the 27th December 1815, and the Court of
Foujdaree Udalut accordingly deemit proper
to direct the 1st Judge on Circuit to transmit
to him a copy of them.-

Ordered, that Extract of these
proceedings be sent to the 1st Judge on Circuit
in the Southern Division for his information
-ation and guidance by precept returnable
in 6 days, after receipt.-

Sent following precept No. 504.-

At a Court of the Foujdaree Udalut

Present

Tuesday
12th May 1835. John Bird Esqre ——— 2d Puisne Judge,
William Hudleston Esqre ——— 3d Puisne Judge,

Read letter dated the 28th Ultimo
from the 1st Judge on Circuit in the Southern
Division, transmitting copy of the Combaconum
Calendars for the 1st Sessions of 1835.

(Here enter No. 640.)

Case 5. 1 The prisoner in this case, charged
with house breaking with intent to steal, and
when seized, with having beaten and wounded
with a knife the prosecutors, has been sentenced
by the 1st Judge to 5 years imprisonment with
hard labor in irons under Clause 4th Section IV
Regulation XV of 1803. It appears from the
Calendar that the wounding, if it occurred at all
was very trifling; and the Court of Foujdaree
Udalut are of opinion that the Clause cited by
the 1st Judge is inapplicable to the case altogether
which falls properly under Clause 4th Section II
Regulation VI 1822. The sentence however being
legal in extent, need not be disturbed.-

The

Case 9. 2 The Court presume, that the "wounding" charged against the prisoners in this case was proved.

Case 11 3. On this case the Court have to observe, that it appears extraordinary that no evidence as to the confession of the prisoner before the Police Officer was not taken.

Case 27. 4 Both the prisoners in this case confessed before the Police, Joint Magistrate, & Criminal Court the crime charged, vizt. housebreaking with intent to rob, it appears necessary therefore to call upon the 1st " Judge for a further explanation of the circumstances in the case, which induced him to release them on security - the recorded grounds are, that it appeared on the trial that the father of the 1st prisoner had previously to his death kept the prosecutrix under his protection", that it was not "established that the prisoners went to the house with the evil intent alleged", - and that the accusation had "the appearance of being a false and malicious exaggeration"

Case 29. 5 With reference to the Column of remarks

remarks in which it is stated, that the prisoner was convicted of having stolen grain and beaten the prosecutors in company with the prisoners in No. 12 of the Calendar 2d Sessions 1834 of Combaconum, This case has been already before the Court of Foujdaree Udalut, and they authorized a mitigated sentence of 3 years imprisonment which the 1st " Judge on Circuit has adopted in this number, with hard labor in irons."

The Court of Foujdaree Udalut have to observe, that the 1st " Judge was incompetent under the provisions of the Regulations & the Circular Order of this Court, to adopt this course of proceeding - In the present instance however, the Court will not object to ratify the mitigated sentence thus informally passed.

Case 31 6 The Court of Foujdaree Udalut under the circumstances of this case, as represented in the Calendar, deem it proper to require an English translation of the record of the trial to be laid before them.

The

12th May 1835.

Case 32. 7 This case has been postponed in consequence of the severe illness of the 4th prisoner - In the opinion of the Court of Foujdaree Udalut the 1st Judge would have acted properly in disposing of the case as far as the first three prisoners were concerned -

Case 35. 8 On this case, the Court of Foujdaree Udalut have to record the observation, that it appears to have been laid before the Court of Circuit upon insufficient evidence, and without material testimony which was forthcoming -

Ordered that Extract of these proceedings be sent to the 1st Judge on Circuit in the Southern Division for his information & guidance by Precept returnable in 20 days after receipt -

(Sent following Precept No. 517)

Read return dated the 30th ult. from the 1st Judge of the Court of Circuit in the Northern Division to Precept of the 24th Ultimo, requiring him to explain the delay in despatching his referrible trials & to state when he expects to forward the remainder -

(Here enter No. 667)

In

F. 4.

12th May 1835.

1 In the 2d para of the above return the 1st Judge explains, "that a greater number of records have not been submitted since his return to Masulipatam, in consequence of his Translators having been called upon to perform for some time the duties of Head writer -". It appears to the Court of Foujdaree Udalut that the 1st Judge, being aware that arrangements had been made for translating his trials at Madras, would have acted judiciously, if he had reported the loss of the services of his Translator, & taken advantage of the assistance which was thus offered him -

2 With reference to the 4th para of the return, the Court have to observe, that the reasons of their declining to support the application of the 1st Judge for an Extra Writer & translators were explained to him in their letter of the 15th November last; and they are at a loss to understand, why he considered it unnecessary to forward his referrible cases to the Residency for translation, since it appears that even after

putting

F. 16.
12th May 1835.

putting himself to personal expence to facilitate the transmission of the records, he has been able to complete so few as to render the demand for the explanation now submitted requisite. The Court of Foujdaree Adalut however in justice to the 1st Judge do not hesitate to record their opinion that his cases are sent up in a very correct state, and that for this he is entitled to, and has obtained, credit.

3 The Court of Foujdaree Adalut await a reply to the last para of their proceedings of the 24th Ultimo which appears to have escaped the 1st Judge's attention.

Ordered, that Extract of these proceedings be sent to the 1st Judge of the Court of Circuit in the Northern Division for his information and guidance by Precept returnable in 5 days after receipt.

(Sent following Precept No 508).

At a Court of the Foujdaree Adalut.

Present,

Wednesday, 13th May, 1835. John Bird Esqre — 2d Puisne Judge,
William Hudleston Esqre — 3d Puisne Judge.

Read letter dated the 22d Ultimo from the Provincial Court of Circuit in the Centre Division — transmitting the Criminal Reports from the several Criminal, Joint Criminal and Native Criminal Courts of the Division.

(Here enter No 615.)

Read the Criminal Reports prescribed by Section XXXV Regulation X 1816. for the Month of March 1835 transmitted by the Acting Criminal Judge of Chittoor.

Suppl. Report Case 157 1834.

This case, though not entered in the previous Supplemental Report, appears now without further explanation than that it has not been examined, in consequence of the Magistrate omitting to forward the Prosecutor and Witnesses — This is by no means the full explanation required by the Circular Order of the 11th April 1832, and in accordance with

with it, the Acting Criminal Judge will state the cause of the reappearance of the case in the Criminal Report.—

2 The Acting Criminal Judge will also furnish the Magistrate with copy of the case as it stands in the Report and of this paragraph; and the Magistrate will submit an explanation direct to the Court of Sudder Udalut, in 10 days after receipt of the order, of the reason why the evidence required could not be forwarded to the Criminal Court.—

Case 38. 3 The same order as respects the Magistrate applies to this case No. 38.

4 The omission of the grounds of the order or sentence in some cases in this Report has struck the attention of the Court of Sudder Udalut, who direct, that the acting Criminal Judge be informed, that he is expected to specify in each case in the Criminal Report, whether the prisoners be released, committed, held to security, or punished, the grounds upon which they have been thus disposed of.—

The

Report V Case 69 5 The Acting Criminal Judge will furnish the Magistrate with copy of the report of this case, and of this para, and the Magistrate will intimate to the Police Office, that the reason assigned for the detention of the prisoner is not satisfactory.—

Case 70. 6 The Court conclude, that it was the intention of the Acting Criminal Judge, that Clause 4th Section III Regulation VI 1822 should have been entered in the Report in support of his sentence in this case, instead of Clause 6th Section II Regulation VI 1822 which appears therein.—

Cases 71. 72. 7 The Magistrate is informed, that in the cases 70. 71. & 72 the reasons assigned for the detention of the prisoners in the Talook from the 28th February to 11th March are unsatisfactory. The statement in the Report is, "that it was occasioned "in procuring the attendance of Witnesses and in "sending for the horses and their purchasers." The Acting Criminal Judge will send copy of the entry of this case, and of this paragraph to the Magistrate.—

The

F. U.
13th May 1835

13th May

F. U.
13th May 1835

Case 77

8

The same order applies to this case in respect to the detention of the 1st 2d & 3d prisoners, the two latter it appears were charged with knowingly purchasing stolen property from the first prisoner, and it is stated, that "the 1st prisoner not having been apprehended, was the cause of the delay with respect the 2d & 3d prisoners who were at large upon Moochelkas." These prisoners first apprehended in January were detained in the Palook till the 20th from the 3d of March the date of the apprehension of the 1st prisoner. the 4th prisoner should not have been included in the case at all, his offence was the release of the 1st prisoner on account of a bribe - and in fact, the case of the 2d and 3d should have been distinct from that of the first, when was charged with the theft of the property they purchased & was therefore in all probability distinct in time & place -

Ordered that Extract of these proceedings be sent to the Acting Criminal Judge at Chittoor, for his information & guidance by Precept, returnable in 12 days after receipt -

(Sent following Precept No 511)

Read

F. U.
13th May 1835

Read the Criminal Reports prescribed by Section XXXV Regulation X 1816 for the Month of March 1835 transmitted by the Criminal Judge of Chingleput -

Report V
Case 33.

1 The Court perceive the omission of the grounds of the commitment of the prisoner in this case; and they accordingly direct, that the Criminal Judge be informed, that the grounds of the order or sentence in every case should be entered in the Criminal Reports -

2 The Court observe, that the first abstract attached to the Report No V is not in the form used in the other Criminal Courts, The second abstract is unnecessary - and the first should shew, how and by whom the several cases and prisoners were disposed of, without distinguishing those "received from the Magistrate of Chingleput" from the "smugglers within the limits of Madras" -

3. The "Statement of labor" is incorrect, in respect to the explanation of the Column under which the sick prisoners are

classed

clased, and the Criminal Judge will, in future, instead of specifying the sentences under which the sick prisoners are confined, notify whether they are entered in Column I and not in Column 2, or 3, or whether they are comprised in Column 2. or in Column 3 as the case may be.

Ordered, that Extract of these proceedings be sent to the Criminal Judge of Chingleput for his information and future guidance.

(Sent in No. 512)

Read the Criminal Reports prescribed by Section ~~XXXV~~ Regulation X 1816 for the month of March 1835 transmitted by the Criminal Judge of Cuddapa.

Suppl. Report Case No. 13.

1 The prisoner in this case is stated to have been guilty of Perjury, by his denial on oath before the Criminal Court of his previous averment before the Police, that he had been wounded by one Pedda Sunjeevoo; and the grounds recorded for his commitment are, "three witnesses having &c declares

declared on oath, that they were present when the prisoner stated before the Police that he had been stabbed by his brother, which statement he denied on oath before the Criminal Court."

2 The propriety of this commitment is not apparent to the Court of Foujdaree Udalut. for unless the fact was proved, the prisoners' admission before the Police Officer will not be sufficient evidence against him. If therefore under this observation the Criminal Judge deems it proper to release the prisoner he is authorized to do so; but if there are other circumstances not stated in the Report connected with the case which support, in his opinion, the commitment, he will explain them fully to the Court of Foujdaree Udalut, who will then issue finial orders regarding it.

Case 38. 3. The Criminal Judge will report the grounds upon which he has considered the prisoner in this case, proved to have effected his escape from the jail at Cumbum and

and now sentenced to 6 months' imprisonment for this offence, amenable to his jurisdiction—

Report V Case 50. 4. The prisoner in this case, on proof of the charge of having enticed away a girl aged 5 years, & "robbed from her person silver bracelets value 2 Rupees" has been sentenced under clause 4th Section III Regulation VI of 1822 to 2 years' imprisonment with hard labor in irons—It appears to the Court of Foujdaree Udalut that the provision of the law quoted is inapplicable to the case, which, as it stands recorded, amounts to Robbery—If the crime proved differed from the charge, the difference should have been stated in the Report under the Circular Order 4th July 1826, and this omission renders necessary an explanation from the Criminal Judge, to enable the Court of Foujdaree Udalut to judge as to the propriety of ordering the prisoner to be committed—

Case 57. 5. The prisoner in this case having been apprehended on the 28th February & detained in the Talook till the 8th March, the Magistrate is required to explain the circumstance. With this view the Criminal Judge will furnish the Magistrate with copy of the case as it stands in the Report, and of this paragraph, and the Magistrate will submit the explanation direct to the Court of Foujdaree Udalut within 10 days after receipt of this order—

6 The Criminal Judge will explain the discrepancy apparent, between the statements of "labor" and of the "extra Peons"; in the former 415 prisoners are stated as worked outside the jail, in the latter, a charge is entered for 116 Peons over 464 convicts. The late Circular Order on the subject dated the 13th March 1835 is expected to be strictly adhered to, and limits the number of "Extra Peons" to the proportionate number of prisoners exclusively working outside the jail—

Ordered that Extract of these proceedings be sent to the Criminal Judge of Cuddapa for his information & guidance by Receipt returnable in 12 days after receipt—

(Sent following Receipt No. 513)

Read the Criminal Reports prescribed by Section XXXV. Regulation X. 1816 for the month of March 1835 transmitted by the Officiating Criminal Judge of Bellary.

1 The Court of Foujdaree Udalut perceive, that the Officiating Criminal Judge has not recorded the grounds upon which he has committed the several prisoners in the Report under review to take their trial, and they accordingly direct, that it be intimated to him, that he is expected to specify in every case in the Criminal Reports, the grounds upon which he may sentence the prisoners, or otherwise dispose of the case.

2 The attention of the Officiating Criminal Judge is particularly desired to the Circular Order of the 13th. March last, it is observable that the 'Extra Peons' entertained by him were some-what in excess, in the month of March, of the due proportion of the prisoners working outside the Jail.

3 The Court do not find the Report No. VI with the other Reports, and the Officiating

Criminal

Criminal Judge will therefore transmit it without delay — unless the report was blank —

Ordered, that Extract of these proceedings be sent to the Officiating Criminal Judge of Bellary for his information and guidance by Precept, returnable in 6 days after receipt.

(Sent following Precept No. 514)

Read the Criminal Reports prescribed by Section XXXV. Regulation X. 1816 for the Month of March 1835 transmitted by the acting Joint Criminal Judge at Cuddalore

Report V. Case 19.

1 The eleven prisoners in this case were apprehended on different dates between the 25th. January & the 13th. February, and the case appears to have been taken up by the Head Assistant Magistrate only on the 1st. March — The Court of Foujdaree Udalut accordingly deem it proper to require the Magistrate to forward an explanation of the detention of the prisoners for so long a period, and to state, if the reasons assigned are not satisfactory, what notice he has taken

of

of the conduct of the Police officer. With this view the Acting Joint Criminal Judge will furnish the Magistrate with copy of the case as it stands in the Report and of this paragraph, and the Magistrate will submit the explanation to this Court direct in 15 days after receipt of this order. The Court also desire to be informed, why the Paddy which forms the subject of the charge, was not estimated and the value specified.—

Case 20. 2 The cause of the detention in the Taloob of the first third and fourth prisoners is required from the Magistrate, to whom the Acting Joint Criminal Judge will send copy of this para, & of the case as it stands in the Report, and the Magistrate will make return as directed in Case 19.

It is stated that the said prisoners were apprehended on the 27th & 28th January and 5th February respectively. forwarded to the Cusbah on the 12th February, but remained under examination by the Head Assistant Magistrate from 16th February till the 3rd of March.

This

This delay before the Assistant Magistrate also requires further explanation, as without it, "the necessity of instituting a search for the stolen property" is a very insufficient reason for such a delay.—

Case 26. 3 The prisoner in this case, charged with "having struck one Appang whilst they were quarrelling and thereby caused his death", has been released by the Acting Joint Criminal Judge, on the following recorded grounds.— The Acting Joint Criminal Judge "is of opinion, that the prisoner did not from any malice prepense cause the death of the deceased, but that the deceased's death was occasioned by a blows or blows inflicted by the prisoner partly through the excitement he was thrown into & partly in self-defence".— The Court of Foujdaree Adalut are of opinion, that the Acting Joint Criminal Judge was quite incompetent to release the prisoner — the homicide was neither purely accidental, nor fully in self-defence. and they resolve under the circumstances of the case to direct, that the prisoner be reapprehended

by

by the Magistrate, to whom copy of this para, and of this case should be sent by the Acting Joint Criminal Judge; and that he should be held to bail by the Acting Joint Criminal Judge to take his Trial before the Court of Circuit at the next Sessions.—

Case 27. 4. The prisoners in this case appear to have been not only forwarded on very insuffi-cient grounds, but to have been unnecessarily detained in the Sabook from the 13th February to the 6th March, in consequence of a reference to the Head Assistant Magistrate on the subject of the evidence against them. A reference of this nature in a case of Robbery appears without explanation very reprehensible, and the attention of the Magistrate is directed to the Circular Orders of the 23d November 1834 relative to the propriety, or otherwise of the Police referring to the Magistracy. The explanation of references to the Magistrates should always be furnished to the Criminal Courts, & entered in the Criminal Reports. The Acting Joint Criminal Judge will transmit copy of this case & paragraph to the Magistrate.

These

5. There appear to have been 311 prisoners working outside the jail in March, but only 20 extra Peons throughout the month and 8 from the 1st to the 25th of it, and the Court of Foujdaree Udalut deem it proper to call for an explanation, as to the arrangement, if the "Statement" is correct, by which the safe custody of the prisoners in question was secured with so small a guard.—

Ordered, that Extract of these proceedings be sent to the Acting Joint Criminal Judge at Cuddalore for his information and guidance by Precept, returnable in 15 days after receipt.—

(Sent following Precept No. 575)

Read the Criminal Reports prescribed by Section ~~XXXV~~ Regulation X. 1816 transmitted by the Native Criminal Judge at Cumbum for the month of March 1835.

Suff. Report Case 3. 1. In this case the prisoner, against whom was proved the charge of having pelted with stones and wounded with a sword two persons, has been sentenced to six months imprisonment

imprisonment, under Section VII Regulation X 1816.
On this, the Court have to observe, that the nature of the wounds should have been mentioned, and unless very trifling, the prisoner should have been committed. The Native Criminal Judge will bear this observation in mind, in disposing of future similar cases, the sentence in the present instance remaining undisturbed.—

2 The Criminal Judge appears to have entertained 5 Extra Peons throughout the month, to guard the prisoners, of whom only 14 are reported as working outside the jail.—
He is informed, that the strictest adherence to the late Circular Order of the 13th March 1835 is expected, and that the "Extra Peons" are never to exceed in numbers the due proportion to the prisoners working outside the jail.—

Ordered, that Extract of these proceedings be sent to the Native Criminal Judge for his information and future guidance.—

(Sent in No. 576)

Read letter dated the 27th Ultimo from

from the Provincial Court of Circuit in the Northern Division transmitting correspondence relative to the transfer of Certain Prisoners from Vizagapatam to Rajahmundry—

(Here enter No. 649.)

Read Return dated the 3d instant, from the 1st Judge on Circuit in the Southern Division to Receipt of Foujdaree Udalut dated the 26th March 1835. conveying their observations and orders on the Madura Calendar for the 1st Sessions of 1835.

(Here enter No. 683.)

Read letter dated the 9th instant from the Criminal Judge in the Zillah of Chingleput forwarding Criminal Reports for last Month.—

(Here enter No. 684.)—

F. C.

At a Court of the Zoujdaree Adalut

Present

Thursday
14th May 1835.

John Bird Esqr. 2nd Puisne Judge
William Rudleston Esqr. 3rd Puisne Judge

Read again letter dated 13th February 1835 from the Acting 3rd Judge late Additional Judge late on Circuit in the Northern Division transmitting the record of Proceedings in Case No. 5 of Vizagapatam Calendar 1st Sessions of 1833 called for under date the 25th July 1834.—

/Here enter No. 259./

Read also letter dated 25th April 1835 from the Acting 3rd Judge late Additional Judge late on Circuit in the Northern Division, now at Kellum transmitting the Persian Record in Case No. 5 on the Vizagapatam Calendar 1st Sessions of 1833 called for under date the 25th February 1835.—

/Here enter No. 825./

Mr. Bird and Mr. Rudleston

The Court of Zoujdaree Adalut having maturely considered the proceedings held before the Judge on Circuit, the Futwa of the Provincial Law Officer and the Futwa of the Cazee ool Cozzat and Mooftee of the Zoujdaree Adalut are of opinion that the prisoner—

"Ramchungy Coonchadro"

is not convicted on presumptive proof, or on the evidence

evidence of credible witnesses or on his own confession notwithstanding the Futwa of their Law officers and do accordingly acquit him, and in conformity with the provisions of Clause Sixth Section II Regulation XV of 1803, direct that he be set at liberty.-

/Sent following letter N.524/

Read letter dated 18th April 1835 from the late Acting 2nd Judge of the Provincial Court of Circuit in the Centre Division transmitting the record in Case N.1 on the Chittoor Calendar for the 4th Quarterly Sessions of 1834.-

/Here enter N.601/

The Court of Foujdaree Adalut having

Mr. Bird and Mr. Hudleston

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 Mooftee of the Foujdaree Adalut, confirm the said Futwa of the Cauzee ool Cozat and Mooftee aforesaid, and under the provisions of Clause Second Section IV Regulation VI of 1822 sentence the prisoner

8th Moortegan

to 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.-

9th Pullee Venkatasen

and

10th Brahm

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 five years, under the provisions of Clauses Third and Fifth, Section IV Regulation XV of 1803.-

The Court further acquitting the prisoners.-

1st Kitchama Naiken

2nd Rungapa Naiken

3rd Para. Venkatasen

4th Ceelagun

5th Mattay gan

6th Ramasawmy

and

7th Chinna Ceelagun

direct that they be set at liberty.-

/Sent following letter N.525/

Read letter dated the 25th Ultimo from the Additional Judge on Circuit in the Northern Division transmitting the Rajahmundry Calendar for the 1st Sessions of 1835.-

/Here enter N.541/

Cases 2 and 3- 1.

The Court of Foujdaree Adalut under the circumstances of the case represented in the Calendar, the small value of the property stolen, the absence of violence, and the prevalence of famine, resolve, agreeably to the recommendation

recommendation of the Presiding Judge, to mitigate the punishment to which the prisoner in those cases Moosala Ramadoo, has rendered himself liable, and accordingly under Clause 3d Section III Regulation I of 1825 direct, that he be imprisoned and kept to hard labor in irons on the public roads or other public works for the period of /2/ two years.—

Case 4. 2 In this case the Presiding Judge states, that "the value of the property stolen precludes him from recommending a mitigation of punishment" but if the Court of Foujdaree Adalut should be of opinion, that a smaller punishment will suffice such determination on their part will meet with his cordial concurrence". In consideration of the absence of any great degree of violence, and the existence of famine at the time" of the perpetration of the crime of which the prisoner Gondapully Somadoo in this case is convicted, the Court of Foujdaree Adalut resolve to mitigate his sentence, and accordingly direct, that he be imprisoned and kept to hard labor in irons on the public roads, or other public Works for the period of 7 years.—

Case 5. 3 Agreeably to the recommendation of the Presiding Judge in favor of the 3d 4th and

and 6th prisoners in this case, and in consideration of the absence of aggravation, and the distress prevailing at the time they committed the crime charged, and the period they have been in Jail. the Court of Foujdaree Adalut under Clause 3d Section III Regulation I of 1825 direct, that they be severally imprisoned and kept to hard labor in irons on the public roads or other public Works for the period of /5/ five years.—

Case 6 4 The recommendation of the additional Judge for a mitigation of the punishment to which both the prisoners in this case have rendered themselves liable, founded on the trifling value of the property stolen and the distress prevalent at the time of the commission of the crime charged, meets with the concurrence of the Court of Foujdaree Adalut, who accordingly direct under Clause 3d Section III Regulation I of 1825 that the Prisoners be each imprisoned and kept to hard labor in irons on the public roads or other public works for the period of /5/ five years.—

Case 20. 5 The Court of Foujdaree Adalut do not see the necessity for this trial being referred to them. It is not a case of Robbery by open violence, and therefore Clause 3d Section IV Regulation XV of 1803 is inapplicable to it, and it is not competent to the Court of

Foujdaree

14th May 1835

Coujdarea Ddalut to pass a Sentence of transportation on the 1st prisoner. The Additional Judge will therefore proceed to dispose of the case of the prisoners according to the Regulations; that of the three last prisoners would appear to fall under Regulation VI of 1822 - and that of the first also, in respect to the additional punishment for the offence of escaping for the crime charged against him as committed during the freedom from imprisonment he obtained by his escape no fresh sentence appears to be required, it is one of less atrocity than that for which he had been Sentenced and imprisoned at the time he escaped.

Case 21. 6 In this case the objections taken to the evidence in the first instance were, the contradictory nature of the evidence of the 5th and 6th Prosecutrixes, the unsatisfactory nature of that of the alleged eye Witnesses independent of their being relations of the prosecuting parties, and the evidence of the remaining Witnesses not being calculated to bring the crime home to the prisoners and it appears to the Court of Coujdarea Ddalut that as contradictions in evidence do not fall under the provisions of Section VIII Regulation I of 1825, the Additional Judge had no authority to overrule the 1st instance.

Ordered

14th May 1835

Ordered that Extract of these proceedings be sent to the Additional Judge on Circuit in the Northern Division for his information and guidance by Precept returnable in 20 days after receipt.

/Sent following Precept No. 526-

Read letter dated the 2nd Instant from the Joint Criminal Judge of Guntoor transmitting the Criminal Reports prescribed by Section XXXV Regulation X of 1816 for the month of April 1835.

/Here enter No. 680-/

Report V

Case 32

Of, by the expression "already once punished" it is meant that the 2nd prisoner in this case was punished for theft by the Joint Criminal Court it appears to the Court of Coujdarea Ddalut that he ought to have been committed under Clause 2nd Section II Regulation VI of 1822 as having been before convicted of a heinous crime. The Joint Criminal Judge will observe that although "burglary robbery or other heinous crime" are the words used in this Section in Clause 4th Section III Regulation VI of 1822 the offence of theft is viewed as a heinous crime in the expression of the persons committing the theft shall have been before convicted of theft "burglary robbery or other heinous offence" and that also in

m. Clause 3d. Section IX, the crime of knowingly receiving stolen property is rendered committable if the prisonier shall have been before convicted of the offence of buying or receiving stolen property or of robbery burglary, theft or other heinous crime.

Case 33. 2 The Court of Zaijdaree Adalut are at a loss to understand, why the Joint Criminal Judge did not commit the first two prisoners in this case. It appears to the Court, that there is a reasonable probability of their conviction grounded on the evidence stated in the Report, Viz. their confessions before the Police that they stole the Prosecutors Clothes, supported by the fact of their having pointed the Clothes out in the Land where they had buried them, and the identification of the Clothes by the Prosecutor Under these circumstances it will be the duty of the Joint Criminal Judge, if the prisoners are not at present in his custody (in which case he will at once commit them) to furnish copy of the case as it stands in the Report to the Magistrate and of this paragraph, and the Magistrate will proceed without delay to cause the prisoners to be reapprehended and sent to the Joint Criminal Court for the purpose of being there and then committed for trial before the Court of Circuit. The Security bonds of the prisoners, if entered into, being of course cancelled.

14th May 1835

In this case, where two prisoners

Case 34. 3 were charged with "poisoning," it seems to the Court of Zaijdaree Adalut unaccountable, that more evidence than is recorded was not procurable.

The prisoners in this case having

Case 35. 4 been detained in the Jail of Jhansi from the 11th March to the 3d April, without any remark by the Magistrate, he is required to explain for the satisfaction of the Court of Zaijdaree Adalut, the cause of the delay which should have been given agreeably to the Circular Order 8th February 1830 when the case was sent up, in order that it might be entered in the Report. The Joint Criminal Judge will furnish copy of the case as recorded in the Report and of this paragraph, and the Magistrate will transmit the explanation direct to this Court in 20 days after receipt of this order.

The explanation of the detention of

Case 36. 5 this case for 45 days by the Head of Police of Guntoor Zunah appears to unsatisfactory, that the Court of Zaijdaree Adalut deem it proper to call upon the Magistrate to take due notice of it, reporting to this Court what he may do under these orders. The Joint Criminal Judge will send copy of

of this case and paragraph to the Magistrate, who will make his report direct to the Court of Sudder Dewanny Adalat within 20 days after receipt of this order. With reference also to the following abstract of evidence in the Report, "2 cloths which were proved to belong to the Prosecutor were found on the 1st and 6th prisoners - The 1st witness states, that the abovementioned prisoners were seen weighing and giving Jewels to the 7th prisoner," to the confession of the first prisoner before the Police supported by the above facts, and to the reputed bad character of both these prisoners. The Court of Sudder Dewanny Adalat direct that the Security bonds if they have been entered into be cancelled, and that they be both committed for trial on the charge brought against them of housebreaking - if not in custody the Magistrate will cause them to be reapprehended and retransmitted to the Joint Criminal Court.-

Cases 40 & 41 - 6 The explanation given in the Report of the detention of these cases in the Jail of Dacca - the former from the 18th March to 17th April - the latter, from the 7th to the 21st of April is very far from being satisfactory to the Court of Sudder Dewanny Adalat - The Joint Criminal Judge in furnishing copy of the cases to the Magistrate will send copy of this paragraph also.

7 The Joint Criminal Judge has not under the Circular Order 21st May 1823 communicated

communicated to the Magistrate the transmission of the prisoners in this case without any proof whatever, but merely on the crimination of other prisoners he will now do so; and the Magistrate will take the opportunity of impressing upon the Head of Police of Dacca Jelalpur Zanah, that the mere criminating of one prisoner by another - unsupported by any other fact, is not a sufficient ground for transmitting the party criminated as a prisoner. Copy of this case and paragraph will be furnished to the Magistrate by the Joint Criminal Judge.-

8 The General Criminal Reports should not be forwarded in separate sheets and the Joint Criminal Judge will in future transmit them in a combined form, placing the Supplemental Report first, and the others according to their numbers and the Statements last. It is remarked that the Columns under which the Sick prisoners should be classed are not specified in the "Statement of Labor."-

9 The Court of Sudder Dewanny Adalat in conclusion have to observe, that in disposing of several of the cases in the Reports under review, the Joint Criminal Judge does not appear to have weighed with due precision the value of the evidence adduced against the

14th May 1835

the prisoners, an error from which they trust his future reports will be free.-

11 The Joint Criminal Judge will transmit with his return the Statement of Extra Cools which is not found amongst the present Reports.-

Ordered, that Extract of these proceedings be sent to the Joint Criminal Judge of Guntoor for his information and guidance by Precept returnable in 20 Days after receipt.-

Sent following Precept N°. 527

Read return dated 30th Ultimo from the Provincial Court of Circuit in the Western Division to the Courts precept of the 18th Ultimo forwarding the Circular Order N°. 40.-

/Recorded N°. 678 of 1835/

1 The Provincial Court desire to Know, "whether it is intended that the "Reports of the Native Criminal Judge should "be sent direct to the Sudder Adalut?"

2 As some difficulty might be experienced in obtaining translations in the Register's office the Court consider it expedient, that the Native Criminal Judge's reports should be forwarded thro' the Provincial Courts where a translation must

14th May 1835

must be immediately made and transmitted to the Sudder Adalut - the Original to remain as heretofore with the Provincial Court of Circuit.-

Ordered, that extract of these proceedings be sent to the Provincial Court of Circuit in the Western Division for their information.-

Sent following letter N°. 528.-

4 N.S.

WS

F. U.

At a Court of the Foujdaree Udalut.

Present,

Monday, 18th May 1835. John Bird Esqre. ——— 2d Puisne Judge,

William Rudleston Esqre. ——— 3d Puisne Judge.

113

Read letter dated the 4th instant from the First Judge in Circuit in the Southern Division, submitting an English translation of the proceedings in Case No. 14 Madura Calendar for the first Sessions of 1835.—

(Here enter No. 688 of 1835.)

Read also letter of the same date from the same Officer submitting an English translation of the proceedings in Case No. 15 on the above Calendar—

(Here enter No. 689 of 1835.)

In their proceedings under date the 26th March 1835, the Court of Foujdaree Udalut directed, that an English translation of each of the above mentioned cases should be submitted for their consideration, as from the Abstract of the evidence in the Calendars, there did not appear to be sufficient grounds for

for conviction -

Case No. 14 2 In this case, the prisoners -

1st "Cauttacootty Cupen,"

2d "Pandy," &

3d "Soonden,"

were charged with having, during the night of Friday the 29th August 1834, corresponding with the 15th Avany of Jyah, in company of some others not apprehended, broken open the house of the prosecutor, at Sinnumpully in the Talook of Peroomangalum, in the zillah of Madura; and stolen therefrom Gold, Cloths, Cotton thread, and various utensils, to the value of Rupees 223 7. -

3 They severally pleaded "not Guilty" before the Court of Circuit -

4 The Mahommedan Law Officers of the Court of Circuit convicted the prisoners on strong presumptive proof: and in his second Futwa, awarded Mud of the right hand -

5. Concurring in that finding the presiding Judge sentenced them severally to be imprisoned with hard labour in irons for the period of seven years -

The

6. The Court of Foujdaree Adalut observe, that with the exception of the statement to that effect of the Prosecutor, there is nothing to prove that the house of that individual was broken open: while the delay on preferring his complaint to the Head of Police, tends, in their opinion to throw suspicion over his whole evidence -

The Court further do not consider

7. it to be satisfactorily proved, either that the straw heap in which the clothes were found belongs to the first prisoner, or that the two vullies and the Tumbal are the property of the prosecutor. That fact, it is obvious to remark, the bare assertion of the seventh and eighth witnesses is insufficient to establish. They ought to have been required to point out the distinctive marks by which they were enabled to identify those articles -

8 Considering the evidence to be totally insufficient for conviction, the Court of Foujdaree Adalut direct, that the prisoners abovementioned

abovementioned be immediately and unconditionally released -

Case No. 15. 9 In this case the prisoner,

"Ramanaden"

stood charged with having during the night of the 8th Carteegay of Nundanah, or the 25th November 1832, in company of some others not apprehended, broken open the prosecutors house at Velliapooreum in the Talook of Pullinadom in the zillah of Madura, and stolen therefrom ready money, cloths, and Cotton thread, to the value of Rupees 9/4 -

10 He pleaded "Not Guilty" before the Court of Circuit -

11 The Mahommedan Law Officer of the Court of Circuit convicted the prisoner on strong presumptive proof; and in his second Futwa awarded Mud of the right hand -

12. Concurring in this finding, the Presiding Judge sentenced the prisoner to be imprisoned with hard labour in irons for the period of seven years -

The

13 The Court of Foujdaree Udalut are of opinion, that the evidence as to the property being the prosecutors, is liable to the strongest suspicion. They yield no credit whatever to the assertion, that the cloth and purse when first seized had the name of the prosecutor written on them. It is preposterous to suppose that the prisoner after stealing the cloth, would publicly wear it while it was marked with the name of the rightful owner. In the opinion of the Court there can be little doubt, that the circumstance of the prisoner wearing a new cloth, was the real and sole ground of his apprehension. That he did in fact purchase a new cloth, he had proved by his witnesses -

14. For the foregoing reasons, the Court of Foujdaree Udalut deem it necessary to set aside the sentence of the First Judge, and accordingly direct, that the prisoner aforesaid be immediately, and unconditionally released -

Ordered that Extract from these

these proceedings be sent to the First Judge on Circuit in the Southern Division for his information and guidance by Precept returnable within five days from and after its' receipt.—

(Sent following Precept No. 534)

Read letter dated the 6th May 1835 from the officiating Second Judge on Circuit in the Western Division, recommending a mitigation of the penalty to which the prisoners convicted in case No. 6 on the Malabar Calendar for the first Sessions of 1835 of Highway Robbery, have rendered themselves liable—

(Here enter No. 709 of 1835)

The Court of Foujdaree Udalut having maturely considered all the circumstances of this case as they appear in abstract on the Calendar, together with the representations of the officiating Second Judge, sanction under Clause Third, Section III Regulation I of 1825 the mitigated punishment recommended by that Officer, and accordingly sentence the prisoners—

1st

1st "Cannata Ichaven",

2d "Mopla Manjalam Cholai Chechoo",

3d "Cadoopatten Irambichal Shamoo",

&

4th "Teke Velutedata Shamy",

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 officiating Second Judge on Circuit in the Western Division by Precept, returnable within four days from & after its' receipt.—

(Sent following Precept No. 535)

Read Report dated the 30th Ultimo, submitted by the 1st Judge of the Provincial Court of Circuit in the Western Division, for the first Quarterly Sessions of 1835 at Tellicherry—

(Here enter No. 682)

It is unnecessary for the Court of Foujdaree Udalut to offer any observation upon the foregoing report, except to remark,

with

with reference to para 7. that the total number of convicts at Tellicherry is but 57. and that it is not in the power of the Joint Criminal Judge therefore to do much for the improvement of the roads— That Officer's attention will be however called to the Order of Government of the 8th February 1833.—

2 The Court request the attention of the Right Honorable the Governor in Council to the 1st Judge's representation of the dilapidated state of the Bridge, and water-course at the station.—

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

(Sent in No. 536)

Ordered also that Extract from these proceedings be sent to the 1st Judge of the Provincial Court of Circuit in the Western Division with instructions to communicate para 1. of these proceedings, & a copy of para 7. of this report to the Acting Joint Criminal Judge.—

(Sent in No. 537)

Read letter dated the 7th instant from the 3d Judge

of the Provincial Court of Circuit in the Centre Division, submitting his report for the 1st Quarter Sessions of 1835.—

(Here enter No. 695.)

The report does not appear to call for any remark from this Court.—

Ordered, that Extract from these proceedings together with copy of the report be sent to the Secretary to Government in the Judicial Department for the purpose of being laid before the Right Honorable the Governor in Council.—

(Sent in No. 538)

Read letter dated 7th Ultimo, from the Secretary to Government in the Judicial Department.— Requesting to be furnished with Half yearly Statements, and Sketch plans of the construction of Roads within this Residency, for the purpose of being forwarded to the Supreme Government.—

(Here enter F. 26. No. 366.)

Read letter dated the 11th Ultimo, from the Secretary to Government in the Judicial Department, Communicating to the Sudr Udalut a letter from the Supreme Government, requesting that

F. D.
18th. May 1835

that statements of works of public utility constructed by individuals at their own private cost within this Presidency, may be transmitted to the Supreme Government for publication in the Calcutta Gazette.

(Here enter S. D. No. 388.)

Circular Order No. 45.

Under instructions from Government dated the 7th. April, I am directed by the Judges of the Foujdaree Adalut to forward to you the accompanying copy of an order from the Supreme Government dated 11th. February last; and to desire, that you will direct the several Criminal Judges in your Division to submit on the 30th. June and the 31st. December in each year, the statement and sketch-plans required.

2. When there are no works of the nature referred to going on under the supervision, or in connection with the Judge a report to that effect must be made on the dates above-mentioned.

(Sent following Circular No. 59.)

Read letter dated the 29th. Ultimo from the Provincial Court Western Division forwarding

F. D.
18th. May 1835

forwarding the Criminal Reports prescribed by Section XXXV Regulation X 1816 transmitted by the Acting Joint Criminal Judge of Malabar for the Month of March 1835.

(Here enter No. 685.)

Report V. Case 18.

1. In this case it is stated, that the prisoner is "committed on the testimony of the Witnesses and the circumstances of the case"; it would have been more satisfactory if the nature of the evidence and the circumstances alluded had been stated: the grounds of the order of commitment as here recorded, are not sufficiently shewn to enable the Court of Foujdaree Adalut to Judge as to the propriety of the disposal of the case.

Case 22.

2. The Court conclude that the fact of no Witness having arrived in this case has been represented to the Magistrate if not, the Acting Joint Criminal Judge will report it to him immediately on receipt of these orders. The delay in the Salooke of this case, and of the following case No. 23, is not satisfactorily accounted for. The acting

Joint

Joint Criminal Judge will transmit to the Magistrate for his information, copy of this paragraph and of these cases as they stand in the Report—

26. 3. The acting Joint Criminal Judge will proceed in the same manner with respect to this case, and the Magistrate will submit to this Court direct in 10 days after receipt of this order, the explanation of the detention of the prisoner in the Calabooh from the 16th to 26th March. the explanation recorded is not intelligible to the Court.—

Suppl. Report Case 15. 4 With reference to the remark of the Provincial Court of Circuit in their proceedings upon this case, in which is involved the question, whether or not the offence of "knowingly receiving stolen property" is to be considered a "heinous crime," the Court of Fujdaree Adalut have to observe, that in the 28th of January last in their reply to the letter from the officiating 2d Judge on Circuit in the Western Division they ruled that knowingly receiving stolen property, in a case punishable

by

F.D.
18th May 1835

by the Criminal Judge under Clause 4th Section IV Regulation VI of 1822 does not fall within the intendment of the specifications "burglary robbery or other heinous crime" in Clause 2d Section II of the Regulation— thus disposing of the question now agitated, the order of the acting Joint Criminal Judge therefore in this case need not be disturbed—

Ordered that Extract of these proceedings be sent to the acting Joint Criminal Judge of Malabar for his information and guidance by Precept returnable in 10 days after receipt.— (Sent following Receipt No. 540)

Ordered also that Extract of these proceedings (para 4) be sent to the Provincial Court Western Division for their information—

para 1.2.3.4 already furnished to actg Joint Crim. Judge.

(Sent in No. 544)

Read the Criminal Reports prescribed by Section XXXV Regulation X 1816 transmitted by the Criminal Judge of Malabar for the Month of March 1835.

With reference to the requisition

Suppl. Report Case 65 1

of

of security from the prisoner in this case, it is observed that imprisonment in default of its being produced is not specified, and the order should be accordingly amended.

Report V. Case 77. 2. Seven prisoners in this case were charged with killing the Prosecutor's Cow, the Sudr Ameen acquitted three, and passed sentence under Section VIII Regulation XIII 1832 on the other four prisoners - the Criminal Judge overruled this sentence and released the prisoners on the following grounds "It appears that the Cow was trespassing on 1st prisoner's Cucumber Garden, and had before caused him much damage, he set a noose for her on his own ground, caught and beat her to death in which the others perhaps assisted. They removed the carcase, and laid it where it was found the next day, without making any use of the flesh. This is a matter for Civil Prosecution, but no punishment can be awarded."

3 Although the Court of Foujdaree Adalut will not now disturb the order passed by the Criminal Judge, they direct that it

be pointed out to him, that they cannot take the same views of the case. There was cruelty in the act, and they therefore conceive that it was punishable.

Case 91. 4. The prisoner in this case, was detained in the Talook from the 23d January to the 7th February in consequence of a reference to the Magistrate - the reason is very unsatisfactory for so long a detention, and in such cases it is always expected, that the Magistrate will state to the Criminal Court whether or not the reference was justifiable, and if not, what notice he has taken of the proceeding. The explanation given should be of course inserted in the Criminal Report for the information of the Court of Foujdaree Adalut. The Criminal Judge will furnish copy of this para, and of the case as it stands in the Report to the Magistrate for his information and future guidance.

Case 94. 5. The Criminal Judge will send also copy of this case & this para to the Magistrate, who will instruct the Tasildar who

who forwarded it, that the cause assigned for the delay of it in the Talook vgt the non attendance of Witnesses and also to close up the proceedings, is not satisfactory, unless it is shewn why the attendance could not be obtained -

Case 93 6 In this case of housebreaking the Court are of opinion, that the 2d prisoner, against whom there appears to have been his Talook confession, supported by the stolen property being found upon him, might have been convicted: the order for security need not however be now disturbed -

Ordered that Extract of these proceedings be sent to the Criminal Judge of Malabar for his information & guidance by Precept, returnable in 12 days after receipt -

(Sent following Precept No. 342)

Read the Criminal Reports prescribed by Section ~~XXXV~~ Regulation X of 1816 transmitted by the Acting Criminal Judge of Canara for the Month of March 1835.

Report X Case 34. The Court of Foujdaree Adalut perceive that

that no grounds are assigned for the requisition of security from the prisoner in this case, & they accordingly direct that it be pointed out to the notice of the Acting Criminal Judge, that he is required to insert in each case in the Criminal Reports, a concise note of the grounds of his order, or sentence -

Ordered that Extract of these proceedings be sent to the Acting Criminal Judge of Canara for his information and future guidance -

(Sent in No. 343)

Read return dated the 11th instant by the late Acting 3d Judge on Circuit in the Centre Division to Precept of the 11th Ultimo calling for the statements of trials required by Circular Order 11th July 1834 for the last half year of 1834 -

(Here enter No. 710.)

The Court perceive by this transmission of the statement of trials for the 2d Sessions of 1834, that the late acting 3d Judge has misapprehended the Circular Order of the 11th July 1834, which does not refer to any particular

particular Sessions - The Statement is accordingly returned for amendment - It should contain only the cases dispatched before the 31st December last - the trials which may have been sent subsequently will be included in the Statement for the 1st ½ year of 1835 -

Ordered that Extract of these proceedings, and the Statement, be transmitted to the late acting 3d Judge on Circuit in the Centre Division for his information & guidance by Precept returnable in 6 days after receipt -

(Sent following Precept No. 744)

Read letter dated the 8th instant from the Provincial Court of Circuit in the Western Division, submitting copies of the returns received from the Magistrate of Canara having reference to the Criminal Reports for March 1835 -

F. C. (Here enter No. 725) -

F. C.

Tuesday 19th May 1835.

At a Court of the Tanjadore Adalut -

Present,

John Bird Esqr. - - - - - - 2d Puisne Judge,

William Hudleston Esqr. - 3d Puisne Judge,

Read return dated the 28th Ultimo from the First Judge on Circuit in the Southern Division, to precept of the Court of Tanjadore Adalut under date the 26th March 1835, conveying their observations and orders on the Finnevelly Calendar for the first Sessions of 1835 -

(Here enter F. C. No. 658 of 1835)

Case No. 2. 1 The Court of Tanjadore Adalut fully concur with the 1st Judge on Circuit in his opinion, that "where a Prosecutor or a "witness' testimony is not completed on "the same day that it is commenced, the party "should sign it, and the Criminal Judge, "or authority before whom it is taken, attach "his signature"; and they deem it proper to direct the first Judge to make a communication to this effect to the Joint Criminal Judge of Tinnevelly -

Case No. 3 2 The Court of Tanjadore Adalut resolve to direct, that a copy of that portion of the Calendar which refers to Case No. 3.

of

of paras 7 and 8 of their proceedings under date the 26th March 1835. of para 3 of the 1st Judge's return under consideration; and of the translations of the depositions given before the Assistant Criminal Judge and the Court of Circuit by the Prisoner in this case, be furnished to the late Third Judge late on Circuit in the Southern Division, with instructions to submit without delay an explanation upon the subject.

Case No. 4. 3 In their proceedings under date the 26th March last, the Court of Tanjore Vaalt observed, that Clause Third Section IV Regulation XV of 1803, and not Clause Fourth of that Section and Regulation, quoted by the First Judge, was applicable to this case. In defence of his error, the first Judge in his present return, remarks, that "the following clause /Clause Fourth/ notwithstanding declares "that if any such violent attempt be made "so as to bring them within the provisions "contained in the preceding one they shall "be adjudged to suffer imprisonment &c. &c. "as the circumstance of the case may appear "to merit." and he "feels some difficulty in "reconciling these two provisions, for as he "views it, the latter clause in a measure "supersedes the operation of the preceding"

4 In the opinion of the Court of Tanjore

Tanjore Vaalut, the First Judge would have done well, if before hazarding such an assertion, he had referred to the clause in question, which relates to persons apprehended before they may have made any violent attempt, so as to bring them within the provisions of Clause Third -

5 Under all the circumstances of the case, the Court of Tanjore Vaalut resolve under Clause Third Section III Regulation I of 1825 to sanction the mitigated penalty recommended by the first Judge and accordingly sentence the Prisoners,

1st Morttoo,

2d Sevasoobramonyen,

and

3d Chinnasammy,

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.

Case No. 11. 6 In this case also the Court of Tanjore Vaalut resolve under the authority vested in them by Clause Third, Section III Regulation I of 1825 to sanction the mitigation of punishment recommended by the First Judge, and accordingly sentence the Prisoner,

"Boolo"

to be imprisoned and kept to hard labour in irons on

on the public roads or other public works for
during the period of seven years.

With regard to Case No 7 and
the transactions to which it refers, the Court
of Tanjore Zillah can only observe,
that if the statement of the Sheristadar that
the Assistant Judge have always kept the
key of the Treasury in his possession, and
he has always given it to the Sheriff when
occasion required be correct such a proceed-
ing is directly opposed to the order of the 9th Feby
1819 which expressly declare, that "the Register
(in this case the Assistant Judge) shall
keep the public money and securities
in an iron chest, secured by two locks of
different construction. The key of the one
lock shall be kept by the Register and
the key of the other lock shall be in charge
of the Sheriff, but the responsibility of the
Sheriff shall extend only to the ascertaining
of the goodness of all coin received into
the Court Treasury." That in supposing
that under the orders of Government the
Sheristadar is answerable for the amount
whether he embezzles it or not Mr. Sparkes
is obviously in error, and that in the part
of the preceding Assistant Judge the
circumstances attending this case exhibit
great, and reprehensible neglect. They

are

are constrained to add that from blame on
this account Mr. Sparkes is not exempt.

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

Sent following precept No. 548

Ordered further, that Copy of
para 2 of these proceedings together with
the documents therein referred to, be sent
to the late 3rd Judge late on Circuit in the
Southern Division by precept returnable
within 5 days from and after its receipt.

Sent following precept No. 549

Read return dated the 12th
Instant from the First Judge of the Provincial
Court of Circuit in the Centre Division
to precept of the Court of Tanjore Zillah
under date the 5th Instant, conveying
their observations and orders on the Chittoor
Calendar for the second Quarter Sessions
of 1835.

(Here enter S.C. No. 721 of 1835.)

Accompanying the above
Return is an explanation submitted by
the late Acting Criminal Judge of Chittoor
to the effect, that "the eighteen cases alluded
to" by the Tanjore Zillah in their proceed-
ings of the 5th Instant "were investigated
before

"before the late Acting Second Judge of the "Court of Circuit and were disposed of by "that authority."

2. The Court of Sanjdaree Adalut observe that under these circumstances, the Acting Criminal Judge should not have allowed the Cases in question to appear in the Criminal Reports for March as undisposed of.-

Ordered, that Extract from these proceedings be sent to the first Judge of the Provincial Court of Circuit in the Centre Division, for the purpose of being communicated to the late Acting Criminal Judge.-

/Sent following letter No. 550

Read letter dated the 12th Instant from the First Judge of the Provincial Court of Circuit in the Centre Division, recommending a mitigation of the punishment to which the Prisoner convicted in case No. 2 on the Chittoor Calendar for the second Quarter Sessions of 1835 of Burglary and Theft has rendered himself liable.-

/Here enter F.C. No. 722. of 1835/

The Court of Sanjearee Adalut having maturely considered all the circumstances of this Case, as they appear in abstract on the Calendar, together with the

the representations of the First Judge, sanctions under the authority vested in them by Clause Third Section III Regulation I of 1825 the mitigated punishment recommended by that Officer and accordingly sentence the Prisoner,

"Chinna Dawsary"

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.-

Ordered, that Extract from these proceedings be sent to the First Judge of the Provincial Court of Circuit in the Centre Division by Precept returnable within two days from and after its receipt.-

/Sent following precept No. 551

Read return dated the 15th Instant from the late Third Judge late on Circuit in the Southern Division to precept of the Court of Sanjdaree Adalut under date the 20th March 1835, requiring him to instruct the Magistrate of Coimbatore to institute an immediate inquiry, with the view of ascertaining the correctness or otherwise, of the statement of the Prosecutor in Case No. 1 on the Salem Calendar for the Second Sessions of 1834, touching the

the escape of the Prisoner Poojaury Tandavan, and to report, whether or not there are grounds for imputing to the Head of Police of Ande- -yoor connivance at the escape of that Individual, and whether, any and what steps have been taken to effect his reap- -prehension.-

/Here enter P.C. No. 727 of 1835./

The Court of Tanjore Zealut consider the explanation of the Magistrate /submitted with the above Return/ respecting the conduct of the Head of Police of Andeyoor, to be satisfactory.-

2 The Magistrate reports, that a descriptive roll of the Individual who escaped was sent to the Tasildars of the adjacent Talooks, and the Village Police of the Talook were required to use every exertion to apprehend him. As yet nothing has been heard of him, and it appears desira- -ble to issue a proclamation for the ap- -prehension of the Offender, and the Magistrate requires that sanction may be given to offer a reward of 200 Rupees for the purpose."-

3 Considering the apprehension of the absconded Individual to be highly desirable, the Court of Tanjore Zealut resolve, in virtue of the authority vested

in them by Section XXI Regulation IX of 1816 to sanction the offer of a Reward of Rupees 200/ two hundred payable under the provisions of Section VI Regulation I of 1818 on the delivery of the said Poojaury Tandavan to the Magistrate of Coimbatore, or to the Magistrate in whose jurisdiction he may be apprehended.-

Ordered, that Extract from these proceedings be sent to the Magistrate of Coimbatore for his information and guidance.

/Sent following letter No. 552

Read letter dated the 9th Instant from the Provincial Court of Circuit in the Northern Division, transmitting the Crimi- -nal Reports forwarded by the Native Criminal Judge of Vizagapatam prescribed by Section XXXV. Regulation X of 1816 for the Month of April 1835.

/Here enter No. 712./

Report Case 18. 1 The detention of the Prisoners in this case in the Talook from the 22d March to the 6th April, has not in the opinion of the Court of Tanjore Zealut been satis- -factorily explained by the Head of Police of Chodavaram who forwarded it. The Pro- -vincial Court of Circuit will transmit to the Magistrate for his information a copy of this Paragraph and of the case as it stands in the Report.-

Supt. Report. 2
Case 17.
Prisoners.
1st Cundaity Ackiah
2d Bantoo Chinni-gandoo.
3d Calandoh. Buamaranze
4th Bantoo Appe-gandoo.

The Court of Sujdaree Adawlut on consideration of the circumstances of this case as stated on the Report, are not altogether satisfied of the propriety of the manner in which it is disposed of, they accordingly resolve to direct the Provincial Court of Circuit to call up the proceedings, and report to this Court whether or not, the case has been sufficiently investigated.-

Ordered, that Extract of these proceedings be sent to the Provincial Court of Circuit on the Northern Division for their information and guidance by Precept returnable in 20 days after receipt.-

(Sent following precept No. 553)

Read the Criminal Reports prescribed by Section XXXV Regulation X of 1816 transmitted by the Acting Joint Criminal Judge of Malabar for April 1835.

(Here enter No. 717.)

Report V
Case 37.

The Court perceive, that the Prisoner in this case having been committed by the Acting Joint Criminal Judge has merely stated that he has been committed on the evidence of witnesses, and accordingly desire that it may be pointed out to him, that a concise note of the grounds of the order or sentence in each case is to be entered in the Criminal Reports with a

a view to enable the Court to judge of the propriety of the disposal of it.-

Ordered, that Extract of these proceedings be sent to the Acting Joint Criminal Judge of Malabar for his information and future guidance.-

(Sent following letter No. 534)-

Extd.

At a Court of the Tonjdaree Udalut.

Present,

Wednesday, 20th. May, 1835.

The Honorable William Oliver Esqre. Chief Judge.
John Bird Esqre. - - - - - 2d. Puisne Judge.
William Hudleston Esqre. 3d. Puisne Judge.

Read letter dated 28th. November 1834 from the First Judge late on Circuit in the Northern Division, transmitting the record in Case No. 22 on the Nellore Calendar 2d. Sessions of 1834.

(Here enter No. 626.)

Mr. Bird.

The Court of Tonjdaree 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 Tonjdaree Udalut, confirm such part of the said Futwa of the Cazee ool Coozat and Mooftee aforesaid, as acquits the Prisoners,

2d. Chavoory Wobooloo

3d. Thia Banjeadoo

and

4th. Condoacoory Chinna Addy,

and accordingly direct that they be set at liberty.

And being of opinion that the proof against the Prisoners,

5th. Darlah Akkiah,

and

and

7th "Chavoory Canasee Setchunee"

is sufficient to convict them of the crime of receiving stolen property, knowing that the same had been stolen, the Court do, under the authority with which they are vested by Clause First, 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 Second, Section IV Regulation VII of 1822, sentence the said Prisoner,

5th "Earlah Akkal"

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 the Prisoner,

7th "Chavoory Canasee Setchunee"

to be imprisoned and kept to labour suitable to her sex, without irons, for and during the period of (1) one year.

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

1st "Chavoory Rammoodoo,"

is sufficient to convict him of the crime of Housebreaking and that the Court do, under the authority with which they are vested by Clause First, Section V Regulation VIII of 1831 and Clause First Section

II

II Regulation I of 1818 convict him thereof, and under the provisions of Clause Second of the latter Section and Regulation, direct their Law Officers to declare by a Second Futwa to what sentence the Prisoner aforesaid would be liable, if convicted by full legal evidence of that crime.-

Answer.

In the event of the Prisoner abovementioned being convicted by the evidence of credible witnesses of the crime aforesaid, he would be liable to amputation of the right hand and left foot.

In commutation of the penalty of Hudd declared in the foregoing Futwa, and under the provisions of Clause First Section V Regulation VIII of 1831, and Section XXI Regulation VII of 1802, and Clause Second Section VI Regulation I of 1825, the Court of Fouzdaree Adaulut sentence the Prisoner,

1st "Chavoory Rammoodoo,"

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 in Jail 557

Read letter dated 25th Ultimo from the Acting Second Judge of the Provincial

F. C.

20th May 1835

Provincial Court of Circuit in the Northern Division, transmitting the Calendar of the Masulipatam Auciliary Court for the 2d Quarterly Sessions of 1835, and the record in Case No. 2 of the said Calendar.-

(Here enter No. 642.)

Mr. Bird.
and
Mr. Ludekeston.

The Court of Sayjaree 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,

"Vakadootoo Moonah."

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 XII 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 in No. 558

Read again letter dated 19th March last, from the First Judge on Circuit in the Southern

F. C.

20th May 1835.-

Southern Division, transmitting the record in Case No. 17 on the Madura Calendar 1st Sessions of 1835.-

(Here enter No. 452.)

Read also return dated the 7th Instant, from the First Judge on Circuit in the Southern Division, to precept of the Sayjaree Adalut dated 7th April last directing him to cause the Acting Criminal Judge of Madura to take the evidence of any of the relations and neighbours &c. of the Prisoner in Case No. 17 Madura Calendar 1st Sessions 1835 regarding his demeanor and to annex it to the record of the Proceedings.-

(Here enter No. 680.)

Mr. Oliver
&
Mr. Bird.

The Court of Sayjaree Adalut having maturely considered the proceedings held before the Judge on Circuit, the Tuhwa of the Provincial Law Officer and the Tuhwa of the Cazee wal Coozat and Mooftee of the Sayjaree Adalut, confirm the said Tuhwa of the Cazee wal Coozat and Mooftee aforesaid, convicting the Prisoner,

"Curpanun, alias Mootoo curpen"

of wilful Murder and awarding Nissaar, and under the provisions of Section X. Regulation VIII of 1802. Sentence him to

20th May 1835

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

/Sent in No. 559/

Read letter date 7th Instant, from the Acting 3d Judge on Circuit in the Northern Division, transmitting the record in Case No. 1 on the Calendar of the Zillah of Masulipatam 4th Quarterly Sessions of 1834-

/Here enter No. 707./

Mr. Bird. The Court of Sunjaree 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 "Terrapenthoony Kanoomantayoo,"

2d "D. Subbanabhoodoo,"

and

3d "D. Venkanah,"

is sufficient to convict them of the crime of Gang Robbery by open violence, &c. under the authority with which they are vested by Clause First, 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

20th May 1835 irons on the public roads or other public works for and during the period of /7/ Seven years.-

/Sent in No. 560

Read letter dated 1st Instant from the Provincial Court of Circuit in the Southern Division transmitting the Criminal Reports from the several Criminal and Joint Criminal Courts of the Division

/Here enter No. 708./

Read the Criminal Reports prescribed by Section XXXV Regulation X of 1816 transmitted by the Criminal Judge of Salem for April 1835.

Report V Case 41. No explanation of the detention of the 1st Prisoner from the 6th February to the 7th March, is far from being satisfactory to the Court of Sunjaree Adalut, who direct, that the attention of the Magistrate be particularly required to the Circular Order 28th November 1834 - In cases of this nature, an explanation as to the propriety or otherwise of the reference should always be furnished to the Criminal Court to be entered in the Criminal Reports. It is remarked, that the Police Officer detained the 1st Prisoner from the 19th February to 7th March on his own responsibility, the order of the Sub-Collector to forward the

to

to the Court having been sent on the former occ
(19th February).

Case 45 2

The detention of the Prisoner in
this Case from the 28th. February to the 8th. March
requires explanation.

Case 48. 3

In this Case also a delay of
10 days occurred, in consequence of a reference
to the Magistrate which, without explanation
appears to have been quite unnecessary.

Case 51. 4

An explanation of the detention
of the 5 Prisoners from the 15th. to the 24th.
March is omitted in the Report and should
now be furnished.

5

The Criminal Judge will
furnish copy of the Cases 41, 45, 48, and 51
to the Magistrate, as well as copy of the
paragraphs relating to them, and the
Magistrate will furnish the requisite
explanations direct to this Court, within 21
days after receipt of this order.

6

The Criminal Judge will
explain, whether the 19 extra Peons entertained by him throughout the month were
exclusively for the 53 Prisoners "mentioned
outside the Gaol", as it seems the Allowance
proportion under the Circular Order of 13th
March 1835.

Ordered that Extract of these
proceedings be sent to the Criminal Judge

at Salem for his information and guidance by
precept returnable in 8 days after receipt.
(Sent following precept No. 581

Read the Criminal Reports
prescribed by Section XXXV Regulation X
of 1816 transmitted by the Acting Criminal
Judge of Combaconum for the month of March
1835.

Suspd. Report
Case 34. In this case, the first seven-
teen Prisoners are committed on the grounds
of the evidence adduced. The Court of Sanjavare
Adalut direct, that it be pointed out to the
Assistant Criminal Judge who disposed
of the case that, in the Criminal Reports,
a concise note of the grounds of the order or
sentence in each case is required, and that
it should be sufficiently explicit to enable
the Court of Sanjavare Adalut to judge,
whether or not the Prisoners have been
correctly disposed of.

Ordered, that Extract of these
proceedings be sent to the Acting Criminal
Judge at Combaconum for his information
and guidance by Receipt, returnable in
5 days after receipt.

(Sent following precept No. 582

Read the Madura Criminal
Reports prescribed by Section XXXV Regu-
lation X of 1816 for March 1835.

The

F. 41.

20th May 1835

Suppl. Report 1.

Case 27.

The Acting Criminal Judge being of opinion, that bail should be taken in the instance of the Prisoner in this case, he will make special application to the Court of Circuit for instructions.-

Report No. V 2

Case 29.

The reasons assigned for the detention of these Prisoners in the Talook are not satisfactory, nor is the object of the reference to the Magistrate apparent. The Prisoners were charged with high-way robbery, and apprehended, the 1st and 2nd on the 14th, and the 3rd on the 29th of January: but did not leave the Talook till the 24th of February. In cases of this description it is always expected that the Magistrate, bearing in mind the Circular Order of the 28th November 1834, will forward to the Criminal Court an explanation touching the delay and reference to be inserted in the Criminal Report. In the absence of such explanation, the proceedings in the Talook are always exposed to the probability of censure being recorded upon them. The Acting Criminal Judge will furnish the Magistrate with copy of this paragraph of the case as it stands in the Report for his information.-

Cases 31. 32.

3

The Prisoners in these cases stated to have been "remanded" by the District Moonsiff

F. 41.

20th May 1835.

Moonsiff of Nassommundalum by order of the Criminal Court, appear to have been detained in the Talook from the 15th February to the 11th March. The Acting Criminal Judge will explain all the circumstances of the cases for the information of the Court of Sessions Vaalut.-

Case 33.

4

The entry in the column of "arrival" in this case "17th March", taken in connection with the explanation, that this was received by the Assistant Criminal Judge on the 26th requires to be explained by the Acting Criminal Judge.-

Ordered, that Extract of these proceedings be sent to the Acting Criminal Judge of Madura for his information and guidance by precept, returnable in 12 days after receipt.-

Sent following precept No. 563

Read the Criminal Reports prescribed by Section XXXV Regulation X 1816 transmitted by the Joint Criminal Judge at Tinnevelly for March 1835.

Suppl. Report 1

Cases 6.7.9.

The Prisoner in these cases appears to have been sentenced in case No. 2. and now again to a further period of imprisonment on the expiration of the first sentence. The several charges against the Prisoner having been before the

the Joint Criminal Court at the same time they should all have been considered and disposed of together; and a single sentence passed. This mode of proceeding the Joint Criminal Judge will find pointed out in the Circular Order 28th October 1823. and he will now cancel the present sentences, and pass a fresh sentence to the extent he may consider just. taking into consideration the period the Prisoner has been already in confinement. He will report the sentence he may pass under these orders to this Court.-

2 It is observed that the entry of arrival and leaving the Talook in case 9, differs from that in cases 6 & 7. an error, which, it is concluded, must be clerical.-

Ordered that Extract of these proceedings be sent to the Joint Criminal Judge at Tinnevelly for his information and guidance by Precept returnable in 8 days after receipt.-

Sent following precept No. 504

Read the Criminal Report prescribed by Section XXXV Regulation X of 1816 transmitted by the Acting Joint Criminal Judge of Coimbatore for March 1835.-

The two first Prisoners in this
1
case, apprehended on the 9th February and 5th
March respectively do not appear to have
left the Talook, till the 13th March and no
reasons being given in the Report the
Magistrate will explain the cause of this
detention. For this purpose, the Acting
Joint Criminal Judge will transmit to
him copy of the case as it stands in the
Report and of this paragraph and the
Magistrate will forward the explanation
direct to this Court within 10 days after
receipt of this order.-

With reference to the observa-
2
tions at the conclusion of the Acting Joint
Criminal Judge's letter, which accompanies
these reports to the Provincial Court of
Circuit the Court of Sudder Adawlut
direct, that it be pointed out to him that
the difficulty he experiences in regard
to the employment and discharge of
Extra Peons according as the number of
Prisoners fluctuates is met and provided
for in Circular Order No. 18, dated 18th
September 1834.-

Ordered, that Extract of
these proceedings be sent to the Acting
Joint Criminal Judge of Coimbatore
by Precept, returnable in 6 days after
receipt

20th May 1835.

receipt.-

Sent following precept No. 585

Read return dated 28th Ultimo from the 1st Judge in the absence of the Acting 2nd Judge late on Circuit in the Northern Division, to precept of the 22nd January last requiring him to instruct the Magistrate of Guntoor, to carry the order of Government into effect by publicly bestowing upon each of the two persons, Veeranna and Venkiah, the sum of 70 Rupees as a reward from Government for their meritorious conduct on the occasion of the attack of the Prosecutor's house by a Gang of Robbers.-

(Here enter No. 643.)

Read Report from the Acting Joint Criminal Judge of the Auxiliary Court at Tellicherry of casualties and of Prisoners released in the Jail at Cannanore, & a Statement shewing the number of Prisoners in that Jail specifying the manner in which the convicts were employed during the month of April 1835.-

(Here enter No. 738.)

W.

F. 16.

Friday 22nd May 1835.

JB

At a Court of the Foujdary Udalut.

Present,

John Bird Esqre. ..... 2nd Puisne Judge

William Rudleston Esqre. ..... 3d Puisne Judge.-

Read letter, dated 5th Instant from the Additional Judge on Circuit in the Northern Division, transmitting the Record of Proceedings in Case No. 11 on the Chicacole Calendar for the 2nd Sessions of 1834.-

(Here enter No. 706.)

Mr. Bird and Mr. Rudleston.

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, confirm the said Futwa of the Cazee ool Coozat and Mooftee aforesaid, and under the provisions of Clause Third Section VII and Clause Third, Section VIII Regulation XV of 1803, sentence the prisoner

"Cumbara Apparoydoo"

to be banished to the district of Chingleput, 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 ten (10) years.-

(Sent following letter No. 570

F. U.
22nd May 1835

Read return by Provincial Court of Circuit Western Division dated the 7th Instant to Precept of the Court of Foujdary Udalut of the 23d April 1835 conveying their observations and orders on the Annual Reports of the Division for February last.

Malabar Jt. Ct. Court Report II Case 13.

(Here enter No. 723

1 The Provincial Court of Circuit, having received the explanation requisite to enable them to judge of the propriety of directing the commitment, in the case noted in the margin to be cancelled, have issued orders to that effect - there was not evidence it appears to prove that the prisoners knew that the property, (they were charged with receiving knowing it to be stolen) had been obtained in housebreaking -

2 The Court of Foujdary Udalut approve of the orders of the Provincial Court of Circuit on the case in question -

Ordered, that Extract of these proceedings be sent to the Provincial Court of Circuit in the Western Division for their information -

(Sent in No. 571

Read Supplemental Return dated 8th May from the Additional Judge in Circuit in the Northern Division to Precept of the 11th April last calling for the Statement of trials

F. U.
22nd May 1835

trials required by the Circular Order No. 4 for the last 1/2 of 1834 -

(Here enter No. 715)

1 The Court of Foujdary Udalut perceiving that certain trials have been entered in the above Statement, which were dispatched subsequent to the close of the year 1834, deem it proper to intimate to the Additional Judge, that the Statement in question having reference only to trials submitted within the half year should not have exhibited those which were forwarded after the 31st December -

2 The trials dispatched since the 31st December should be entered in the Statement to be forwarded for the 1st 1/2 of 1835 -

Ordered, that Extract of these proceedings be sent to the Additional Judge for his information -

(Sent in No. 572

Read returns dated the 23d Ultimo, to the precepts of the Foujdary Udalut of the 15th November last, and 14th Ultimo, directing the Provincial Court of Circuit Northern Division to take measures for prosecuting a full enquiry, into the cases Nos. 80-81-, and 82 of 1834 Criminal Court Rajahmundry -

(Here enter Nos. 1503 of 1834 & 676, 677 of 1835)

The

1 The Provincial Court submit with the foregoing returns, translation of the original proceedings held in the cases in question, with the respective Minutes of the 1st & Acting 2nd Judges.-

2 Before they proceed to consider these papers, the Court deem it incumbent upon them to notice with strong disapprobation, the length of time which has been permitted to elapse, before any steps were taken for fulfilling the orders of the Foujdary Udalut.- The Minute of the Acting 2nd Judge, recording his sentiments, with reference to the proceedings of this Court of the 15th November last, bears date the 7th March last, and that of the 1st Judge the 20th of April,- considering the great importance of the matter referred to them, and the necessity which existed for prompt — and decisive measures to give any prospect of a satisfactory enquiry, it was of the first consequence that no time should have been lost in the issue of the necessary orders.- But in lieu of this, the Provincial Court of Circuit have allowed a period of five months to pass, and have only then referred the subject again to the Foujdary Udalut for their consideration and final orders.-

3 Upon a full review of the proceedings, and of the whole of the matter laid before them, it appears to the Court

Court certain, that the homicides brought under the cognizance of the Criminal Court in Nos. 80 and 81. were committed, and that the parties concerned have not yet been brought to due trial.-

4 The Court consider the Acting Criminal Judge warranted in dismissing these charges upon the evidence adduced before him, and they concur with the 1st Judge in the opinion he has recorded on No. 80, that "it is by "no means clear, in what manner the deceased Chuneegaun "came by his death," and that it is both "uncertain, when "and by whom."-

5 They also agree with him, that the circumstances to which he has alluded in para 19 of his minute throw suspicion over the whole of the evidence for the prosecution in No. 81, and fully justified the Acting Criminal Judge in the release of the prisoners.

6 The Acting Criminal Judges conduct is chiefly blameable in his omission, to call at the time for the additional evidence easily obtainable, and in resting satisfied with the imperfect, and insufficient enquiry made into the cases at the time he directed the discharge of the accused.- The Court are utterly at a loss to understand, upon what the opinion advanced by him, "that it is probable that he

he (Gowtah Sawmy) the person alleged in the charge in Art. 82 to have been murdered, has absconded" is loaded, as it was distinctly affirmed, that this person's corpse had been taken to the Magistrate at Cocanada, and there examined by a 'Doctor'; whether an European or Native Medical Officer does not appear, but the fact itself was readily ascertainable, and the neglect to determine this point affords a striking proof of the imperfect manner in which these cases have hitherto been investigated.-

7 In their proceedings of the 15th November last, the Court of Foujdary Adalut placed on record their opinion, that the Magistrate had "acted not only unjustly "but illegally," and this opinion is confirmed by all that is now before them: they consider his proceedings as exhibited in Case No. 82 altogether indefensible- He appears to have assumed cognizance of a matter wholly beyond his jurisdiction, and there can be little doubt, that his unwarrantable interference by his order for depriving Rakeloopoy Sattiah (a female of rank and —— respectability) of the property in her possession led to the homicides- under consideration, and they deem him personally responsible for the injury Rakeloopoy Sattiah may have sustained on her property-

Though

8 Though the Court, equally with the 1st Judge of the Provincial Court of Circuit, are not sanguine that the mystery which hangs over these cases can be fully cleared away at this late date, there can in their judgment be no question, that further enquiry is necessary for the ends of justice- and they accordingly resolve to direct, that this enquiry shall be immediately prosecuted by the Magistrate in person- They trust that this Officer, whether Mr. Crawley or his successor, will make the most strenuous exertions to sift these cases thoroughly-

9 He will specify particularly, and take evidence as to the extent, and nature of the wounds, and from full and careful investigation on the spot, ascertain the precise circumstances, whether in a general affray, or otherwise, of the death both of Chimeegaudoo and Gowtah Sawmy- He will be careful to ascertain, if possible, not only by whom the mortal blows or wounds were inflicted, but also, under whose immediate orders the persons who committed the homicide were at the time acting-

10 The Court further direct that the Provincial Court of Circuit furnish the late Magistrate with copies of the proceedings of the Acting 2nd Judge under date 16th June last, from paras 34 to 37 inclusive, and desire

him

him to report, with reference to the orders of the Foujdary Udalut in para 9 of these proceedings, the nature of the medical examinations made, and the circumstances which then occurred.

11 The Provincial Court of Circuit will also issue the instructions proposed by the 1st Judge in para 23 of his Minute.

12 It becomes the duty of the Court of Foujdary Udalut in closing these proceedings, to bring to the notice of Government under the provisions of Clause third Section XII Regulation IX of 1816 the conduct of the late Magistrate of Rajahmundry.

13 In their proceedings of the 15th November last the Foujdary Udalut referring to Case No. 82, and to the orders issued by Mr. Crawley for the transfer of certain property from Kakerlapoody Seetiah, observed, that "as Collector he could not interfere with possession except "by reference to a punchayet, and as Magistrate it was his duty "to maintain the party in peaceable possession until the "dispute was settled by a competent tribunal".

14 Mr. Crawleys' orders are stated by the Acting 2nd Judge of Circuit in his proceedings of the 16th June last to have been first, (see paras 9-10-12-13 and 15) for the delivery to one Cauly Appiah on renter of Dautla Seetiah, of certain land, then in the possession of Kakerlapoody Seetiah, who claimed it as her lawful inheritance, - and secondly, for the delivery to the said Cauly Appiah (see paras 19 and 20) of certain grain, the alleged produce of the same land, stored in Kakerlapoody Seetiahs house - this last order is accompanied with instructions, that if the demand for the grain was not attended to, the parties charged with the execution of the Collectors orders, were "to enter the house and give all the beaten and unbeaten grain to Appiah which grew upon his land".

15 It is needless for the Foujdary Udalut to comment upon these orders. The Collector and Magistrate appears altogether to have lost sight of the bounds of his lawful authority, and his conduct is the less excusable, as he had before him both reports from his Police officer, and petitions from Kakerlapoody Seetiah, setting forth her claims and right to the property, and praying that the decision might be left, as it ought to have been, to the Courts of Law.

16 The only explanation the Magistrate has yet offered is that in one of the orders complained of that,

that, of the 17th July 1832, a material part must have been "surreptitiously introduced." But as his subsequent orders of the 4th August and the 6th September are to the same effect, and contain directions of the same nature, with those in the order of the 17th July, it does not appear to the Foujdary Adalut that this circumstance, at all relieves him from responsibility.—

17 His proceedings however are not only censurable, as unjust and illegal in their origin; but the Court view his subsequent conduct and orders in support of them, in a still more unfavorable light. It appears that when a report was made to him, that two persons were killed and two wounded in carrying his orders into execution, and the body of one of the individuals slain brought before him, he not only failed to make any personal investigation into the circumstances, but even issued instructions, in one of the cases of homicide, to stay proceedings against the accused; if it should be found that the deceased "had been "killed resisting the Circar's orders". Thus in his capacity of Magistrate, protecting and sheltering persons, who had acted under his orders as Collector, from all enquiry and responsibility for their acts, amounting even to homicide—

18 The Court can perceive nothing in all that has

has come before them, excepting the contrition he has expressed, and the favorable notice of his subsequent proceedings contained in the 14th Para of Mr. Waters's letter of the 15th of October last which can palliate the Magistrates conduct; and viewing his whole proceedings as subversive of the administration of justice, and calculated deeply to injure the Government in the estimation of the people, they have considered it to be their duty to submit the proceedings of the Court of Circuit, the Provincial Court of Circuit and the Foujdary Adalut, for the consideration of the Right Honorable the Governor in Council—

× 15th October 1834
+ 23d April 1835
* 15th November 1834

Ordered, that Extract from these Proceedings together with copies of the papers therein referred to, be sent to the Secretary to Government in the Judicial Department to be laid before the Right Honorable the Governor in Council.

(Sent following letter No. 573

Ordered also, that Extract from these proceedings be sent to the Provincial Court of Circuit in the Northern Division for their information and guidance to be communicated without delay to the Magistrate of Rajahmundry for his guidance.—

(Sent in No. 574

Read letter dated the 7th Instant from the Additional Judge of the Provincial Court of Circuit in

22nd May 1835

in the Northern Division, forwarding a Plan of the Fort of Palacondah for the record in No. 11 Chicacole Calendar 2nd Sessions of 1834.—

4th J.

(Here enter No. 702.)—

At a Court of the Foujdaree Udalut

Present

Saturday 23d. May 1835. John Bird Esqre. ——— 2d. Puisne Judge

William Hudleston Esqre. ——— 3d. Puisne Judge

Read the Criminal Reports prescribed by Section XXXV. Regulation X of 1816 transmitted by the acting Criminal Judge at Rajahmundry for April 1835.—

(Here enter No. 705.)

Suppl. Report Case 14.

1 The Prisoner in this case, a Police Peon, convicted of "gross & culpable neglect" whereby a prisoner effected his escape, has been sentenced by the acting Criminal Judge under "Clause 1st. Section II Regulation VIII of 1832" which the Court conclude to be a clerical error for Clause 1st. Section XI Regulation XIII of 1832 which is the provision of the Law that ought to have been quoted.—

Case 18

2 The prisoner in this case was charged with "highway robbery", and the acting Criminal Judge, stating his opinion that the offence proved did not amount to Robbery, and taking that of the Law Officer (which

(which was, that the offence amounted only to a small theft,) has sentenced the prisoner under Section VII Regulation X of 1816 to 3 months imprisonment with hard labor,- It is specified in the Report that "the prosecutors property was taken from him by the prisoner" who "had no offensive weapon in his hand and did not commit the Robbery when in a gang & used no violence",- but at the same time the Acting Criminal Judge has omitted to enter in the Report the mode in which the theft was committed, or whether intimedation was used to effect it.- Without an explanation on this point, the Court of Foujdaree Udalut cannot determine as to the case having been disposed of properly, and the Acting Criminal Judge will accordingly furnish the requisite information without delay.- The Acting Criminal Judge will at the same time forward copies of the orders of the 7th September 1829 and 28th February 1825, to which he refers in this case-

Ordered

Ordered that Extract of these proceedings be sent to the Acting Criminal Judge of Rajahmundry for his information & guidance by Precept returnable in 10 days after receipt-

(Sent following Precept No. 575)

Read letter dated the 11th instant from the Acting Joint Criminal Judge at Cuddalore transmitting the Criminal Reports prescribed by Section XXXV Regulation X 1816 for the Month of April-

(Here enter No. 716.)

Report V Case 32. 1 If the Acting Joint Criminal Judge has not already communicated to the Magistrate the circumstance of this case having been erroneously forwarded to his Court, he will furnish on receipt of these orders copy of the case as it stands in the Report and of this paragraph, & the Magistrate will issue instructions to the Head of Police to avoid the error in future in trivial cases of assault.-

Case 37 2 In this case, as well as in others

in

F. C.
23d. May 1835

in the Report, the grounds of commitment are not entered, and the Court of Foujdaree Udalut accordingly direct, that it be pointed out to the acting Joint Criminal Judge, that, to enable them to satisfy themselves of the propriety, or otherwise of the disposal of the prisoners, they have ruled it to be necessary, that in each case in the Criminal Reports a concise but distinct note of the grounds of the order, or sentence is to be inserted.—

Case 40. 3 No explanation having been given, agreeably to the Circular Order 8th. February 1830, of the detention of the prisoner in the Talook from the 25th. March to the 7th. April — the Court of Foujdaree Udalut direct that it be now called for. The acting Joint Criminal Judge will accordingly furnish the Magistrate with copy of this case as it stands in the Report and of this paragraph, and the Magistrate will forward the explanation direct to this Court in 8 days after receipt of this order.

Ordered, that Extract of these proceedings be sent to the acting Joint Criminal Judge of Cuddalore for his information and

F. C.
23d. May 1835.

guidance by Precept returnable in 8 days after receipt.—

(Sent following Precept No. 576)

Read the Criminal Reports prescribed by Section XXXV Regulation X 1816 transmitted by the Native Criminal Judge at Cumbum for the month of April 1835.

(Here enter No. 718.)

Suppl. Report Cases 12 & 13.

The Court of Foujdaree Udalut perceiving, that the Native Criminal Judge has entered in his orders for the requisition of security from certain prisoners in these cases, that they are to be "imprisoned with hard labour" in default of finding security, direct that his attention be called to Clause 1st. Section XIII Regulation VII 1827, and that he be required to amend the orders in question accordingly, as "hard labour" cannot be adjudged under that provision of the law.—

2 The abstract attached to the Report is incorrect, as the 8 persons indicated therein as having been punished were not sentenced but ordered to find security. The

Native

in the Report, the grounds of commitment are not entered, and the Court of Foujdaree Udalut accordingly direct, that it be pointed out to the acting Joint Criminal Judge, that, to enable them to satisfy themselves of the propriety, or otherwise of the disposal of the prisoners, they have ruled it to be necessary, that in each case in the Criminal Reports a concise but distinct note of the grounds of the order, or, sentence is to be inserted.—

Case 40. 3 No explanation having been given, agreeably to the Circular Order 8th. February 1830, of the detention of the prisoner in the Talook from the 25th. March to the 7th. April — the Court of Foujdaree Udalut direct that it be now called for. The acting Joint Criminal Judge will accordingly furnish the Magistrate with copy of this case as it stands in the Report and of this paragraph, and the Magistrate will forward the explanation direct to this Court in 8 days after receipt of this order.—

Ordered, that Extract of these proceedings be sent to the acting Joint Criminal Judge of Cuddalore for his information and

and guidance by Precept returnable in 8 days after receipt.—

(Sent following Precept No. 576)

Read the Criminal Reports prescribed by Section XXXV Regulation X 1816 transmitted by the Native Criminal Judge at Cumbum for the month of April 1835.

(Here enter No. 718.)

Suppl. Report Cases 1243. 1 The Court of Foujdaree Udalut perceiving, that the Native Criminal Judge has entered in his orders for the requisition of security from certain prisoners in these cases, that they are to be "imprisoned with hard labour" "in default of finding security," direct that his attention be called to Clause 1st. Section XIII Regulation VI 1827, and that he be required to amend the orders in question accordingly, as "hard labour" cannot be adjudged under that provision of the law.—

2 The abstract attached to the Report is incorrect, as the 8 persons indicated therein as having been punished were not sentenced but ordered to find security. The

Native

Native Criminal Judge will observe in future that the prisoners are properly entered in the abstracts attached to the Criminal Reports.—

Ordered that Extract of these proceedings be sent thro' the Criminal Court of Cuddapah to the Native Criminal Judge by Precept returnable in 5 days after receipt.—

(Sent following Precept No. 577)

Read letter dated the 9th instant from the Criminal Judge of Malabar transmitting the Criminal Reports prescribed by Section XXXV Regulation X of 1816 for the month of april—

(Here enter No. 732.)

Suppl. Report Case 110. 1 With reference to the entry in the Report "The prisoners confessed neither in the Talook nor in the Court— no proof whatever is forthcoming against them": the Court of Foujdaree Udalut, direct that if the Criminal Judge has not already, under Circular Order 21st May 1823 communicated the circumstance to the Magistrate he will do so on receipt of these orders—

Case 111 2 The 1st Prisoner in this case is

is stated to have been held to security in case No. 103 of 1835, and the Court of Foujdaree Udalut accordingly desire to be informed, whether or not the penalty of the bond has been exacted from the sureties as required by Circular Order 4th May 1831—

Report V Case 131. 3 The extent of the "wounding" with which the prisoner in this case was charged should have been stated in the Report, the circumstance of the party wounded being caught in adultery would not have brought the case within the cognizance of the Criminal Court, if the wounding had been severe. The prisoner having been released nothing further is required to be done in the present instance, but the Criminal Judge will bear the observation in mind if a similar case is brought before him—

4 The Court do not find the statement of Batta to Prosecutors & witnesses with the Criminal Judge's reports— if it is not blank, he will transmit it with his

his return—

Ordered that Extract of these proceedings be sent to the Criminal Judge of Malabar for his information & guidance by Precept returnable in 8 days after receipt

(Sent following Precept No. 578)

Read letter dated the 6th. instant from the Acting Joint Criminal Judge of Canara transmitting the Criminal Reports prescribed by Section XXXV Regulation X of 1816 for the month of April—

Report V Cases 17 & 18. (Here enter No. 733.)

The prisoner in these cases was detained in the Talook from the 18th. to the 30th. March in consequence of a reference to the Magistrate. In cases where this delay occurs, the Court of Foujdaree Udalut always expect that an explanation of the cause will be furnished when the case is forwarded: and that it will be added in the Report for their information. In bringing the Circular order of the 28th. November 1834 on this subject to the Notice of the Magistrate, the Court of Foujdaree

Foujdaree Udalut direct, that he will communicate to his subordinate officers the instructions now given. The Acting Joint Criminal Judge will transmit to the Magistrate a copy of these cases as they stand in the Report of this paragraph—

17 & 18 also

The Court observe that the Sudr Ameen has passed distinct sentences in these two cases, a proceeding opposed to the Circular Order 28th. October 1823 to which the attention of the Acting Joint Criminal Judge is directed, who should have overruled the sentences in question. The first sentence having expired nothing can now be done but in future similar cases, the Acting Joint Criminal Judge will require the Sudr Ameen to follow the course prescribed by the Circular Order above alluded to, and examining the several charges against a prisoner pass a single sentence:— a case of escape alone stands an exception to the rule—

Case 20. The prisoner in this case having been detained in the Talook from the 16th. March to

to 1st. April, the Assistant Magistrate ought, under the Circular Order 8th. February 1830, to have given an explanation of the cause. — The Court of Poydaree Udalut still expect it for the explanation in the Report "it appears he was detained under Civil authorities" is not intelligible. The acting Joint Criminal Judge will furnish the Magistrate with copy of this case as it stands in the Report and of this para, and the Magistrate will forward the explanation direct to the Court of Poydaree Udalut in 15 days after receipt of this order. —

Ordered that Extract of these proceedings be sent to the acting Joint Criminal Judge at Nonore for his information and guidance by Precept, returnable in 8 days after receipt. —

(Sent following Precept No. 579)

Read letter dated the 15th. instant from the Criminal Judge in the zillah of Nellore, forwarding the Criminal Reports &c. for the Month of April. 1835

(Here enter No. 769.)

Read

Read Return dated the 11th. instant from the Provincial Court of Circuit in the Northern Division to precept of Poydaree Udalut dated the 5th. May 1835. conveying their orders upon a Return of the Officiating Criminal Judge of Chicacole to the observations of the Provincial Court in the Northern Division on Criminal Reports for October 1834. —

(Here enter No. 771.)

Read Return dated the 14th. instant from the acting Criminal Judge of Rajahmundry to precept of Poydaree Udalut dated the 8th. May 1835. conveying their observations and orders on the Criminal Reports for — April last. —

(Here enter No. 772.)

Read letter dated the 16th. instant from the Officiating Magistrate of Guntoor Reporting that the utmost efforts have been made, and will continue to be exerted to effect the apprehension of Soondara Raumoodoo. —

(Here enter No. 775.)

Read

Read letter dated the 18th instant from the Magistrate of Nellore - Replying to the proceedings of the Foujdaree Udalut of the 8th May 1835 furnishing the explanation called for with reference to the Criminal Report for april 1835 -

(Here enter No. 778)

Read letter dated the 16th instant from the 1st Judge of the Provincial Court of Circuit in the Centre Division with Copies of the Chittoor 1st 2d & 3d Supplemental Calendars for the 2d Quarterly Sessions of 1835 -

(Here enter No. 782)

Read Return dated the 19th instant from the 3d Judge of the Provincial Court of Circuit in the Centre Division to Precept of Foujdaree Udalut dated the 8th May 1835 conveying their observations and orders 2d & 6th Supplemental Calendar Quarterly Sessions Chittoor -

(Here enter No. 783)

Read Return dated the 9th instant from

from the Provincial Court of Circuit in the Southern Division to Precept of Foujdaree Udalut dated the 18th april 1835 conveying Circular Order No. 40. directing that in future the Monthly Criminal Reports be transmitted direct to the Foujdaree Udalut, and not through the Provincial Court -

(Here enter No. 785)

Read Return dated the 18th instant from the Joint Criminal Judge of Guntoor to Precept of Foujdaree Udalut dated the 14th May 1835 conveying their observations & orders on the Criminal Reports for the Month of april 1835 -

(Here enter No. 786)

Read letter dated the 15th instant from the 1st Judge late Presiding of the Court of Circuit in the Western Division returning a Warrant issued for the execution of the sentence of death passed on Ponavan Cunhy Penna Reisner in No. 1. on the second Additional Calendar 1st Quarter Sessions 1835 -

(Here enter No. 787)

Read.

23th May 1835

Read Return dated the 20th instant from the 3d Judge of the Provincial Court of Circuit in the Centre Division to Precept of Foujdaree Udalut dated the 11th May 1835. directing him to communicate the observations therewith forwarded to the Magistrate of Chittoor for the information of his Head Assistant, enjoining on him an undeviating attention in all future cases to the provisions of the enactment therein specified.—

(Here enter No. 793.)

Ent'd

No. 11

Fo. 4

At a Court of the Foujdary Udalut

Present,

Monday,
25th May, 1835.

The Honorable William Oliver Esqre Chief Judge.
John Bird Esqre ---------- 2nd Puisne Judge.
William Rudleston Esqre ----- 3d Puisne Judge.

No. 11

Read Letter dated the 25th Ultimo from the 1st Judge of the Provincial Court of Circuit in the Western Division transmitting the record in Case No. 1 on the Tellicherry fourth Additional Calendar for the fourth Quarterly Sessions of 1834

(Here enter No. 659)

The Court of Foujdary Udalut having

Mr. Oliver and Mr. Rudleston

maturely considered the proceedings held before the Judge on Circuit, the Futwa of the Provincial Law Officer and the Futwa of the Cazee-ool Coozat and Mooftee of the Foujdaree Udalut, confirm the said Futwa of the Cazee-ool Coozat and Mooftee aforesaid, convicting the prisoner,

"Mootaliyan Coonjan,"

of Murder, and awarding Ookoobut, and accordingly under the provisions of Section V. Regulation VIII of 1802 sentence him to suffer death by being hanged at the usual time and place of execution.—

(Sent following letter No. 584

F. U.
25th May 1835.

Read letter dated the 8th Instant from the Acting Criminal Judge of Canara transmitting the Criminal Reports prescribed by Section XXXV Regulation X 1816 for April.-

(Here enter No. 731.)

Report V
Cases 49 to 51

1 The reason ought to have been specified for the information of the Foujdary Udalut of the proceedings respecting these cases, the disposal of which is stated to have been delayed on the following grounds- "The Joint Magistrate having called for the proceedings they were returned to him, and as they were not sent back at the end of the month, the case could not be disposed of- The Prisoner was also sent for by the Joint Magistrate." It is still requisite that the information should be supplied, and if the Acting Criminal Judge is unable himself to furnish the explanation, he will transmit to the Magistrate copy of the cases as they stand in the Report and of this proceeding; and the Magistrate will make return direct to the Court of Foujdary Udalut in 10 days, after receipt of this order.-

2. There appears to be no reason why these cases should be distinct- the crime is stated to be the same- the fact of the prisoner in the latter having been apprehended

F. U.
25th May 1835

apprehended and forwarded subsequent to the prisoner in the former case- would not render a separation necessary, when both cases were before the Criminal Court at the same time undisposed of- The Acting Criminal Judge will observe in the Circular Order 25th February 1829- the rule respecting the division of cases.-

Ordered, that Extract of these proceedings be sent to the Acting Criminal Judge of Canara for his information and guidance by Precept returnable in 6 days after receipt.-

(Sent following Precept No. 585

Read the Salem Criminal Reports prescribed by Section XXXV Regulation X 1816 for April 1835.-

(Here enter No. 757.)

Suppl: Report
" Case 57-

1 In this case there were 6 prisoners, and it appears from the Report, that the 4th, being a party in an affray and having been taken up by the Faujdar, the 1st 2nd and 3d prisoners at the instigation of the 5th and 6th attempted his rescue- The Criminal Judge states, that he "perceives no reason for disbelieving that they (the Prisoners) Mobbed and alarmed the Police officer and that some of the prisoners (tho' not for that purpose were armed with clubs or sticks"), and accordingly sentenced the first

F. U.
25th May 1835.

F. U.
25th May 1835.

first 4 prisoners to imprisonment for 6 months and each to pay a fine of 150 Rupees, commutable to an additional six months under Section VII Regulation X 1816 - The 6th prisoner was released with an admonition - but the 5th having protested in an insolent manner against the private manner in which the Police officer was taking declarations from the other prisoners, and his manner being audacious and being one of an insubordinate set of Mootadars, was fined by the Criminal Judge 35 Rupees under Section VII Regulation X 1816 -

2 The Court of Foujdary Udalut are of opinion that, unless there were other grounds for fining the 5th prisoner than are stated in the Report, the amount of the fine should be returned, and the Criminal Judge will report what he may do under this order -

3 The Statement of the Labor of prisoners has not as it ought to have, been forwarded with the above Reports. The Criminal Judge will therefore transmit it with his return -

Ordered, that Extract of these proceedings be sent to the Criminal Judge of Salem for his information and guidance by Precept, returnable in 8 days after receipt.

(Sent following Precept No. 586

F. U.
25th May 1835

Read return dated the 14th Instant from the Magistrate of Guntoor to Precept of the 8th instant communicated to him this the Joint Criminal Court, and called upon him for explanation respecting case 29 of the Criminal Reports of Guntoor for March 1835 -

(Here enter No. 744)

In the above case the detention of the prisoner has arisen from a reference to the Magistrate, the Court Foujdary Udalut recorded their opinion, that, in advert to the Circular Order 28th November 1834 the necessity for the reference should in this as in all similar cases have been given by the Magistrate -

2 The following is the commencement of the 2nd Paragraph of the Magistrate's return - "In reply to this, it is only necessary for the Magistrate to observe that the proceedings of the Foujdary Udalut dated the 11th February 1835 reached him on the 6th March, and therefore he was not called upon to state the necessity for the reference" as stated in the Foujdary Courts proceedings above quoted -"

3 The Foujdary Udalut cannot pass over without animadversion, the terms in which the Magistrate has expressed himself in the above return

It would appear from the tenor of the return, that previous to the proceedings of the 11th February last no rule had been laid down to the effect that Magistrates or Police Officers should explain the cause of the detention of prisoners in the Talook, or for the "necessity of reference" involving delay being specified, whereas the orders of the 13th September 1824 - those of the 8th February 1830 - 18th May 1832, and 28th November 1834 would, if duly referred to by the Magistrate have pointed out to him, that the proceeding in question is required in all such cases -

Ordered that Extract of these proceedings be sent to the late Magistrate of Guntoor for his information -

(Sent in No. 587

Read letter dated the 29th Ultimo from the Provincial Court of Circuit in the Northern Division forwarding copies of Returns as noted in the Margin, in reply to the Provincial Courts remarks on the Criminal Reports for November, December, January and February last -

(Here enter No. 720)

Read letter dated the 11th Instant from the 3d Judge late on Circuit in the Southern Division forwarding

F.U.
25th May 1835

original warrant of execution vizt. viz. in Case No. 30 on the Salem Calendar for the second Sessions of 1834 -

(Here enter No. 726)

Read Return dated the 30th Ultimo from the Provincial Court of Circuit in the Northern Division to Precept of Foujdary Udalut dated the 2nd April 1835 - conveying their observations and orders on the Criminal Reports for January last -

(Here enter No. 719)

Read letter dated the 15th Instant from the Joint Criminal Judge of the Auxiliary Court at Guntoor forwarding copies of two letters from the Magistrate of Guntoor, and of a Teloogoo Arzie addressed by the Head of Police of Guntoor Tanah to the Magistrate, respecting the causes of the long detention of the prisoners and other discrepancies apparent in the Police proceedings in No. 38 of 1835 on the file of the Guntoor Court -

(Here enter No. 745)

Read letter dated the 15th Instant from the late Third Judge late on Circuit in the Southern Division, transmitting copy of a letter from the Criminal Judge

Judge of Salem, containing the further information required by the Foujdary Udalut on the subject of the sentence of Death passed upon the prisoners in Case No. 1 on the Calendar of that Zillah for the second Sessions of 1834.-

(Here enter No. 728)

Read Return dated the 5th Instant from the Provincial Court of Circuit in the Southern Division to Precept of Foujdary Udalut dated the 20th April 1835, conveying Precept No. 41, prescribing rules for the observance of the Courts of Circuit in the examination of cases in which the prisoner may have confessed the charge, before the Criminal Judge, the Magistrate, or proper officer of Police.-

(Here enter No. 746)

Read letter dated the 5th Instant from the Provincial Court of Circuit in the Southern Division forwarding copy of a letter from the Acting Joint Criminal Judge of Coimbatore and of its enclosure reporting the reapprehension of two out of the 7 prisoners escaped.-

(Here enter No. 748)

Read letter dated the 14th Instant from the Joint Criminal Judge of the Auxiliary Court at Guntoor forwarding copy of a letter from the Magistrate of Guntoor containing

containing further explanations regarding the delay in forwarding Criminal Case No. 40 of 1835.-

(Here enter No. 749)

Read Statement dated the 1st instant from the Officer Commanding Arcot shewing the labor of Convicts under his charge during the Month of April 1835.-

(Here enter No. 756)

Read Return dated 14th Instant from the Additional Judge on Circuit in the Northern Division to Precept of Foujdary Udalut dated the 6th May 1835 conveying their observations and orders in Case No. 49 on the Chicacole Calendar for the second Sessions of 1834.-

(Here enter No. 760)-

J. C.

At a Court of the Tongdaree Adalut.

Present,

Tuesday, 26th May, 1835.

John Bird Esqre. 2nd Puisne Judge

William Hudleston Esqre. 3rd Puisne Judge

Read letter dated the 2nd Instant from the Additional Judge on Circuit in the Northern Division, submitting English and Persian Translation of the Proceedings in Case No. 5 on the Calendar of the Zillah of Vizagapatam for the first Sessions of 1835

(Here enter J. C. No. 631 of 1835)

Before proceeding to pass a final sentence in this Case, the Court of Tongdaree Adalut are desirous of having before them with reference to the evidence already taken, further evidence, first, as to whether no one but the prisoner and his wife slept in the compound on the night of the Murder: second, whether the deceased was seen (in good health) before going to bed: and third, whether the door through which the prisoner brought the child in the same, as that across

which

which the deceased was found lying dead.-

2. It appears to the Court of Zoujdaree Adalut that this evidence can be furnished by the first and second witnesses; and probably also by Colly Lewy, and Veesarapoo Pullah alluded to by the second witness.-

3. The Court of Zoujdaree Adalut resolve therefore to return the English and Persian Translations of the record of this case to the Additional Judge on Circuit in the Northern Division, with instructions to issue a Precept to the Native Criminal Judge of Vizagapatam, directing him to obtain the attendance of the said persons, and of any others who may be deemed capable of giving evidence on the points abovementioned, and in the presence of the prisoner,-

"Daurla Sunnasy"

take their examination upon oath. The Native Criminal Judge will permit the prisoner to cross-examine the witnesses, and to offer any thing further in his defence, should he wish it, at the close of the examination.-

4. The Additional Judge will annex English and Persian Translations of the

the additional evidence so taken, to the record, and will retransmit the same for the consideration and final judgment of the Court of Zoujdaree Adalut.-

Ordered that Extract from these proceedings be sent to the Additional Judge on Circuit in the Northern Division for his information and guidance by Precept returnable within 20 days from and after its receipt.-

Sent following precept No. 590

Read again letter dated the 29th Ultimo from the Provincial Court of Circuit in the Western Division forwarding the Criminal Reports prescribed by Section XXXV Regulation X of 1816 transmitted by the Acting Joint Criminal Judge of Canara for March 1835.-

(There enter No. 685)

This case is reported to be committed "on the evidence", and the Court accordingly direct that the Acting Joint Criminal Judge be informed, that a concise note of the grounds of the order, or sentence in each case in the Criminal Reports is expected.-

Report V Case 14

1.

2. There was a detention of this case

Case 16.

in

26th. May 1835.

in the Talook from the 5th. March till the 20th. and the grounds of reference to the Assistant Magistrate are not stated. In cases where similar detentions occur, it devolves upon the Magistracy to see that the necessity, and the nature of the reference is explained at the time of the transmission of the case to the Criminal Court, in order, that the cause of delay may be clearly entered in the Criminal Report. The attention of the Assistant Magistrate should be directed to the Circular Order 28th. November 1834 on this subject. The Acting Joint Criminal Judge will furnish the Magistrate for his information and guidance with copy of this paragraph and of the case as it stands in the Report.

Ordered that Extract of these proceedings be sent to the Acting Joint Criminal Judge of Canara for his information and guidance by Precept returnable in 6 days after receipt.

(Sent following Precept No. 591

Read letter dated the 13th. Instant from the Criminal Judge of Cuddapah transmitting the Criminal Reports presented by Section XXXV Regulation X. 1816 for April.

(Here enter No. 734)

Cuddpah Report Case 67. 1 The case, noted in the margin, ought not

26th. May 1835.

not to have been entered in the Criminal Reports. The charge appears to have been brought against one of the Jail Establishment for infringing the rule which requires the Male and female prisoners to be kept distinct, and the offence, for it was not a crime, was punishable by the dismissal of the party if proved guilty.

Report V Case 77. 2. The explanation given in the Report of the detention in the Talook of the prisoners from the 26th. and 27th. February to the 8th. of April is not satisfactory, and the Court of Foujdaree Adalut deem it proper to require more full information respecting it. The Criminal Judge will accordingly furnish the Magistrate with copy of the case as it stands in the Report and of this paragraph, and the Magistrate will make return direct to this Court within 10 days after receipt of this order.

Case 78. 3 The Criminal Judge will transmit to the Magistrate copy of this case also and of this paragraph, and the Magistrate will forward within 10 days after receipt of this order an explanation as to what became of the first Prisoner from the 4th. to the 11th. April.

Ordered that Extract of these proceedings be sent to the Criminal Judge of Cuddapah

Cuddapah for his information and guidance by Precept returnable in 6 days after receipt.-

(Sent following Precept No. 592

Read the Criminal Reports presented by Section XXXV Regulation X 1816 transmitted by the Joint Criminal Judge at Tinnevelly for April.

(Here enter No. 741

Report V
Case 24.

1 The prisoners in this case, charged with affixing false chops to certain cloths and with slight wounding, have been fined. the 1st 50 Rupees commutable to 3 Months imprisonment and the 2nd 30 Rupees commutable to 9 Months imprisonment with labor "under" Section 38. Regulation X 1816 and Section VII Regulation X 1816.-

2 From the citation of Section XXXVIII Regulation X 1816. it would appear, that the Joint Criminal Judge adverted in his sentence to that part of the charge which involves fraud upon the customs - but Section XXXVIII would not apply in this case: as Section XXI Regulation I of 1812 is the provision of the Law under which, if the offence had been simply a fraud of that nature it would have fallen; but the addition of Section VII Regulation X 1816 in support of his sentence, points out that the prisoners have been punished under

under two distinct provisions of the Regulations which is irregular. the sentence, should accordingly be amended by the omission of Section XXXVIII Regulation X of 1816, and by the reduction to 6 Months of the commuted imprisonment of the 2nd prisoner for under that Section and Regulation a sentence of imprisonment for a continued period beyond 6 Months cannot be passed.-

Case 32.

3. The Court await an explanation of the detention in the Zalook of the prisoners in this case, from the 7th to the 17th April, which ought to have been earlier given under the Circular Order 18th May 1832. The Joint Criminal Judge will accordingly furnish the Magistrate with copy of the case as it stands in the Report and of this paragraph, and the Magistrate will forward his return direct to this Court within 10 days after receipt of this order.-

Case 33.

4. The Joint Criminal Judge should have cited Clause 1st Section IV Regulation II 1822 in support of his order for the requisition of security from the prisoner in this case, as well as Section VII Regulation VI 1827.-

Ordered, that Extract of these proceedings be sent to the Joint Criminal Judge at Tinnevelly for his information and guidance by

26th May 1835.-

by Precept returnable in 5 days after receipt.

(Sent following Precept No. 593

Read the Combaconum Criminal Reports prescribed by Section XXXV. Regulation X 1816. for April.

(Here enter No. 742)

Suppl. Report Case 63.

1 The examination of the case noted in the margin - one, in which a prisoner is charged with effecting his escape - has been postponed till the result of his trial on another charge before the Court of Circuit may be known. The Acting Criminal Judge is informed, that the investigation of the case should not be delayed; in the event of conviction however, the sentence should not be recorded until the close of the prisoner's trial before the Circuit Court.-

Report Y Case 68.

2 The account given of the cause of the detention in the Jalook of the prisoners in this case is very unsatisfactory - They were apprehended on the 1st and 15th February; but not forwarded till the 1st April, and the Court accordingly direct the Criminal Judge to furnish copy of the case as it stands in the Report and of this paragraph to the Magistrate, who will transmit

26th May 1835.-

transmit further information respecting the delay direct to this Court within 15 days after receipt of this order.

Case 76.

3 No explanation having been forwarded with this case of its detention before the Assistant Magistrate from the 2nd to the 15th April, the Court desire with reference to Circular Order 8th February 1830, that the Magistrate be now called on to furnish it. The Acting Criminal Judge will therefore send the Magistrate copy of the case and of this paragraph, and he will make return direct to this Court within 15 days after receipt of this order.

Case 79.

4. There has been a delay in the transmission of this case to the Criminal Court of one Month and 20 days, in consequence of a reference to the Magistrate and the sickness of the Prosecutor on the latter ground the prisoner should not have been kept in the Jalook, and in cases of delay because of references to the Magistracy an explanation of the necessity of the reference should always be sent to the Criminal Court to be inserted in the Criminal Reports. The Acting Criminal Judge will proceed with this case, as directed in the last para

para, and the Magistrate will make return in 15 days after receipt of this order, stating whether or not the reference was justifiable under the Circular Order 28th November 1834.-

5. The Acting Criminal Judge will forward the Statements of Labour of Manufactures and of Batta to Prosecutors and Witnesses which have not accompanied his Criminal Reports.-

Ordered that Extract of these proceedings be sent to the Acting Criminal Judge of Combaconum for his information and guidance by Precept, returnable in 10 days after receipt.-

(Sent following Precept No. 594

Read the Masulipatam Criminal Reports prescribed by Section XXXV Regulation X of 1816 for April.-

(Here enter No. 743)

The Court of Foujdaree Adalut perceive that the Statement of 'Batta to Prosecutors and Witnesses' is not in the form prescribed by the Circular Order No. 35 dated 25th March 1835 and they accordingly direct, that the attention of the Joint

Joint Criminal Judge at Masulipatam be desired to the Circular Order of the above date.-

Ordered that Extract of these proceedings be sent to the Joint Criminal Judge at Masulipatam for his information and future guidance.-

(Sent in No. 595

Read the Chittoor Criminal Reports prescribed by Section XXXV Regulation X 1816 for the Month of April.-

(Here enter No. 765)

Record V
Case 94.

The Court await an explanation as to what became of the prisoners in this case from the 29th March, the date of their apprehension till the 8th April on which day it is stated, they appeared before the Head of Police, a further delay occurred in consequence of a reference to the Magistrate, to whom the Court accordingly desire it to be pointed out, that where any delay thus occurs they expect that an explanation of the necessity and nature of the reference will be forwarded with the case, to be entered in the Criminal Reports- as the case is now represented in the report, the grounds for the detention are very unsatisfactory. The Acting Criminal Judge will

will furnish the Magistrate with copy of the case as it stands in the Report, and the Magistrate will make return direct to the Court of Foujdaree Udalut within 10 days after receipt of this order.

2. The form of the Abstract which is attached to this Report should be attend to. that which is now forwarded to the Acting Criminal Judge.

3. The Acting Criminal Judge will report, what he has done in consequence of the orders contained in para 11 of the proceedings of the 23d Ultimo respecting the two sick prisoners at Vellore.—

Ordered, that Extract of these proceedings be sent to the Acting Criminal Judge at Chittoor for his information and guidance by Precept, returnable in 8 days after receipt.—

(Sent following Precept No. 596.

Read the Bellaree Criminal Reports prescribed by Section XXXV. Regulation X. 1816 for April.—

(Here enter No. 766)

The Officiating Criminal Judge

Supplt. Report Case 53 has omitted to state what has been done respecting the

the 5 prisoners in this case — he will now report, whether they are under examination, or how the case has been disposed of.—

Ordered that Extract of these proceedings be sent to the Officiating Criminal Judge at Bellaree for his information and guidance by Precept, returnable within 5 days after receipt.—

(Sent following Precept No. 597

Read the Madura Criminal Reports prescribed by Section XXXV Regulation X. 1816 for April.

(Here enter No. 770)

Report Case 45 1 The explanation of the detention in the Talook of the prisoner in this case is confused and unsatisfactory. The Court always expect a clear explanation of the necessity and nature of the reference to the Magistrate, to be sent with the case to the Criminal Court to be inserted in the Criminal Reports. The Magistrate will observe, that time occupied in search of stolen property is an inadmissible excuse for delay under the Circular Order 24th January 1822. The Acting Criminal Judge will send copy of this case, and of this paragraph to the Magistrate for his information and

and future guidance.-

Case 46. 2. The Acting Criminal Judge will likewise furnish the Magistrate with copy of this case and paragraph, and the Magistrate will & obtain from his Assistant, and forward, agreeably to the Circular Order 8th February 1830, the explana-tion of the detention of the prisoners from the 5th to the 15th April- The Magistrate will make return direct to this Court within 10 days after receipt of this order.-

Case 48. 3 The order for security to be taken from the 1st prisoner in this case should be amended by specifying the term of imprisonment to be endured in default

Case 49. 4 The prisoner in this case, charged with preferring a false complaint before the & Assistant Magistrate has been punished under Section II Regulation IX 1832. If the false complaint in question was not before the Head of Police the provision of the Law quoted will not apply - The Court presume that this was the fact, and if so the charge ought to have been correctly worded.- The Court observe that the case was referred by the Magistrate to the Tasildar, an explanation however is requisite for the satisfaction

of

of the Court of Zeyjdaree Adalut.-

5. The Acting Criminal Judge will be careful in future to forward with the Reports, the usual statements which have on the present occasion been omitted.- There should be no delay after receipt of this order in transmitting those that are due for April.-

Ordered that Extract of these & proceedings be sent to the Acting Criminal Judge of Madura for his information and guidance by Precept returnable in 10 days after receipt.-

Sent following Precept No. 598

Read return by Joint Criminal Judge at Guntoor dated the 13th & Precept of the 8th May - conveying the orders of the Court of Zeyjdaree Adalut on the Criminal Reports for March.-

(Here enter No. 747)

With his return, the Joint Criminal Judge has transmitted the statement of extra Peons for March and April, with an explanation of the cause of the Peons being in excess of the & usual proportion.-

2. It appears, that in April 89 extra

Peons

26th May 1835.

Peons were entertained by the Joint Criminal Judge, although the total number of prisoners in Jail was only 448. The Court of Foujdaree Udalut, in consideration of the state of the Jails at Guntoor as described in the above return, authorize the Joint Criminal Judge to employ one extra Peon to 4 working prisoners of every description; but they consider the standing guard sufficient for the safe custody of the rest of the prisoners under his charge.

Ordered that Extract of these proceedings be sent to the Joint Criminal Judge at Guntoor for his information and guidance.

(Sent in No. 599.)

Ed. W.

F. U.

At a Court of the Foujdaree Udalut.

Present

Wednesday, 27th May 1835.

John Bird Esqr. ..... 2nd Puisne Judge,

William Hudleston Esqr. 3d Puisne Judge,

Read Report prescribed by Section XXXVII Regulation VII of 1802, submitted under date the 30th Ultimo by the late Acting 3d Judge on Circuit in the Centre Division for the 2d Sessions of 1834.

(Here enter No. 694.)

In the statement given in the 3d Para of the foregoing Report, 14 postponed trials are enumerated, being an average of one in 9 of the trials submitted to the Acting 3d Judge. The grounds of postponement were carefully reviewed by the Court of Foujdaree Udalut, upon their examination of the Calendars, and the proceedings of the Acting 3d Judge were generally approved.

2 In one instance in Bellary, the Court directed the Prisoner to be released on bail, till the ensuing Sessions; and in their proceedings of the 3d September last on the Cumbum Calendar, they called the attention of the Native Criminal Judge

to

to the non attendance of persons connected with the cases sent up by him, which has led to several of the trials being postponed. It does not appear that the Native Criminal Judge himself was chargeable with an omission of duty, but it was his province to secure the punctual attendance of parties, and the Court trust that their notice will prevent similar neglect in future.-

3. The Acting 3d Judge remarks in the 8th para, that the reasons for the "commitments ought to form the most "precise entry in the Calendar, whereas "it is in general the least perfect, noting "only the confession of the Prisoners and that "the evidence of the witnesses constitute the "further grounds for it"- The Court see no sufficient cause for the exception here taken to the usual form of the Calendar- The additional particulars to which the Acting 3d Judge refers, are entered fully in the "abstract of the evidence, which clearly shews the grounds upon which a Prisoner is committed, and nothing further is in the opinion of the Court required.-

4. Upon the Acting 3d Judges remarks in para 9. that if they (the Criminal Judges) or their Assistants were on the disposal of each trial to make

a record in the Criminal Registry of the special reasons for committing the Prisoners the Court observe, that the Tanjore Adalut require this record to be made in the Monthly Criminal Report. The further details, of which the Acting 3d Judge proposes (in the latter part of the para) "a brief notice" appear to the Court unnecessary- The presiding Judge has only to refer to the examinations of the witnesses, and he will there find the information he requires, and it will generally the Court think, be more desirable, that he should look well into these documents, and if requisite abstract them himself, than depend upon a brief abstract in the Criminal Court.-

5. The proposition contained in the 11th para, that the translations of the preliminary proceedings should be sent up to the Tanjore Adalut in the state "they are received by the Circuit Judge", has been so recently under the consideration of the Court, in their proceedings of the 19th March para 8 upon the same proposition, then brought forward by the late Acting 2d Judge Centre Division that it is only necessary for the Court to refer to the opinion there recorded.-

2/1 The

6 The suggestion in para 12, that the Zillah Judge should provide the Station-
ary required by the Court of Circuit, has been
also already considered and disposed of
in review of the Acting 2d Judge's Report,
and by the Circular Order Under Adalut
No. 11. The Court see no necessity for the
issuing of similar orders in regard to
the furniture needed by the Court of
Circuit. It is of course the duty of the
Criminal Judge to provide the furniture,
when appropriating a Court room for
the Sessions, and its carriage from one
station to another appears to the Tanjore
Adalut altogether innecessary.-

7 The Court of Tanjore Adalut
see nothing novel in the observations of
the Acting 3d Judge in paras 15, 16 and
17 of his report, on the expediency of
securing ample means of defence to
persons accused. He appears through-
out his observations to have overlooked
the provisions of Section II Regulation
XIII of 1832, which have provided a
remedy for the evils pointed out in
para 17 and the Circular Order of the
Tanjore Adalut No. 7 which prescribes
the course recommended in para 16.
8 due attention to the rules therein.

200 Canon

down would have shewn the Acting 3d Judge
the irrelevancy of many of his remarks
to the present state of the Laws.-

8 The exchange of convicts by
the Criminal and Joint Criminal Judges
of Chinglepat, reported in para 24, calls
for the notice of the Tanjore Adalut:
The Provincial Court of Circuit will in-
form those Officers that whatever might
be the advantages of the transfer, it was
wholly unauthorized, and that for such
a measure the sanction of the Tanjore
Adalut must be first obtained.-

9 The Court forward with the
Acting 3d Judges report, the specimens
of cloth, to which he refers in para 20,
the produce of the manufacture in the
Jail at Chinglepat.-

10 They have observed with
satisfaction the favorable testimony
borne by him in para 27 to the Acting
Joint Criminal Judges of Chinglepat
efficient supervision of the labour of
the Prisoners under his charge. The results
there reported reflect credit upon
Mr. Morehead's management of his Jail,
and this opinion the Court desire may
be communicated to that Officer.-

11 In para 28th the Acting 3d
Judge

134

Judge remarks upon the order which was enjoining an early report of all cases of escape to the Collective Court, and to the Tanjore Adalut, "that the repetition "of the same record being laid before "the Court of Circuit becomes nugatory" The Court of Tanjore Adalut do not concur in this opinion. The object of submitting the record to the Judge on Circuit is to afford an opportunity for full enquiry on the spot, as it is often by a view of the premises alone, that the conduct of the guard can be duly estimated, and the Circuit Judge should also ascertain and report if any alterations for preventing similar escapes are expedient.-

12 The Court do not enter upon the question discussed in para" 29 to 30.- the advantage of the Bengal system for the employment of convicts on a line of roads, the matter being now under their consideration; and a report will be furnished to Government on the receipt of the several Reports called for from the subordinate Officers.

13. It is satisfactory to learn from para" 42 of the Acting 3d Judge's report that the result of his enquiry into a case of Suttee in the Bellary Zillah, in which the police interfered, and successfully prevented; that there was no sympathy on the part of the spectators with the deluded female: and that the efforts of the joint Magistrate and Police, appear to have been seconded by the people themselves. The Court are not aware that it is within their province to offer an opinion on the proposal made by the Acting 3d Judge in para 43 that the Government should confer some reward upon the Naick Kristnapah, by whose praiseworthy exertions the woman was rescued from the flames. They consider it only to be their duty to bring the subject to the notice of the Right Honorable the Governor in Council.

14 The Court will have in an early date, upon the review of the half yearly Criminal Statements, a more favorable opportunity of considering the

27th. May 1835

the operations of the Magistrate detailed by the Acting 3d. Judge in paras 46 to 51, and they will not therefore enter upon the subject at present.

15 On the remark contained in para 52, respecting the punishment inflicted in Cases of petty theft, the Court observe, that the Acting 3d. Judge's statement, that offenders "are sent to the Jail" is incorrect. Such is not the general, and ordinary course of procedure.

16. The Court do not perceive, that any benefit would result from the proclamation proposed in para 54, and they have no reason to believe, that the Magistrates fail to inculcate upon the people their duty not to harbour or aid offenders.

17. They offer no opinion upon the suggestion thrown out in para 56, as it does not appear to them to be a point, on which they are called upon to record their sentiments.

18 In the 62d. Para, the Acting 3d. Judge recommends, that additional

(D) means

27th. May 1835

means of ventilation should be immediately supplied in the building, in which the Prisoners employed at Arnee are confined during the night. Before the recommendation is acceded to, the Court are of opinion that it should be fully ascertained, that it is requisite. The Prisoners do not appear to be suffering in health, and it may be doubted therefore, whether the building is not adequately ventilated, for the Native constitution and habits.

19. The Acting 3d. Judge will explain more clearly, the nature of the power exercised by the Jageerdar of Arnee, to which he alludes in paras 63 and 64 and particularize the instances of its exercise. His remarks are not intelligible to the Court of Sujdaree Adalut in their present form.

20 The Acting 3d. Judge submits in para 71 his opinion, "that commanding officers at Stations where Prisoners are removed, should have some of the powers to punish summarily, as laid down in Regulation X of 1832" and suggests the issue of an order of Council

(E) for

27th May 1835

perceiving that the Acting Joint Criminal Judge in several of the cases in the Reports under review, has omitted to state the grounds of his orders; merely specifying that "suspicion" existed when he has demanded security, deem it proper to direct that it be pointed out to him, that in each case in the Criminal Reports a distinct but concise note of the grounds of the order or sentence is expected sufficiently explicit to enable the Court to judge as to the propriety of the order or sentence passed.

2 They further desire it to be brought to his notice, that it will facilitate the review and diminish the bulk of his Reports if instead of recording his remarks wholly in their appropriate columns, they were written over the parallel columns.

Suppl. Report 3 Case 24

Under the circumstances represented in the Report the Court of Tanjore Adalut are at a loss to understand, why the Acting Joint Criminal Judge did not commit the prosecutor and his witnesses in this case for Perjury.

Report V 4 Case 72

On this case the Court have

27th May 1835

to observe that supposing the 1st and 2d witnesses were examined on oath before the Magistrate, they do not see why the witnesses in question, who retracted their evidence before the Joint Criminal Court, were not committed for Perjury.

Cases 50 & 72. 5. With reference to the remark contained in the Acting Joint Criminal Judge's letter, and to the statement of the Cases in the Criminal Report, the Court resolve to direct the Acting Joint Criminal Judge to furnish the 1st Judge of Circuit about to hold the Sessions at Coimbatore with copy of his letter in question and they require that officer on Circuit carefully to inspect the proceedings in these two Cases and to state in his Circuit Report the result of his investigation.

6 With reference to the last para" of the Acting Joint Criminal Judge's letter dated 12th Instant, the Court of Tanjore Adalut direct that it be intimated to him, that Extra Peons may be correctly entertained for the following

description

description of Prisoners at Coimbatore.— "working in the Paper Manufactory outside the Gail"— "conveying food to the Prisoners working outside." "making baskets and who fetch their own materials".—

Ordered, that Extract of these proceedings be sent to the Acting Joint Criminal Judge at Coimbatore and that Copy of the 5th Para be sent to the 1st Judge on Circuit in the Southern Division for their information and guidance respectively

/Sent in No. 603/604.

Read Return, dated 18th Instant from the 1st Judge in the absence of the Acting 2d. Judge late on Circuit in the Northern Division, to precept of Tanjadore Adalut dated the 30th Ultimo, directing to cancel the sentence as regards all the Prisoners in Case 155 Cuntoor Calendar 2d Session of 1834, and that a revised sentence of two years imprisonment be passed upon the three first Prisoners in Case No. 108 on the same Calendar.—

/Here enter No. 794/

Read Return dated the 15th. Instant from the Provincial Court of Circuit in the Centre Division to precept of Tanjadore Adalut dated the 8th. Instant, conveying their circular Order No. 44 directing the Magistrates to make the reference prescribed in Clause Second Section II Regulation I of 1823 to the Secretary to Government in the Judicial Department.

/Here enter No. 795/

Read letter dated 19th. Instant from the Magistrate of Rajahmundry forwarding reply to the proceedings of the Tanjadore Adalut dated the 8th. May 1835.

/Here enter No. 804/

Read letter, dated 19th. Instant from the Magistrate in the Northern Division of Arcot submitting a reply to the observations of the Tanjadore Adalut under date the 13th. Instant on the subject of the Criminal Reports for 1835.—

/Here enter No. 805/

Read order of Government dated 22nd. Instant, stating that the report of the 3rd. Judge of the Provincial Court of Circuit in the Centre Division for the

27th. May 1835

1st. Quarterly Sessions of 1835 does not appear to need any remark.

(Here enter No. 809)

Read return dated 22nd. Instant from the First Judge of the Provincial Court of Circuit in the Centre Division to precept of Tonjdaree Udalut dated the 19th. Instant sanctioning a mitigated sentence in case No. 2 on the Chittoor Calendar for the 2nd. Quarter Sessions of 1835.

(Here enter No. 814)

Read return dated 18th. Instant from the Provincial Court of Circuit in the Northern Division, to precept of Tonjdaree Udalut dated the 24th. April 1835 having reference to the Criminal Reports for October 1834.

(Here enter No. 815)

Read letter dated 22nd. Instant from the Acting Criminal Judge of Combaconum, reporting the escape of a Prisoner and forwarding translations of the depositions connected therewith.

(Here enter No. 816)

WB

WM

J. Vo.

At a Court of the Tonjdaree Udalut

Present.

Thursday 28th. May 1835. John Bird Esqr. 2nd. Puisne Judge

William Hudleston Esqre. 3rd. Puisne Judge

Read again letter dated the 17th. March last, from the Additional Judge on Circuit in the Northern Division, transmitting the record of trial in Case No. 66 Chicacole Calendar 2nd. Sessions of 1834.

(Here enter No. 461)

Read return dated the 13th. Instant, from the Additional Judge on Circuit in the Northern Division to precept of the 3rd. Ultimo directing him to obtain and cause to be annexed to the record in Case No. 66 Chicacole Calendar 2nd. Sessions 1834 translations of the additional proceedings thereon ordered to be held.

(Here enter No. 776)

The Court of Tonjdaree Udalut

Mr. Bird and Mr. Hudleston

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 Tonjdaree Udalut, confirm the said Futwa of the Cazee-ool-Cozat and Mooftee aforesaid convicting the prisoner

28th May 1835.

prisoner

"Sooreddy Unka"

of wilful murder and awarding Kissas, and under the provisions of Section X Regulation VIII of 1802, sentence her to suffer death by being hanged at the usual time and place of execution.-

(Sent following letter No. 610

Read letter dated the 13th Ultimo, from the 3d Judge of the Provincial Court of Circuit in the Centre Division, transmitting the record in case No. 2 of the Chitto or 14th Supplemental Calendar for the fourth quarter Sessions of 1834 called for under date the 23d February last

(Here enter No. 602)

The Court of Foujdaree Udalut

Mr. Bird and Mr. Hudleston

having maturely considered the proceedings held before the Judge on Circuit the Futwa of the Provincial Law Officer, and the Futwa of the Cazee-ool Coozat and Mooftee of the Foujdaree Udalut confirm the said Futwa of the Cazee-ool-Coozat and Mooftee aforesaid, acquitting the prisoner

"Moonjaujee"

and do accordingly acquit him: but considering that strong suspicion though not amounting to conviction attaches to him, they direct, under Clause

28th May 1835.

Clause Sixth Section II Regulation XV of 1803, that he be required to find two sureties in (70) Seventy 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) three years in confinement.-

(Sent following letter No. 611

Read letter dated the 11th February last, from the late acting 3d Judge late on Circuit in the Centre Division, submitting the English and Persian translations of the proceedings in Case No. 6 of the Cuddalore Calendar for the 2d Sessions 1834 for the final sentence of the Court of Foujdaree Udalut.-

(Here enter No. 753)

The Court of Foujdaree Udalut having

Mr. Bird and Mr. Hudleston

maturely considered the proceedings held before the Judge on Circuit, the Futwa of the Provincial Law Officer and the Futwa of the Cazee-ool-Coozat and Mooftee of the Foujdaree Udalut confirm the said Futwa of the Cazee-ool-Coozat and Mooftee aforesaid convicting the prisoner

"Ausaube"

of the crime charged, on strong presumptive proof and awarding Tazeer, and accordingly under the provisions of Section X Regulation VIII of 1802 sentence

28th May 1835.

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

(Sent following letter No. 612

Read letter dated the 31st December last from the First Judge late on Circuit in the Northern Division, transmitting the record in Case No. 65 on the Nellore Calendar for the 2nd Sessions of 1834.-

(Here enter No. 737)

Mr. Hudleston.

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-Coozat and Mooftty of the Zoujdaree Udalut confirm such part of the said Futwa of the Cazee-ool-Coozat and Mooftee aforesaid as acquits the prisoners

3d. Podem Appeereddy,
5th. Sameddy Boolliah,
and
7th. Gonapullee Venkatasem.

and do accordingly acquit them: but considering that strong suspicion though not amounting to conviction attaches to them, they direct under Clause First, 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

28th May 1835.-

in (50) fifty Rupees each surety, for their good behaviour and appearance when required within three years, and that on default thereof they be detained for three years in confinement.-

And further being of opinion that the proof against the prisoner

1st. Valoogoo Venkiah

is sufficient to convict him of the crime of Gang Robbery by open violence attended with aggravating circumstances, the Court do, under the authority with which they are vested by Clause first, 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 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. 613

Read letter dated the 11th Instant from the Additional Judge on Circuit in the

the Northern Division, transmitting the record in Case No. 9 on the Rajahmundry Calendar for the 1st Sessions of 1835.

(Here enter No. 752.)

The Court of Foujdaree Adalut

Mr. Bird and Mr. Hudleston

having maturely considered the proceedings held before the Judge on Circuit, the Futwa of the Provincial Law Officer and the Futwa of the Cazee-ool-Coozat and Mooftee of the Foujdaree Adalut, confirm the said Futwa of the Cazee-ool-Coozat and Mooftee aforesaid, convicting the prisoner

"Mottum Caumasa"

of wilful Murder and awarding Kissas, and accordingly 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.

The Court of Foujdaree Adalut

observe with dissatisfaction, that the Additional Judge has neglected to pay due attention to the instructions which on more than one occasion have been issued to him, regarding the revision of the English Translations of the Records of his referrible

referrible trials.

The present trial exhibits several inaccuracies, among which may be cited the error at page 39 of the English Record, where the declaration of the prisoner when put on his defence before the Court of Circuit, is described as being "Taken on oath"

The Court of Foujdaree Adalut deem it proper to warn the Additional Judge against future neglect in this important particular.

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

(Sent in No. 814

Read the Chicacole Criminal Reports prescribed by Section XXXV Regulation X 1816 for the Month of April.

(Here enter No. 740)

The Court remark an inaccuracy in this case in respect to the entry in the column of Report V Case 26. not examined. No entry should be thus made when the prisoners as in the present instance, are

are disposed of before the close of the Month.-

Case 32. 2. The prisoner in this case has been sentenced to one year's imprisonment under Section IX Regulation XIII 1832 on a charge of "Taking and fraudulently appropriating property "value not mentioned without informing the "Police". As it does not appear that the property in question was stolen the Court are of opinion that the sentence is not legal the sentence must accordingly be cancelled. As far as the report enables the Court to form a judgment the case appears to have been one of fraud punishable under Section VII Regulation X 1816 and the Officiating Criminal Judge, if he thinks the evidence adduced sufficient to prove the fraud against the prisoner is authorized to direct the Sudr Ameen to pass sentence under the Section and Regulation last mentioned. The Officiating Criminal Judge will report what he may do under these orders.-

" 3. The Court await an explanation
Case 35. as to what became of the prisoners in this

Case

case, from the 15th and 17th (the dates of their apprehension) till the 21st April on which day it is stated they arrived at the Cutcherry of the Head of Police. The Officiating Criminal Judge will send to the Magistrate copy of the case as it stands in the Report and of this paragraph, and the Magistrate will make return direct to the Court of Foujdaree Adalut in 8 days after receipt of this order.-

Ordered that Extract of these proceedings be sent to the Officiating Criminal Judge at Chicacole for his information and guidance by Precept returnable in 8 days after receipt.-

(Sent following Precept No. 615

Read again Return dated the 7th Ultimo from the Provincial Court of Circuit in the Western Division to precept of the Court of Foujdaree Adalut under date the 13th March 1835 conveying their observations and orders on the Criminal Reports of the Division for the Month of January last

(Here enter No. 535 of 1835)

Read also extract from the

Minutes

Minutes of Consultation under date the 22nd Instant.-

(Here enter F.G. No. 810 of 1835)

The Right Honorable the Governor in Council having in the above extract from the Minutes of Consultation been pleased to "authorize the employment of an addition of (13) thirteen peons to the fixed Jail Establishment of the Criminal Judge of Malabar as recommended by the Foujdaree Adalut."-

Ordered that the same be communicated to the Provincial Court of Circuit in the Western Division for the information of the Criminal Judge of Malabar with reference to that Officer's Return of the 23d to the Precept of the Provincial Court under date the 20th March 1835, and the Extract from the proceedings of the Foujdaree Adalut under date the 25th Ultimo.- The Provincial Court will further intimate to the Criminal Judge that under this sanction, by which his Jail Establishment is raised to a level with those of the other Zillahs under this Presidency he is expected to pay the strictest attention to the Circular Order of the Foujdaree Adalut No. 33 of 1835.-

Ordered that Extract from these proceedings

proceedings be sent to the Provincial Court of Circuit in the Western Division for their information and guidance by precept returnable in 8 days after receipt.-

(Sent following Precept No. 816.

Read Return dated the 22nd Instant from the Second Judge on Circuit in the Centre Division to precept of the Court of Foujdaree Adalut under date the 23d Ultimo, conveying their observations and orders on the Cuddapah Calendar for the first Sessions of 1835.-

(Here enter F.G. No. 813 of 1835)

Case No. 13 1 On a due consideration of all the circumstances of this case the Court of Foujdaree Adalut are of opinion, that the mitigated sentence of five years imprisonment proposed by the Second Judge is insufficient for the punishment of the prisoner

"Boggoo Atchey"

and they accordingly resolve to direct, that she be imprisoned and kept to hard labour without irons on the public roads or other public works for and during the period of (7) seven years.-

Case No. 37 2 The Court of Foujdaree Adalut deem

23th May 1835.

deem it proper to observe for the information of the second Judge, that the proceeding of that Officer as reported in the Calendar in this case was correct.-

3. The second Judge will therefore consider as cancelled the Remarks of the Zoujdaree Adalut in para 5 of their proceedings under date the 23d Ultimo.

4. In a postscript to his letter of the 6th Ultimo the second Judge intimated that "the Cumbum Calendar must be sent "from Bellary, as the last trial was not finished "till an hour before "he" left Cuddapah".-

5. The Calendar in question not having yet arrived, the Court of Zoujdaree Adalut resolve to direct the second Judge to forward it to them with as little delay as possible.-

Ordered that Extract from these proceedings be sent to the second Judge on Circuit in the Centre Division by Precept returnable within [5] five days from and after its receipt.-

WB WH (Sent following Precepte No. 61.)

J. V.

At a Court of the Zoujdaree Adalut

Present,

Friday, 29th May, 1835. John Bird Esqr. 2d Puisne Judge
William Rudsdell Esqr. 3d Puisne Judge

Read letter dated 19th Instant from the Provincial Court of Circuit in the Western Division transmitting Criminal Reports for the Month of April 1835 of the Native Judges Court of Sirey.-

WB WH

[Here enter No. 812.]

Report V
Case 25. The prisoner in this case charged with having fraudulently taken away two pieces of cloth valued at 1 Rupee and 2 Annas and when asked for them denied having taken them, might, in the opinion of the Zoujdaree Adalut have been punished in the Jaloork. The Provincial Court of Circuit will furnish to the Magistrate copy of the case as it stands in the Report and of this paragraph for his information.-

Case 30. 2. The Provincial Court of Circuit in advertence to the delay of this case in the Jaloork will point out to the Magistrate, that whenever a prisoner is detained in consequence of a reference to him or his subordinates, an explanation of the object of it, should be forwarded to the Criminal

Criminal Court with the case to be entered in the Criminal Reports.

Suppl. Report

The three cases in this Report having been transferred to Honore under the Orders of this Court under date the 4th April 1835, the Provincial Court of Circuit will instruct the Native Criminal Judge not to enter them in future in his Reports.

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 in 8 days after receipt.-

/Sent following Precept 8th 823/

Read extract from the Minutes of consultation under date the 28th April last, containing the orders and observations of the Right Honorable the Governor in Council on an extract from a General letter from the Honorable the Court of Directors dated 30th April 1834.-

/Here enter No. 672-/

1. The Court of Zillah Judicature proceed to submit the report required in para 3 of the Minutes of Government, upon the result of the measure proposed by them and approved by Government under date 9th November 1830 of collecting the prisoners in the four Divisions under the Presidency at the Stations of Trichinopoly, Bellary, Chicacole, Salem,

and

and Mangalore.- In carrying this measure into effect it was found to be only partially practicable, arising from two causes. There was shortly after the issue of the orders an increase in the number of prisoners, filling the Jails to overflowing; and the several Jails to which the prisoners were transferred, were not of sufficient dimensions, to contain any great addition to the number usually in confinement in them. In consequence also of the pressure of the famine upon the population in 1832, the number of prisoners continued to increase, and it became necessary to issue instructions in that year, partially suspending the operation of the orders of October 1830, and they were finally rescinded by the Circular Order of the 21st January 1833.-

2. Under these circumstances it is scarcely necessary for the Court to add, no result of any moment has followed - and it has not of course been practicable, as was contemplated, to reduce the Jail establishments in the Zillahs generally, nor to make any important change in previously existing arrangements.-

3. Referring to the 18th para of the Minutes of consultation and to the 27th of the Extract from the General letter from England, the Court observe, that the objection made in the letter from the Zillah Judicature to Government dated

dated 17th April 1827, respecting the definition of perjury in Section 9 Art. 20 Regulation V of 1827, would appear to have been remised by the enactment of Section XII Regulation VII of 1832. And the Courts remark on Section 12. Art. 7. would seem to have been attended to in the enactment of Section XXI Regulation VII of 1832.-

4. A third objection made by the Sudr Adalut related to the practicability of applying Art. 6 Section XII. The Court are not aware how this difficulty has been met, so far as respect offences not falling under the provisions of Section XIII Regulation VII of 1832, but they conclude that the Judge Advocate General has it in his power to satisfy the Honorable Court on this point.-

5 With reference to para 63 of the Honorable Court of Directors letter, the Court desire that the Register institute the necessary enquiry immediately, and report the result.-

6 Ordered also, that para 72 of the letter from England be transmitted to the Provincial Court of Circuit in the Centre Division, for communication to the Acting Criminal Judge of Chittoor.

7 Ordered, that paras 77-80 with

the orders of Government thereon, be furnished to the Provincial Court of Circuit in the Southern Division. The Provincial Court will report as required in the 78th para of the Honorable Court of Directors letter, "the name of the Garrison Surgeon by whom the unhappy sufferers were selected, and those of the Judges of the Provincial Court who sanctioned those proceedings." They will also direct the Magistrate of Tanjore to submit without delay, "the comparative statement" called for in the order of Government para 40 "of the expense of filling up the ditch at Negapatam, by hired and by convict labour."-

Para 49. 8. The Court will take the necessary measures for drafting the enactment referred to in this para of the Minutes of Consultation in the form directed, and will then submit it to Government.-

Ordered, that Extract of these Proceedings be sent to the Secretary to Government in the Judicial Department of paras 1 to 4 exclusive with para 8. with an intimation that the further information required by Government has been called for and will be submitted on an early date.-

/sent in No 374/

Ordered also, that para 6 be communicated to the Provincial Court of Circuit in the Centre Division for

for information

/ Sent in No. 825 /

Ordered also, that para 7 be communicated to the Criminal Court of Circuit in the Southern Division for information and guidance by precept returnable in one month. -

/ Sent following precept No. 826 /

In their proceedings of the 29th April last transmitted to the Provincial Court of Circuit in the Centre Division, the Criminal Judges of Bellary and Cuddapah were called upon to submit immediately, an explanation required by the proceedings of the Sudder Adalut of the 29th November last of certain entries in their half yearly Criminal Statements. The requisite explanation not having been yet received, the Court resolve to direct the Provincial Court of Circuit to obtain the same without further delay and forward it to the Sudder Adalut. -

Ordered, that Extract of these Proceedings be sent to the Provincial Court of Circuit in the Centre Division by precept returnable in 15 days. from and after its receipt. -

/ Sent following Precept No. 827. /

In their proceedings of the 29th Ultimo the Magistrate of Masulipatam was directed to

prosecute an enquiry into the case of murder noticed in para 46 of the proceedings of the Sudder Adalut of the 29th November last, and authority was then given for the offer of rewards for the apprehension of the offenders; the Magistrate was also instructed to report what steps he had taken in the matter within ten days. This report not having yet reached the Court: they resolve to direct the Provincial Court of Circuit in the Northern Division to require the attention of the Magistrate to the orders of the Sudder Adalut, and to forward his report without further delay. -

Ordered, that Extract of these proceedings be sent to the Provincial Court of Circuit in the Northern Division by Precept returnable in 10 days from and after its receipt. -

/ Sent following Precept No. 828 /

At a Court of the Foujdaree Adalut

Present,

Saturday,
30th May, 1835. The Honorable William Oliver Esqre. Chief Judge.
John Bird Esqre. ——— 2d. Puisne Judge.
William Hudleston Esqre. ——— 3d. Puisne Judge.

Read letter dated the 6th. instant from the 1st. Judge on Circuit in the Southern Division submitting English and Persian Translations of the proceedings in Cases Nos. 1. 2. and 3 on the Madura Calendar for the first Sessions of 1835.

(Here enter No. 687.)

No. 1

Mr. Oliver
&
Mr. Hudleston

The Court of Foujdaree Adalut, having maturely considered the proceedings held before the Judge on Circuit, the Futwa of the Provincial Law Officer and the Futwa of the Cazee-ool-Cozat and Mooftee of the Foujdaree Adalut, confirm the said Futwa of the Cazee-ool-Cozat and Mooftee aforesaid, acquitting the prisoner,-

"Mailairoomperoomaulpillay,"

and accordingly direct that he be set at liberty.-

The

No. 2.

Mr. Bird
Mr. Hudleston

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 prisoner—

"Moottoo maudapoolaven,"

and accordingly direct that he be set at liberty.—

No. 3.

Mr. Oliver
Mr. Hudleston

The Court of Foujdaree Udalut, having maturely considered the proceedings held before the Judge on Circuit, the Futwa of the Provincial Law Officer and the Futwa of the Cazee-ool-Cozat and Mooftee of the Foujdaree Udalut, confirm the said Futwa of the Cazee-ool-Cozat and Mooftee aforesaid, acquitting the prisoner—

"Soobbramoneataven,"

and accordingly direct that he be set at liberty.—

Case No. 1.

In this case the Court of Foujdaree Udalut observe that three witnesses (the 3d. 4th. and 5th.) were examined by the Court of Circuit to a point totally irrelevant to the charge,— namely— whether, or not the Zemindar was present on the occasion.—

This evidence might have convicted the prisoner had he been tried for perjury, under the provisions of Regulation VII of 1811, but the Court of Circuit should not have admitted any such evidence in a case where the point for determination, was, merely whether the accused had, or had not, wilfully and deliberately given two contradictory depositions on oath in a matter of fact material to the issue of a Judicial proceeding.—

Case No. 3.

With reference to the remark of the Presiding Judge at page 43. of the English Translation of the proceedings in this case, that— "the third, fourth and fifth witnesses having been examined in Case No. 1, their evidence is dispensed with"— the Court

of Foujdaree Udalut deem it necessary to observe, that no evidence given on a different trial could affect this case—

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

(Sent following letter No. 832)

Read letter, dated the 14th instant, from the 3d Judge of the Provincial Court of Circuit in the Western Division, forwarding trial No. 1 on the Calendar of the Auxiliary Court zillah Malabar 2d Quarterly Sessions 1835.

(Here enter No. 789.)

Mr. Bird
&
Mr. Sudleston

The Court of Foujdaree Udalut, having maturely considered the proceedings held before the Judge on Circuit, the Futwa of the Provincial Law Officer and the Futwa of the Cazee-ool-Cozat and Mooftee of the Foujdaree Udalut, confirm the said Futwa of the Cazee-ool-Cozat and Mooftee aforesaid, convicting the prisoner,—

"Coyltottur Marjan Cutty,"

of Wilful Murder and awarding Hissaas, &c.

and

and accordingly under the provisions of Section X Regulation VIII of 1802, sentence him to suffer death, by being hanged at the usual time and place of execution—

(Sent following) letter No. 833)

Read Return, dated the 14th instant, from the Officiating Second Judge on Circuit, in the Western Division to the Precept of the Court of Foujdaree Udalut under date the 27th April 1835, requiring the transmission of the Record of Case No. 41 on the Calendar of the Zillah of Malabar for the 1st Sessions of 1835.

(Here enter No. 790. of 1835)

This case was called up by the Foujdaree Udalut, as from the Abstract in the Calendar there appeared to the grounds for apprehending that too lenient a sentence had been passed upon the prisoner "Elilcandil Ooharan", who was charged before the Court of Circuit with having caused the death of the Prosecutor's brother by inflicting upon him some severe blows with a stick,

and

and adjudged to be imprisoned and kept to hard labour in irons for two years, under Clause Second, Section XV. Regulation VII of 1802.

2 After a mature consideration of all the circumstances of the case, the Court of Foujdaree Udalut do not see fit to disturb the sentence already passed by the Presiding Judge, which will accordingly stand confirmed.

Ordered, that extract from these proceedings be sent to the officiating Second Judge on Circuit in the Western Division for his information.

(Sent following letter No. 634)

Read order of Government, referring for the consideration and report of the Foujdaree Udalut copies of a letter from the Principal Collector & Magistrate of North Arcot, dated the 7th instant and of the papers therewith transmitted.

(Here enter No. 730.)

Read also letter, dated the 22d instant from the Secretary to Government in the Judicial Department, transmitting copy

of a letter from the Principal Collector and Magistrate of North Arcot, dated the 18th instant.

(Here enter No. 791.)

Read also letter, dated the 23d instant from the 1st Judge of the Provincial Court of Circuit in the Centre Division, submitting an explanation of the proceedings referred to in the foregoing communications in reply to the letter, addressed to him by the Foujdaree Udalut, under date the 18th instant.

(Here enter No. 824.)

It appears, that on the 2d May 1835. a precept was issued by the 1st Judge, Presiding at the Court of Quarterly Sessions, to the Acting Criminal Judge in the zillah of Chittoor, directing him to procure if possible the attendance of the Principal Collector of that zilla on the 4th of that month, the presence of that officer "being indispensable to "the defence of the prisoner in case No. 1 of "the first Supplemental Calendar."

A.

first

2 A copy of this Precept was on the same date transmitted by the acting Criminal Judge to the Principal Collector with a "request" that he would "attend before that Court "on the 4th " instant if possible, as therein directed;" and a letter would also appear to have been addressed on the 2d " instant by the acting Criminal Judge to "the Magistrate in the "Zilla of Chittoor" "stating that the evidence of certain individuals mentioned in a list enclosed "being indispensably required by the Court "of Circuit in Case No. 1. of the Supplemental "Calendar for the 2d Sessions of 1835," the acting Criminal Judge requested that the Magistrate would "direct their attendance before "that Court on the 4th " instant."

3. The Principal Collector and Magistrate on the 4th " instant addressed two letters to the acting Criminal Judge, in one of which he acknowledged the receipt of the letter requesting his own attendance on that date before the Court of Circuit, and in the other that of the letter "requesting

"requesting the attendance of the Head "Sherishtadar Govenda Row and other Servants "of the Cutcherry;" the Principal Collector and Magistrate reported that a compliance with either requisition was impracticable from the insufficiency of the time allowed, & with respect to his own attendance he observed, that it would promote the public convenience if the information required from him could be obtained by questions in writing, and begged also that it might be "clearly ascertained whether the presence of "the present Principal Collector" was "required "on that of the late acting Principal Collector."

4 Copies of the two letters last mentioned having been transmitted to the 1st " Judge of the Court of Circuit by the acting Criminal Judge in return to his precept of the 2d " instant, the following order was, under date the 5th " instant, addressed by the 1st " Judge to that Officer:— viz.t

"With reference to Section II "Regulation I of 1824, and Section VII Regulation "III A. D. 1802 the prisoner in No. 1. of the first

30th May 1835 F.U.

"First supplemental Calendar for the 2d Quarterly
"Sessions of 1835, named in the indictment of
"Chinna Basavappah having deposed on oath,
"that the evidence of the undermentioned witnesses
"is material to his defence vizt Charles Roberts
"Esqre Govinda Row Head Sheristadar, Soobba Row
"Naib Sheristadar, Vencata Row Moonshee of
"Wallajah-pettah, and Vencatoo Arava Navies,
"you are hereby commanded to seize the
"above-named witnesses, and to produce them
"before this Court on Wednesday the 13th instant,
"together with all the correspondence, both
"Native and English, relative to the prisoner
"being concerned in the Sayer rent of the
"Frontier Chokeys for fusly 1242 of the Chittoor,
"Bellary, Cuddapah, and Salem zillahs - Herein
"fail not"

"Precept returnable on the 13th
"instant."

5. According to the directions
contained in the above precept the
Acting Criminal Judge, under date the
5th instant, issued his warrant to
Goorroomsoortiah, the Nazir of the zillah

Court

30th May 1835 F.U.

Court commanding him to seize "the
"undermentioned witnesses vizt Charles
"Roberts Esqre Govinda Row Head Sheristadar,
"Soobba Row Naib Sheristadar, Vencata Row
"Moonshee of Wallajahpett, and Vencatoo
"Arva Nevees, and to produce them before
the Court of Circuit "on Wednesday the 13th
"instant together with all the correspondence
"both Native and English relative to
"Chinna Busavapah, the prisoner in No 1
"of the 1st Supplemental Calendar 2d Quarter
"Sessions 1835 being concerned in the
"Sayer rent of the Frontier Chokeys for
"fusly 1242 of the Chittoor, Bellary, Cuddapah,
"and Salem zillas, their evidence being
"material to the defence of the said
"prisoner."

6 The Principal Collector and
Magistrate in his letter to the Secretary to
Government in the Revenue and Judicial
Departments, dated the 7th instant complains
of the conduct of the Acting Criminal Judge
as very reprehensible and illegal, his warrant

having

30th May. 1835 F.U.

having been issued without his having in the first instance issued any summons for the attendance of the several persons, whose seizure was directed. It appears however, to the Court of Foujdaree Udalut, with reference to the precept of the 1st Judge above recited, dated the 5th Instant, that the responsibility for this proceeding rests with the latter officer, who accordingly defends it in his letter of the 23d instant, and has not called upon the acting Criminal Judge for the explanation, indicated in the letter of this Court, dated the 18th instant.

7 In the 4th paragraph of this letter the 1st Judge observes that "the "official call on the Principal Collector, "dated 2d May, which represented his "evidence, as indispensable to the defence "of the prisoner," in the case abovementioned, "can be looked on in no other light than a "summons while it is quite clear, that "Mr. Roberts's attendance was required on "Tuesday the 5th provided it could not be "earlier obtained".

In

30th May 1835 F.U.

8 In paragraph 8 of his letter the 1st Judge states, that he looks on the objections of the Principal Collector quoted in preceding paras: "in no other light than "a desire to avoid attending the Court, and considers "his cavilling about forms, rather "than evincing a desire to forward the ends of "justice to be opposed to the spirit of the "Regulations."

9 In para: 11 the 1st Judge states, that in obtaining for Mr. Roberts the information, desired by him, as to "whether "his presence or that of Mr. Eden was required," he, the 1st Judge "was compelled "under Section VII Regulation III of 1802 to "administer to the prisoner the oath, therein "prescribed, and this having satisfied "him as "that he alone was the person, whose testimony "was essential to the prisoners defence" he, the 1st Judge, "could do no less than "issue the instructions to the Acting Criminal "Judge, which appear to have given such "due offence".

And

10 And in para. 12 the 1st Judge states, that "the object in issuing the warrant "was to subject Mr. Roberts to the penalties "laid down in the Section above quoted, should "he persevere in advancing insufficient grounds "for his non-attendance at the Sessions."

11 The letter concludes with an observation, which the Court of Foujdaree Adalut consider uncalled for, and objectionable.

12 The order of the 1st Judge, dated the 5th instant, professes to be founded on the provisions of Section II Regulation I of 1824, which extended the rules contained in Section VII Regulation III of 1802, for obtaining the attendance & evidence of witnesses, to the cases of witnesses, required by the Magistrates, Criminal Judges, and Courts of Circuit.

13 The Section last mentioned provides, that to procure the attendance of witnesses the Zilla Courts "are to issue a summons," "requiring them to appear in "the Court on a day to be named in the "Summons and then to depose &c." After which it thus proceeds, "if a witness so

summoned

"summoned shall not attend on the day "appointed, or attending shall refuse to "give evidence or to subscribe his deposition, "the Judge in the first case, if it shall be "proved to his satisfaction on oath that the "witness was material to the cause, is to "issue an order to the Nazir to seize and "bring the witness before the Court &c."

14 It appears to the Court of Foujdaree Adalut sufficiently obvious, that this last provision of the Regulations was enacted for the purpose of enabling the Judicial tribunals to compel the attendance of witnesses, who might treat with disregard the summons previously provided; and that in order to render legal a recourse to the apprehension of the party it is absolutely necessary, that he should have been first "duly" and ineffectually "summoned."

15 As no such summons had been served in the present instance the proceeding of the 1st Judge appears to

the

the Court of Foujdaree Udalut to have been contrary to law—

16 The Court observe also, that the direction to the Nazir to seize public papers, belonging to the office of the Principal Collector was a proceeding unwarranted by the Regulations, & particularly objectionable under the circumstances of there having been no previous application for them to that office, and no enquiry as to whether, or not, the production of all or any of them might be injurious to the public interests—

17 Indeed the Court of Foujdaree Udalut must observe, that in their opinion the proceeding adopted by the 1st Judge would in this case have been improper, even had a regular summons first issued; because the application did not reach the Principal Collector, until it was too late to attend to it, and also because there was no refusal on the part of that officer to attend the Court of Circuit, at any other time, either expressed or implied—

And

And with respect to the Head & Deputy Serishtadar and other Servants, included in the Warrant, there is nothing to shew, that any requisition for their attendance was communicated to them before the arrival of the Nazir for the purpose of their apprehension—

Ordered, that Extract of these proceedings with copy of the letter to the 1st Judge dated 18th, and the 1st Judge's answer dated 23d, instant be sent to the Secretary to Government in the Judicial Department for the purpose of being laid before the Right Honorable the Governor in Council—

(Sent in No. 535)

Read letter dated the 3d Ultimo from the Acting 2d Judge of the Court of Circuit in the Northern Division, forwarding Masulipatam Calendars for the first Quarterly Sessions of 1835.

(Hereenter No. 531)

Read letter dated the 2d instant from the Second Judge on Circuit in the Centre Division reporting his intention to open the

1st

30th May 1835.

1st Sessions of 1835. at Chingleput on the 15th June next.

(Here enter No. 668.)

Read Return dated the 9th instant from the late acting 3d Judge late on Circuit in the Centre Division to Precept of the 6th instant calling for the referrible trials 2d Sessions 1834 of Cuddalore with an explanation of the delay in their transmission.

(Here enter No. 701.)

Read Return dated the 19th instant from the late additional Judge late on Circuit in the Northern Division, to precept of Foujdaree Udalut dated the 11th instant, requiring him to state the reasons of his not examining certain Witnesses in Case No. 39. Chicacole Calendar 1st Sessions of 1833.

(Here enter No. 792)

Read Return dated the 15th instant from the Provincial Court of Circuit in the Centre Division, to precept of

Foujdaree

30th May 1835
F.C.

Foujdaree Udalut dated the 23d February 1835 conveying their observations &c. on the Criminal Reports for February 1835.

(Here enter No. 795.)

Read letter dated the 22d Instant, from the acting Criminal Judge of Chittoor, submitting further information required by the Foujdaree Udalut in their letter of the 16th instant on the escape of the prisoners.

(Here enter No. 805.)

Read Return dated the 21st instant, from the Officiating Criminal Judge of Bellary to precept of Foujdaree Udalut dated 13th instant containing the orders of the Foujdaree Udalut on the Criminal reports for March 1835.

(Here enter No. 822.)

Read Return dated the 16th instant, from the Provincial Court of Circuit in the Southern Division to precept of Foujdaree Udalut dated the 8th instant conveying their Circular Order No. 44 directing that

that in future the reference prescribed by Clause Second, Section II, Regulation I of 1823 be made to the Secretary to Government in the Judicial Department.—

(Here enter No. 826.)

Read Return dated the 21st instant from the Provincial Court of Circuit in the Northern Division, to precept of the Fouzdaree Udalut dated the 8th instant conveying their Circular Order No. 44 directing that in future the reference prescribed by Clause Second Section II Regulation I of 1823. be made to the Secretary to Government in the Judicial Department.—

(Here enter No. 827.)

Read letter dated the 27th instant from the Magistrate of Cuddalore forwarding an Extract from his Diary in which is explained the occasion of the detention of a prisoner in the Talook from the 25th March to the 7th April noticed by the Fouzdaree Udalut in their proceedings of the 23d instant on the

Criminal

Criminal Reports of Cuddalore for April 1835.—

(Here enter No. 831.)

Read letter dated the 27th instant from the Magistrate of Cuddalore forwarding a letter from his Head Assistant explaining the occasion of the delay in sending up the prisoners in Cases No. 19 and 20. in Report No. V.

Ent'd

(Here enter No. 832.)

F. U.
30th May 1835

F. U.

At a Court of the Sujdaree Udalut.

Present,

Tuesday 2nd June 1835

John Bird Esqr. 2nd Puisne Judge.
William Rudleston Esqr. 3rd Puisne Judge.

Read return by the Criminal Judge of Cuddapa dated the 21st, to Precept of the 13th May 1835 conveying the orders and observations of the Court of Sujdaree Udalut on his Criminal Reports for March.—

/Here enter No. 800-/

Supt. Report 1
Case 38.

With reference to the explanation in para 2 of the return that the prisoner therein alluded to had been forwarded for trial to Cuddapa under another charge in which the charge of escape had been included and that, rather than return the prisoner to Cumbum for investigation of the case of escape, the Criminal Judge considered it his duty to investigate it himself- the Court of Sujdaree Udalut direct that it be pointed out to the Criminal Judge that the Jurisdiction of the Native Criminal Judge at Cumbum being independant the Criminal Judge had no authority to take up the case. The Criminal Judge will convey to the Native Criminal Judge for his information and guedance in future similar cases the opinion of the Court of Sujdaree Udalut that, previous to the transmission of the pri-

he

he should examine the case of escape, and awaiting the decision of the Court of Circuit should on learning the result of the trial for the graver offence, award the Sentence for the escape.-

2 In para 3 of his return the Criminal Judge explains that in case 50 of his Report No 5 "as there was no appearance of violence having been used to the child the Criminal Judge considered the case to fall within his Jurisdiction considering the value of the property stolen.-

3 If the case in question had been merely one of Theft, there being none of the circumstances of aggravation specified in Clause 4th Section III Regulation XI of 1822 the Criminal Judge could not have imposed punishment exceeding that prescribed by Section VII Regulation X 1816. It is true that the property stolen was only valued at 2 Rupees, but it is to be observed that altho' in cases of Theft and Housebreaking the extent of Jurisdiction and punishment have been, in the Regulations and orders of this Court, taken into consideration in connection with the value of the property stolen, the crime of Robbery, in its commission is independent altogether of the circumstance of the property found upon the person of the party robbed being small or great - and the offence therefore which may be committed thro' intimidation as

as well as by force would not be extenuated or aggravated by this fact.-

4 Under all the circumstances it appears to the Court of Foujdaree Adalut that the case is committable and they accordingly direct that the prisoner be committed to take his trial - the period he may have already been in confinement will be a subject of consideration for the Presiding Judge in passing his sentence in the case.-

Ordered, that Extract of these proceedings be sent to the Criminal Judge of Cuddapa for his information and guidance by Precept returnable in 5 days after receipt.-

Sent following Precept No 640

Read return by the Acting Sent Criminal Judge at Cuddalore dated 23rd ult to Precept of the 15th May - conveying the orders of the Court of Foujdaree Adalut on his Criminal Reports for March -

/Here enter No 821-/

1 The Court of Foujdaree Adalut are at a loss to understand after the specific orders issued respecting the fixed and fluctuating grounds for the prisoners in the General Jails, the following para of the above return.-

2 "In reply to para 5 the Acting Sent Criminal Judge has the honor to state that the Statement of Extra Peons furnished only contained the

the number entertained in excess of the number which have been employed for many years in the Gail, the actual number of Peons guarding the prisoners outside the Gail was 77 - for the future all Peons in excess of the fixed Gail guard shall be entered as "Extra Peons."

The number of Peons authorised by Government as the fixed guard for the Gail at Cuddalore is 27 and the Acting Joint Criminal Judge will explain his allusion to "the number which have been employed for many years" and whether the orders of this Court for regulating the number of Peons have been attended to.

Ordered, that Extract of these proceedings be sent to the Acting Joint Criminal Judge at Cuddalore for his information and guidance by Precept, returnable in 5 days from and after its receipt.

/Sent following Precpt No. 841/

Read Third Supplemental Return dated 8th Ultimo from the Provincial Court of Circuit in the Northern Division to Precept of the Sayr Adawlut dated the 25th February 1835 containing their observations and orders on the Criminal Reports for the Month of December 1834.-

/Here enter No. 835-/

Read return dated 26th Ultimo from the Additional Judge on Circuit in the Northern Division

Division to Precept of the Sayr Adawlut dated the 14th May 1835 conveying their observations and orders on the Calendar of Rajahmundry for the 1st Sessions of 1835.-

/Here enter No. 836-/

Read return dated 20th Ultimo from the Criminal Judge of Salem to Precept of the Sayr Adawlut dated the 20th May 1835 on the Criminal Reports for April 1835.

/Here enter No. 837-/

Read return dated 23rd Ultimo from the Officiating 2nd Judge on Circuit in the Western Division to Precept of the Sayr Adawlut dated the 18th May 1835 conveying their observations and orders on the Malabar Calendar for the first Sessions of 1835.-

/Here enter No. 838-/

Read letter dated 20th Ultimo from the 2nd Judge on Circuit in the Centre Division, forwarding copy of a letter from the Criminal Judge of Cuddapah submitting the explanation required by the Sayr Adawlut in their letter of the 4th May 1835 of his proceeding in permitting his subordinate officers to conduct the examination of prisoners in the mode therein described.-

/Here enter No. 841-/

Wednesday,
3d June, 1835.

At a Court of the Foujdary Udalut,
Present,

John Bird Esqr. ..... 2nd Puisne Judge.
William Hudleston Esqr. ..... 3d Puisne Judge.

The late acting 1st Judge of the Provincial Court of Circuit in the Centre Division not having made return to the precept of the Foujdary Udalut of the 24th February last, desiring him to communicate to the Mofty Vully Mohommud, the remarks of the Law Officers of the Foujdary Udalut on the Futwa in No. 2 Chittoor Calendar 2nd Quarterly Sessions 1834-, and to call for an explanation upon the subject. The Court resolve to direct the attention of the late Acting 1st Judge to that precept, and to require an immediate return.

Ordered, that Extract from these proceedings be sent to the Acting 1st Judge of the Provincial Court of Circuit in the Centre Division for his information and guidance by precept returnable in 10 days from the date of its receipt.

(Sent following Precept No. 642

No return having been received from the Provincial Court of Circuit in the Southern Division; to the precept of the Court of Foujdary Udalut of the 21st April last, giving cover to an Extract from the Courts proceedings

on

on review of the Criminal Reports of the Southern Division for the month of February, the Court resolve to call the attention of the Provincial Court of Circuit to that precept, and to require return to be made without delay.-

Ordered that Extract from these proceedings be sent to the Provincial Court of Circuit in the Southern Division for his information and guidance by Precept, returnable in 8 days from the date of its receipt.-

(Sent following Precept No. 643

Read Miscellaneous Petition presented on the 7th May 1835 by Pagadala Soobanna of the Zillah of Cuddapah.-

(Here enter Mis: Pet: No. 39 of 1835

1. The petitioner prays the Court to issue orders for the release of his elder brother Pagadala Raumoorty, prisoner in Case No. 15 on the Cuddapah Calendar for the second Sessions of 1834, who, he alleges, has been sentenced by the Court of Circuit, on a false and malicious charge of Gang Robbery to imprisonment with hard labor in irons for fourteen years.-

2. The Court of Foujdary Udalut on a reference to the Calendar see reason to doubt the propriety of the conviction of the prisoner Pagadala Raumoorty in Case No. 15 of which

which they accordingly, resolve to direct that an English Translation be prepared and submitted to them without delay.-

Ordered, that Extract from these proceedings be sent to the late acting 3d Judge late on Circuit in the Centre Division, by Precept returnable within 20 days from and after its receipt.-

(Sent following Precept No. 644

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

Read Return dated the 31st Ultimo from the late Third Judge late on Circuit in the Southern Division to Precept of the Court of Foujdary Udalut under date the 19th May 1835, requiring him to explain the grounds on which he ordered the Commitment for Perjury of the second Prosecutor Andy in Case No. 1 on the Tinnevelly Calendar for the second Sessions of 1834, prisoner in Case No. 3 on the Tinnevelly Calendar for the first Sessions of 1835.-

(Here enter No. 844)

Under the circumstances represented by the late Third Judge, the Court of Foujdary Udalut deem it necessary to direct that copies of the two depositions given on the 24th February and 4th March 1834 before the then acting Joint Criminal Judge by the abovenamed prosecutor and

prisoner

prisoner Andy be sent to the present joint Criminal Judge of Tinnevelly, with instructions to report, whether they are correct copies; and if so, to explain the discrepancy apparent between their contents and the indictment in the Calendar.

Ordered, that Extract from these proceedings be sent to the joint Criminal Judge of Tinnevelly with copies of the documents in question by Precept, returnable within six days from and after its receipt.

(Sent following Precept No. 645

Read Return dated the 30th ultimo from the late acting Third Judge late on Circuit in the Centre Division, to Precept of the Court of Foujdary Udalut under date the 3d April 1835, requiring an explanation from the Magistrate of Bellaree "of the proceedings of taking the "Prisoners Police declaration, in duplicate, as described at page "68 of the "English "Record" of the Case No. 32 on the Bellaree Calendar for the Second Sessions of 1834.-

(Here enter No. 845 of 1835.)

The Magistrate reports that he "called "upon the Head of District Police of Yadakee for an explanation "of the proceedings - but that officer in his reply states that "no duplicate declaration was taken."

The

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The Court of Foujdary Udalut in consequence resolve to direct the late Acting 3d Judge to cause a copy of the original depositions given by the 11th and 12th inst. witnesses in the Criminal Court (pp. pp. 67- 68 and 69) to be sent to the Magistrate of Bellaree, with instructions to make a further reference on the subject to the Head of Police of Yadakee: the result of which, the late acting Third Judge will without delay communicate to the Foujdary Udalut.

Ordered, that Extract from these proceedings be sent to the late acting 3d Judge late on Circuit in the Centre Division by Precept, returnable within twelve days from and after its receipt.-

(Sent following Precept No. 846

Read Return dated 20th ultimo from the Provincial Court of Circuit in the Western Division, to Precept of Foujdary Udalut dated the 8th May 1835 conveying their Circular Order No. 44.-

(Here enter No. 846)

Read Return dated the 29th ultimo from the Criminal Judge of Bellaree to Precept of Foujdary Udalut dated the 8th May 1835 on the Criminal Reports for March last.-

(Here enter No. 847)

Read

F. W.
3d June 1835

Read Return dated the 25th Ultimo from the Criminal Judge of Malabar to Precept of Foujdary Udalut dated the 18th May 1835 on the Criminal Reports for March-

(Here enter No. 849)

Read Return dated the 25th Ultimo from the Acting Joint Criminal Judge of Malabar at Tellicherry to Precept of Foujdary Udalut dated the 18th May 1835 on the Criminal Reports for March 1835.-

(Here enter No. 850)

Read Statement dated the 1st Ultimo from the Acting Criminal Judge of Combaconum specifying the work performed by the Convicts in the Zillah Jail of Combaconum during the month of April 1835.-

(Here enter No. 853)

Read Return dated the 30th April last from the Magistrate of Trichinopoly of Convicts in the Jail at that station for April 1835.-

(Here enter No. 855)

Read Return dated the 27th Ultimo from the 1st Judge of the Court of Circuit in the Northern Division to Precept of Foujdary Udalut dated the 12th May 1835 on the subject of his explanation regarding the non transmission of his referrible trials.-

(Here enter No. 864)

F. W.
3d June 1835

Read Return dated the 29th Ultimo from the Criminal Judge of Salem to Precept of Foujdary Udalut dated the 25th May 1835 on Case No. 51 of the Supplemental Report for April last.-

(Here enter No. 865)

Read Letter dated the 29th Ultimo from the Acting Criminal Judge of Madura forwarding a Return of Work performed by the Prisoners in the Jail of the Zillah during the Month of April.-

(Here enter No. 866)

Read Return dated the 27th Ultimo from the Joint Criminal Judge at Tinnevelly to Precept of Foujdary Udalut dated the 20th May 1835 on the Criminal Reports for March last.-

(Here enter No. 867)

Read Return dated 30th Ultimo from the Acting Joint Criminal Judge of the Auxiliary Court at Cuddalore to Precept of Foujdary Udalut dated the 23d May 1835 on the Criminal Reports for April.-

(Here enter No. 868)

explanation

At a Court of the Foujdaree Udalut.

Present,

Monday.
8th June 1835. John Bird Esqr. - - - - 2nd Puisne Judge,
William Hudleston Esqr. 3rd Puisne Judge,

The late 3rd Judge on Circuit in the Southern Division not having furnished the report prescribed by Section XXXVII Regulation VII 1802 for the 2nd Sessions 1834. the Court direct that he be required to submit the same without delay.

Ordered that Extract from these proceedings be sent to the late 3rd Judge on Circuit in the Southern Division for his information and guidance.

(Sent in No. 854

Read return dated 29th by the Acting Joint Criminal Judge at Coimbatore to precept of the 20th Ultimo conveying their orders on the Criminal Reports for March 1835.

(Here enter No. 878.)

In their proceedings of the 20th Ultimo the Court desired, that an explanation

explanation should be obtained of the detention in the Taluk of the first two Prisoners in Case No. 42 of the Report & no reasons for it having been given in the Report.-

2 From the above return it appears that an explanation was given but inadvertently omitted in the Criminal Report. The grounds however assigned for the detention of the Prisoners in the Taluk which have now been laid before the Court of Sanjavee Adalut are so unsatisfactory, that they direct that copy of these proceedings and of the case 42 as it stands in the Report be furnished by the Acting Joint Criminal Judge to the Magistrate who will admonish the Police Officer upon whom the examination of the case devolved that his proceedings have been considered objectionable and that in future similar cases he should in the first instance obtain the depositions of the Prosecutor, but not detain the Prisoners in the Taluk until such time as the Prosecutor may

may find it convenient to attend when, as on the present occasion, they manifest such a disregard to their duty as to leave the Prisoners in custody, in order to follow a search for the recovery of their property at a distance from the judicial Authority before whom they have laid their complaint.

Ordered, that Extract of these proceedings be sent to the Acting Joint Criminal Judge at Coimbatore by precept, returnable in 8 days after receipt.-

(Sent following precept No. 655

Read letter dated the 23d Ultimo, from the Officiating Second Judge on Circuit in the Western Division, submitting copy of the Canara Calendar for the first Sessions of 1835.-

(Here enter P.U. No. 843 of 1835.)

Case No. IV. 1. Not being satisfied that there were sufficient grounds for the conviction of the Prisoner in this Case, the Court of Sanjavee Adalut, before passing any order upon the subject, resolve to direct that an English Translation of the Record be prepared and submitted for their consideration without

without delay.-

Case No. XVIII 2. From the abstract of evidence before the Criminal Court, it appears that "the 3d. witness was sent for before the Court; "but as she appeared too young, she was "not examined".-

3 The Court of Sanjarees Wakut direct that the attention of the Acting Criminal Judge be called to their Circular order of the 12th July 1825, in which is prescribed the mode of proceeding to be adopted by the Judicial Authorities under similar circumstances.-

Case No. XIX. 4 In this case, the Officiating Second Judge observes in the Calendar that the Prisoner "was sentenced, under clause "first, Section V, Regulation XV of 1803 "to receive 100 lashes with a cat of nine "tails and to be imprisoned 7 Years".-

5 The Court of Sanjarees Wakut observe that the provision here cited does not warrant any sentence of punishment. Clause Seventh, Section II Regulation XV of 1803 is applicable to the case.-

Case No. XXI. 6 The Presiding Judge observes in the Calendar, that the Prisoners in this

Case

Case (who were convicted of house breaking and theft) were "each sentenced to receive "100 lashes with a Cat of nine tails and to "be imprisoned 7 Years for seven years under "Clause first Section V Regulation XV "of 1803".-

7. This sentence is irregular and must be amended. A second Letter must be taken as prescribed by Clause third, Section II Regulation XV of 1803 and sentence passed accordingly.-

Ordered, that Extract from these proceedings be sent to the Officiating Second Judge on Circuit in the Western Division by precept, returnable within twelve days from and after its receipt.-

Sent following precept No. 856.-

Read letter dated the 28th Ultimo from the 2d. Judge on Circuit in the Centre Division transmitting the Cumdum Calendar for the 1st Session 1835.-

(Here enter No. 842.)

Case 1. 1. The Court of Sanjarees Wakut, concurring in opinion with the Presiding

Presiding Judge respecting this case, so already twice postponed, direct that the Prisoners be discharged without delay.-

Case 2. 2 The Reward of 15 Rupees ordered by the second Judge under section XXIII Regulation IX 1816 to be given to the 6th and 7th witnesses Villagers, who were instrumental to the capture of two of the Prisoners in this Case, meets with the entire approval of the Court of Sunjdaree Udalut who are of opinion that such consent should never be allowed to pass unnoticed.

Case 3. 3 Under the circumstances represented, the Court of Sunjdaree Udalut consider it proper to direct that the trial in this case be closed and the futwa taken. There is nothing to prevent the Court of Sunjdaree Udalut from having before them the evidence of the Prisoner's witnesses if requisite. The Case cannot be dismissed at once as recommended in the Calendar, because the Court's officers conviction of the Prisoners would render necessary the reference of the trial to the

Case 4. 4 The second Judge will report the result of this trial as soon as he is able to do so.-

Case 5. 5 The Court regret to observe that this case postponed at the last Sessions of 1834 for want of evidence for the Prosecution has been now delayed in order that witnesses named by the Prisoner may be brought forward and examined in his behalf. It will be the special duty of the Criminal Judge to secure the attendance of the required witnesses. it seems however extraordinary to the Court, that the deficiency should not have been discovered and remedied before the present Sessions.-

Case 6. 6. In this case the postponement has been the unavoidable consequence of the non attendance of the Prosecutor and witnesses, and the Court of Sunjdaree Udalut deem it proper to direct the second Judge to call upon the Criminal Judge of Cuddapa to report for their information, what measures were taken for procuring the attendance of the Persons

in

inquestion at the Sessions, and why they failed to attend.-

Case 9- 7. In this case two Prisoners charged with robbery of property from the Prosecutrix to the value of 2½ Rupees have been duly sentenced to "14 years imprisonment with labour in irons". It appears to the Court of Sunjaree Adalut as far as they are enabled to form a judgment from the statement in the Calendar, that the case is one in which the Second Judge might, with propriety, have recommended a mitigation of the prescribed punishment, and they accordingly direct on the understanding that no personal violence was offered to the Prosecutrix and that no other circumstance of aggravation than is exhibited in the Calendar accompanied the case, that this suggestion be recorded for his notice.-

Case 11. 8. The same observation and order apply to this case which is one of a similar description, to that which forms the subject of the last paragraph.

Case 12- 9. The circumstances represented

in the Calendar shew that the postponement of this case could not have been avoided though it is much to be regretted.-

Case 14- 10. The due disposal of this case is involved in the order passed in No. 3 which apply equally to both cases.-

Ordered that Extract of these proceedings be sent to the Second Judge on Circuit in the Centre Division for his information and guidance by precept returnable in 15 days after receipt.-

/Sent following precept No. 657

Read return dated the 21st Ultimo from the Provincial Court of Circuit in the Northern Division to precept of Sunjaree Adalut dated the 1st Ultimo requiring information of the result of the proceedings with reference to the Sunjaree Adalut's orders of the 11th February last in respect to the Prisoners in Case No. 283 of the Nellore Report No. V for November and the case No. 170 of the Guntoor Report for the same month.-

/Here enter No. 834/

Read

F. 11.

8th June 1835.

Read return dated the 28th Ultimo from the Acting Criminal Judge of Madura to precept of Tanjaree Vealut dated the 20th Ultimo conveying their observations and orders on the Criminal Reports for March last.-

(Here enter No. 848)

Read further return dated the 22nd Ultimo from the Provincial Court of Circuit in the Northern Division to precept of Tanjaree Vealut dated the 24th April last on the Criminal Reports for October 1834.-

(Here enter No. 871.)

Read letter dated the 28th Ultimo from the Acting Joint Criminal Judge of Coimbatore forwarding return of work performed by the Convicts under charge of the Officer Commanding Polacammud for the month of April last.-

(Here enter No. 872)

Read letter dated the 29th Ultimo from the 2nd Judge on Circuit in the Centre Division, reporting his intention to open the 1st Sessions of 1835 at Cuddapah on the 9th July next.-

(Here enter No. 873.)

Read return dated the 1st Instant from the Criminal Judge of Cuddapah to precept of Tanjaree Vealut dated the 23rd Ultimo on the Criminal Reports of the Native Judge of Cumbum for April.-

(Here enter No. 876.)

Read return dated the 1st Instant from the Criminal Judge of Cuddapah to precept of Tanjaree Vealut dated the 20th Ultimo on the Criminal Reports for April.-

(Here enter No. 877.)

Read letter dated the 29th Ultimo from the Acting Joint Criminal Judge of Coimbatore forwarding Return of work performed by the Prisoners under charge of Magistrate of Coimbatore for April.

(Here enter No. 879.)

Read letter dated the 31st Ultimo from the late Magistrate of Guntoor, submitting reply to observations of the Tanjaree Vealut in their proceedings of

of the 25th Ultimo animadverting on his retu
of the 14th Instant.-

/Here enter No. 882./

Read return dated the 25th Ultimo
from the Provincial Court of Circuit in
the Northern Division to precept of
Tonjdaree Udalut dated the 11th Ultimo
having reference to the Criminal
Reports for December 1834.

/Here enter No. 884./

Read letter dated the 3rd Instant
from the Acting 3rd Judge on Circuit in
the Northern Division forwarding origi-
nal warrant of execution No in Case
No. 39 Chicacole Calendar for the first
Sessions of 1833.

/Here enter No. 885./

Read letter dated the 30th
Ultimo from the Additional Judge on
Circuit in the Northern Division for-
warding original warrant of execution
No in Case No. 58 on the Chicacole
Calendar for the Second Sessions of 1834

/Here enter No. 886./

Read

Read return dated the 1st Instant
from the Officiating Criminal Judge at the
Bellary to precept of Tonjdaree Udalut dated
the 26th Ultimo on the Criminal Reports
for April last.-

/Here enter No. 889./

Read return dated the 2nd Instant
from the Acting Criminal Judge at Combaco-
conum to precept of Tonjdaree Udalut dated
the 20th Ultimo on the Criminal Reports
for March.-

/Here enter No. 890./

Read return dated the 29th Ul-
timo from the Criminal Judge of
Malabar to precept of Tonjdaree Udalut
dated the 23rd Ultimo having reference
to the Criminal Reports for April.-

/Here enter No. 891./

Read return dated the 2nd
Instant from the 2nd Judge on Circuit in
the Centre Division to precept of
Tonjdaree Udalut dated the 28th Ultimo
conveying their observations and orders
on the Cuddapah Calendar for the 1st
Sessions of 1835.

/Here enter No. 894./

Read

Read return dated the 3d Instant from the Acting Criminal Judge of Chittoor to precept of Tanjaore Vakeel dated the 26th Ultimo on the Criminal Reports for April 1835.-

/Here enter No. 895./

Read return dated the 3d Instant from the Acting Criminal Judge of Combaconum to precept of Tanjaore Vakeel dated the 26th Ultimo on the Criminal Reports for April.-

/Here enter No. 896./

Read return dated the 1st Instant from the Joint Criminal Judge of Tinnevelly to precept of Tanjaore Vakeel dated the 26th Ultimo on the Criminal Reports for April.

/Here enter No. 897./

Read letter dated the 5th Instant from the 2d Judge of the Provincial Court of Circuit in the Southern Division, reporting his intention to open the second Sessions of 1835 at Madura on the 7th July next.-

/Here enter No. 898./

Read return dated the 25th Ultimo from

from the Provincial Court of Circuit in the Northern Division to precept of Tanjaore Vakeel dated the 28th April last conveying their observations &c. on the Criminal Reports for February last.-

/Here enter No. 903./

Read letter dated the 4th Instant from the Provincial Court of Circuit in the Northern Division forwarding Statements of work by the Convicts under the Magistrate of Guntoor for the months of March and April last.-

/Here enter No. 904./

Read letter dated the 20th Ultimo from the Provincial Court of Circuit in the Northern Division forwarding translation of a Return from the Native Criminal Judge of Vizagapatam having reference to the instructions issued to him on the 27th April and 7th May regarding the transfer of a certain number of Prisoners under his charge to the Gaol at Rajahmundry.-

/Here enter No. 905./

Read return dated the 6th Instant from

F. 11.

8th June 1835

from the Acting Joint Criminal Judge at Cuddalore to precept of Tondaree Adalut dated the 2nd Instant requiring explanation of his allusion to the number of Peons which have been employed for many years made in his Return to precept of Tondaree Adalut dated the 13th Ultimo.-

/Here enter No. 907./

Read letter dated the 3d Instant from the Magistrate in the Northern Division of Arcot submitting reply required by the Tondaree Adalut in their proceedings of the 20th Ultimo regarding Criminal Case No. 94 Report No. V for April.-

/Here enter No. 908./

Read letter dated the 3d Instant from the Magistrate of Cuddapah submitting explanation required by the Tondaree Adalut in their proceedings of the 13th Ultimo regarding Case No. 57.-

/Here enter No. 909./

Read

F. 11.

8th June 1835

Read letter dated the 1st Instant from the 1st Judge of the Provincial Court of Circuit in the Western Division Reporting that the second Sessions of 1835 will be opened at Calicut on the 18th June 1835.-

/Here enter No. 911./

Read letter dated the 3d Instant from the Acting Criminal Judge of Madura forwarding a Return of work performed by the Prisoners during the month of May.-

/Here enter No. 915./

At a Court of the Foujdary Udalut.

Present,

Tuesday 9th June 1835

John Bird Esqre ---------- 2nd Puisne Judge.

William Rudleston Esqre ---------- 3d Puisne Judge.

Read letter dated 26th Ultimo from the Additional Judge on Circuit in the Northern Division, submitting his proceedings and report on the enquiry instituted by him into the conduct of the Native Judge of Vizagapatam under the orders of Government of the 20th May 1834.

(Here enter No 869)

In the first paragraph of his letter the Additional Judge states, that in going into the Case of "Chellamiah" "it appeared that he had presented a similar "petition to that presented to him, in the Provincial Court "at Masulipatam regarding which, as proceedings had already "been commenced and were in progress, he considered himself "not to be justified in interfering". The Court resolve to direct the Provincial Court to forward to them, if the matter is already determined, their proceedings, and orders in the Case of Chellamiah, to which the Additional Judge refers, without delay - If not yet determined, the Court of Foujdary Udalut desire that the Case may be proceeded on immediately, and the result, with a translation of all proceedings

held

held, communicated to them -

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 in 8 days -

(Sent following Precept No 658

Read Report presented by Section XXXIII Regulation VII of 1802, submitted by the 3d Judge Western Division, for the 2nd Sessions 1834 -

(Here enter No 764)

The Court of Foujdary Udalut have observed with much satisfaction, that the great increase of criminal cases brought on the Malabar Calendar, is ascribed by the 3d Judge in the 4th para of his report, "not so much to the increase of crime, as to the vigilance of the Police -" The observation with which he concludes this para "that he tried at the Sessions not fewer than six cases, the Prisoners in which had been concerned in cases formerly tried, but who had at first eluded detection," appears to the Court fully to bear out this opinion; and they trust that future reports will shew, that the 3d Judge has here assigned the true cause of the great increase of business before the Court of Circuit -

The Court have already offered their opinion upon

upon the subject discussed in the 5th 6th and 7th paras, the best means of repressing perjury, and gross prevarication in the Criminal Courts in the Western Division, in the 15th para of their proceedings under date 26th November last, submitted to Government with the report of the 1st Judge - It is clear from the 3d Judge's Statement, that the existing penalties for gross prevarication, are no sufficient check upon that offence in the Western Division; and the Court consider the alteration, suggested by both the 1st and 3d Judges, that it should be discretional with the presiding Judge, to direct either fine or imprisonment as he might see cause, to be expedient - and they would even extend it to both in cases of an aggravated nature -

Ordered that Extract of these proceedings be sent to the Secretary to Government in the Judicial Department to be laid before the Right Honorable the Governor in Council with the Report of the 3d Judge -

(Sent in No 659

Ordered also that Extract of these proceedings be sent to the 3d Judge late on Circuit in the Western Division for his information -

(Sent in No 660)

9th In

P. U.

At a Court of the Foujdaree Udalut

Present,

Wednesday
10th June 1835. John Bird Esqre. — 2d Puisne Judge

William Hudleston Esqre. — 3d Puisne Judge

Read return dated the 1st instant by the acting Criminal Judge of Madura to Precept of the 26th Ultimo, conveying the orders of the Foujdaree Udalut on the Criminal Reports for April.-

(Here enter No. 897.)

Report V
Case 49.

1 The following explanation is submitted in the above return respecting the case noted in the margin.- "The prisoner in this case appears to have presented a written complaint to the Assistant Magistrate of Tinnevelly, which complaint was referred to the Tahsildar of Suncaranainar Covil who examined the Parties but not the Prosecutor, now Prisoner, and forwarded the case up to this Court for false complaint."

2 It appears to the Court of Foujdaree Udalut necessary to direct the prisoner in question to

to be discharged- This complaint having been preferred to the Magistrate his case does not fall under Section II Regulation IX 1832 which has been quoted in support of the sentence passed against him-

Ordered that Extract of these proceedings be sent to the Acting Criminal Judge of Madura for his information and guidance by Precept returnable in 5 days after receipt.-

(Sent following Precept No. 661)

Read Return dated 29th to Precept of the 11th April last calling upon the Acting 3d Judge of the Provincial Court of Circuit in the Northern Division to submit without delay the statement required by their Circular Order No. 4 dated 5th July 1834-

(Here enter No. 652.)

1 In the above Return it is stated that the statement in question "has not been submitted because the records to be referred from the decision of the Toyjaree Udalut in the 4th Quarterly Sessions of 1834 have been delayed and

and the lapse of time not ascertained."

2 The acting 3d Judge having evidently misapprehended the order of the 5th July 1834, the Court of Foujdaree Udalut direct, that it be explained to him that under it, he ought on the 31st of December last, to have submitted the statement of trials he had up to that date, dispatched, and that it was for this statement that the above Precept called.

3. The acting 3d Judge will accordingly be pleased to transmit the required statement within 5 days after the receipt of these instructions.-

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 in 5 days after receipt.-

(Sent following Precept No. 662)

Read Extract from the proceedings of the Provincial Court of Circuit dated 26th Ultimo, acknowledging the Precept of the Court of Foujdaree Udalut of the 22d Ultimo, containing their orders in reference to the Minutes of the 1st & acting 2d Judges of the Provincial Court of Circuit Northern Division

(submitted

(submitted with their return of the 23d April to the Precept of the Court of Foujdaree Udalut of the 15th November last) in Nos. 80. 81. and 82 of 1834 Criminal Court Rajahmundry —

(Here enter No. 875)

In the foregoing Extract the 1st Judge explains, that the delay of four months upon which the Court of Foujdaree Udalut remarked in para. 2 of their proceedings of the 22d Ultimo, is not attributable to him. The Court recognize the validity of the 1st Judge's claim to be absolved from blame, and they will comply with his request to submit his explanation to Government. They observe at the same time, that he has stated nothing, which relieves the Provincial Court of Circuit from the censure of the Foujdaree Udalut, as no reason is assigned for their omission to notice the proceedings and orders of this Court of the 15th November last, before the 7th March following. —

Ordered, that Extract of these proceedings be sent to the Secretary to Government in the Judicial Department to be laid

before

before the Right Honorable the Governor in Council. —

(Sent in No. 663)

Ordered also, that Extract of these proceedings be sent to the 1st Judge of the Provincial Court of Circuit Northern Division for his information. —

(Sent in No. 664) —

10th Jun

Thursday
11th June 1835

J. & E.

At a Court of the Sadr Dewanny Adawlut

Present

John Bird Esqr. 2nd Puisne Judge

William Rudkeston Esqr. 3rd Puisne Judge

Read letter Dated 29th Ultimo, from the 2nd Judge on Circuit in the Central Division, transmitting the record in case No. 30 of the Cuddapah Calendar 1st Sessions of 1835.—

/Here enter No. 874/

Mr. Rudkeston

The Court of Sadr Dewanny 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 Cozzat and Mooftee of the Sadr Dewanny Adawlut, confirm the said Futwa of the Cazee ool Cozzat and Mooftee aforesaid acquitting the prisoners.—

1st Paula Vibbeegundoo

2nd Vallapooreda Veerabuddoo

and

3rd Bala Bodeegadoo

and accordingly direct that they be set at liberty.—

/Sent following letter No 865/

Read letter dated 20th Ultimo from the Additional Judge on Circuit in the Northern Division, transmitting

10th & F. H. 1835

F. H.
11th June 1835

transmitting the record in Case No. 10 of the Rajahmundry Calendar 1st Sessions of 1835.

/ Here enter No. 828 /

Mr. Bird and Mr. Hudleston

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 —

Cotooru Soobarayadoo

is sufficient to convict him 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 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.

/ Sent following letter No. 866 /

Read letter dated the 6th instant from the late acting Third Judge late on Circuit in the Centre Division, detailing the grounds of conviction of the 1st prisoner in case No. 15 on the Cuddapah Calendar for the Second Sessions of 1834 and suggesting that in consideration of those grounds the English Translation of that case required by the Precept of the Sudder Adalut under date the 3d instant be dispensed with. —

/ Here enter F. H. No. 905 / 1835 /

F. H.
11th June 1835

1 In the 4th paragraph of the above letter the late acting Third Judge explains, that the 8th and 9th Witnesses discovered some Gold and Silver articles in the Well of the 1st prisoner's house which the 10th and 11th Witnesses have proved to be the prosecutor's. "

2 The Court of Sudder Adalut deem it necessary to call upon the late acting Third Judge to report, whether or not the 8th and 9th Witnesses deposed to the above effect before the Criminal Court, on which point the abstract of evidence in the Calendar furnishes no information.

3 If they did so depose the Court of Sudder Adalut considering in that case the evidence to be sufficient will dispense with the English Translation of the Record: but if otherwise they direct that their Precept of the 3d instant be conformed to within one Month from the date of its receipt. —

Ordered, that Extract from these proceedings be sent to the late acting Third Judge late on Circuit in the Centre Division by Precept returnable within five days from and after its receipt. —

/ Sent following Precept No. 867 /

Read return dated 5th Instant from the Criminal Judge at Rajahmundry to Precept of the 23d ult.

Ultimo

F. U.

1st June 1835

Ultimo, conveying the orders of the Court of Foujdaree Udalut on the Criminal Reports for April 1835.-

/Here enter No. 598-/

The explanation connected with the disposal of the case No. 18 of the Supplemental Report which the Acting Criminal Judge has submitted in the above return being satisfactory the Sentence need not be disturbed.-

Ordered, that Extract of these proceedings be sent to the Acting Criminal Judge at Rajahmundry for his information and guidance

/Sent following letter No. 868/

Read return dated 30th Ultimo from the Acting Criminal Judge of Canara, to Result of Foujdaree Udalut dated the 25th May 1835, on the Criminal Reports for April.-

/Here enter No. 912-/

Read letter dated 5th Instant from the Criminal Judge in the Zillah of Rajahmundry transmitting accounts for May last, on account of the prisoners placed under charge of the Officer Commanding Samulcottah.-

/Here enter No. 935-/

F. U.

At a Court of the Foujdaree Udalut.

Present,

Friday, 12th June 1835.

The Honorable William Oliver Esqre Chief Judge.

John Bird Esqre ..... 2nd Puisne Judge.

William Hudleston Esqre .. 3rd Puisne Judge.

Read letter dated the 25th Ultimo from the Additional Judge on Circuit in the Northern Division transmitting the record of trial in Case No. 11 of the Rajahmundry Calendar 1st Sessions of 1835.

/Here enter No. 829-/

Mr. Oliver. & 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 and Coorjut and Mooftee of the Foujdaree Udalut, are of opinion that the Prisoner,

"Vakara Loonasoo"

is not convicted on presumptive proof, or on the evidence of credible witnesses or on his own Confession, notwithstanding the

Futwa

F.C.

12th June 1835.

Tutua of their Law Officers, and do accordingly 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. 870

Read return dated 6th Instant from the Provincial Court of Circuit in the Southern Division, to the precept of the Court of Tanjore Adalut of the 3rd Instant.-

(Here enter No. 928.)

The Court have observed that the foregoing and other returns are attested by the signature of only one Judge of the Provincial Court. The Provincial Court is desired to afford the necessary explanation of the omission of the Officiating Judge's signature.-

Ordered, that Extract from these proceedings be sent to the Provincial Court of Circuit in the Southern Division by precept, returnable in 3 days.-

(Sent following precept No. 871.

Read

F.C.

12th June 1835

Read letter dated the 6th Instant from the Criminal Judge of Cuddapah, forwarding Return with its translation from the Native Criminal Judge of Cumbum, having reference to the Extract from the proceedings of the Tanjore Adalut under date the 23rd Ultimo, on the Cumbum Criminal Reports for the Month of April last.-

(Here enter F.C. No. 921 of 1835.)

From a misconception of the purport of the Tanjore Adalut's observations, the Native Criminal Judge now submits the question "whether "the provisions of Clause First Section XIII Regulation VI of 1827 are still in force.

2. The Criminal Judge of Cuddapah will answer this question in the affirmative, and at the same time point out to the Native Judge, that in his Monthly Criminal Reports it will in future be sufficient simply to record the fact that such and such a Prisoner was "sentenced to find security:" and that it is unnecessary

to

to enter the order for "hard labour in default"
which under the enactment above quoted
is the discretionary accompaniment,
not the necessary consequence of the
sentence, of which indeed it forms no
integral portion.-

Ordered, that Extract from
these proceedings be sent to the Crimi-
nal Judge of Cuddapah for the pur-
pose of being communicated to the
Native Judge of Cumbum.-

(Sent following letter No. 672

Read letter dated the 6th
Instant from the First Judge of the
Provincial Court of Circuit in the
Centre Division, submitting copy of
the Fourth Supplemental Calendar
for the second Quarterly Sessions of
1835 for the Zillah of Chittoor.-

(Here enter F.C. No. 926. of 1835.)

Case No. 1. 1. In this case, the Maho-
medan Law Officer of the Court of
Circuit, convicted the first and third

Prisoners

Prisoners of Gang Robbery, and "the second
"Prisoner of "receiving stolen property
"knowing it to have been such", and the
"Court of Circuit concurring in the Futwa
"sentences the Prisoners under Clause
"third, Section IV Regulation XV of 1803
"to fourteen years' imprisonment with
"hard labour in irons".-

2 The Court of Sudder Adalut
observe that to the case of the second
Prisoner as a receiver of stolen goods,
the provisions of the enactment above
quoted do not apply: and they in con-
sequence resolve to direct that the First
Judge be called upon to amend his
sentence as it respects that individual.

Ordered, that Extract from
these proceedings be sent to the First
Judge of the Provincial Court of Circuit
in the Centre Division, by precept,
returnable within two days from and
after its receipt.-

(Sent following precept No. 673.

At a Court of the Foujdaree Udalut.

Present,

Saturday, 13th June, 1835. John Bird Esqre ——— 2d Puisne Judge,

William Hudleston Esqre ——— 3d Puisne Judge,

Read letter dated the 28th Ultimo from the First Judge of the Provincial Court of Circuit in the Centre Division, submitting an English and Persian Translation of the proceedings in Case No. 1 Chittoor. 3d Supplemental Calendar for the second Quarter Sessions of 1835.

(Here enter No. 863.)

The Court of Foujdaree Udalut,

Mr. Bird
&
Mr. Hudleston. having maturely considered the proceedings held before the Judge on Circuit, the Futwa of the Provincial Law Officer and the Futwa of the Cazee: ool: Coozat and Mooftee of the Foujdaree Udalut, confirm the said Futwa of the Cazee: ool: Coozat and Mooftee aforesaid, convicting the prisoner—

"Battala Vencataramoodoo,"

of Wilful Murder and awarding Kisaas, and accordingly under the provisions of Section X. Regulation

Regulation VIII of 1802, sentence him to suffer death by being hanged at the usual time and place of execution.-

1 The Court of Foujdaree Udalut observe, that the whole of the examination of the prisoner before the Court of Circuit, after his answer to the first question is irregular, and should have been deferred till he was put on his defence.-

2 It would further appear, that upon the Duvale-navis Elistna Row, the 13th Witness for the prosecution, being called to prove the dying declaration of the murdered person, the first Judge omitted to cause that declaration to be read in open Court.-

3 The Court of Foujdaree Udalut further observe, that the English Translation of the preliminary proceedings held in this case has not been revised. It is to be presumed that had their repeated orders upon the subject been conformed to, the absurd question (No 5) noticeable at page 13 would not

not have appeared.-

4 The acting Criminal Judge ought not to have put such a translation before the Court of Circuit, and the First Judge should not have forwarded it unconnected to the Foujdaree Udalut.-

Ordered, that Extract from these proceedings be sent to the First Judge of the Provincial Court of Circuit in the Centre Division for his information.-

(Sent following letter No 681)

Read letter dated the 19th March last from the acting 3d Judge late on Circuit in the Centre Division. Submitting the English and Persian translation of the proceedings in Cases Nos 25 and 26 of the Cuddalore Calendar Second Sessions 1834.

(Secretary No 830)

Mr Bird.

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 Mooftee of the Foujdaree Ud alut, confirm such part of the said Futwa of the Cazee-ool-Cozat and Mooftee aforesaid, as convicts the prisoner,-

1st "Nareyen alias Narasen,"

and such part as acquits the prisoners,-

2d "Ramasawmy,"

3d "Moottoosawmy,"

4th "Chavedeyan,"

5th "Vencatachellum,"

7th "Yalayah peroomapillay,"

8th "Ramalingum,"

9th "Chinneyan,"

&

10th "Ponneummay,"

and under the provisions of Clause First, Section V, Regulation VIII of 1831 and Clause Second, Section IV, Regulation XV of 1803 sentence the prisoner-

1st "Nareyen alias Narasen,"

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 direct that the prisoners,

2d "Ramasawmy"

3d "Moottoosawmy,"

4th "Chavedeyan,"

5th "Vencatachellum,"

7th "Yalayah peroomapillay,"

8th "Ramalingum,"

9th "Chinneyen,"

10th "Ponneummay,"

be set at liberty-

And being of opinion that the proof against the prisoner,-

6th "Govindun,"

is sufficient to convict him of the crime of Gang Robbery by open violence, attended with aggravating circumstances, the Court do, under the authority with which they are vested by Clause First, 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

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. 882)

Read letter dated the 24th March last from the late Acting 3d Judge late on Circuit in the Centre Division. Submitting the English and Persian translation of the proceedings in Case No. 14 of the Cuddalore Calendar 2d Sessions 1834.—

(Here enter No. 916)

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: Coozat and Mooftee of the Foujdaree Udalut, confirm the said Futwa of the Cazee: ool: Coozat and Mooftee aforesaid, convicting the prisoners—

1st "Moottoosawmy"
alias
"Mootteya Padiachee,"
&
2d "Vyapoory"

on strong presumptive proof, and awarding Oshoolut, and under the provisions of Clause first, Section V. Regulation VIII of 1831 and Clause Second, 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 & during the period of their natural lives respectively: and the prisoner—

1st "Moottoosawmy"
alias
"Mootteya Padiachee,"

to receive in addition, one hundred and ninety five lashes of a cat of nine tails, under the provisions of Clause third, Section II Regulation I of 1825.

Ent. JB

(Sent following letter No. 883)—

At a Court of the Foujdaree Adalut.

Present,

Monday, 15th June, 1835. John Bird Esqre — 2d Puisne Judge,

William Hudleston Esqre — 3d Puisne Judge,

Read Supplemental Return dated the 2d instant from the Provincial Court of Circuit to Precept of the Foujdaree Adalut of the 28th April last conveying the observations and orders of the Court on the Criminal Reports of the Northern Division for February 1835.

(Here enter No. 932.)

Chicacole Report V Case. 11.

1 Under all the circumstances connected with the case noted in the Margin the Court of Foujdaree Adalut resolve to direct that the order for the commetment of the 1st prisoner be not disturbed.—

2 With reference to the question of the value to be put upon the dying declaration or the dying deposition of a deceased person as evidence against prisoners under examination on the charge of Murder, the

Court

Court of Fouzdaree Udalut have to observe that it is distinctly laid down in Phillipps' Laws of Evidence Vol. 1. Chap: 7 Section 7. that a declaration not taken down in writing is good evidence, even when there may be one reduced to writing which may not be produced - and there can be no doubt, in the opinion of the Court of Fouzdaree Udalut, that a dying declaration may be proved without its having been taken down in writing and may be received as good evidence.-

Ordered that Extract of these proceedings be sent to the Provincial Court of Circuit in the Northern Division for their information and for communication to the officiating Criminal Judge at Chicacole by Precept, returnable in 5 days after receipt.-

(Sent following Precept No. 888)

Read the Guntoor Criminal Reports prescribed by Section XXXV Regulation X 1816 for May 1835.-

(Here enter No. 917)

Report V Case 47.

An inaccuracy is observable in the

the quotation of "Section I Clause IV Regulation VII of 1822" in support of the order for the requisition of security from the 8th prisoner in this case instead of Clause 1st Section IV Regulation II. 1822.-

Case 50. 2

The 3d prisoner in this case having been sent to the Joint Criminal Court solely on the crimination of the other prisoners, the Joint Criminal Judge will furnish to the Magistrate copy of the case as it stands in the Report and of this paragraph in which the Court of Fouzdaree Udalut now repeat the opinion on this subject recorded in para 3 of their proceedings of the 28th April last. The Magistrate will take an early opportunity of communicating it to the Head of Police of Datchapully Tamnah who forwarded the case noted in the margin and also to the other Heads of Police in his District for their information and guidance. "The mere crimination of one prisoner by another cannot be held to be evidence against him." It is distinctly pointed

pointed out in Section XXVIII Regulation XI of 1816.
that it is only where a prisoner's criminations
of another may be corroborated by evidence
against that other that he should be
forwarded to the Criminal Judge and "the
Court of Foujdaree Udalut" are of opinion that
it is contrary to Laws to send to the Criminal
Court a man solely because a prisoner in his
declaration may criminate him. But where
there is any evidence corroborative of the
crimination the prisoner should be forwarded
because the Regulations then admit of the
proceeding and conditional pardon of the
accomplices may be obtained and their evidence
eventually used.

Case 52. 3 In this case the Joint Criminal
Judge should have quoted the Section as well
as the Regulation under which he passes sentence
on the second prisoner.

Ordered that Extract of these
proceedings be sent to the Joint Criminal Judge
at Guntoor for his information and guidance
by Precept, returnable in 5 days after receipt.

(Sent following Precept No. 569)

Read

Read extracts from the proceedings
of the Court of Circuit for the first Sessions
of 1835 at Bellary with copies of Returns
thereto by the Acting Criminal Judge of
that Zillah, relative to the practice of
keeping prisoners, not yet tried, in irons.

(Here enter No. 946 of 1835.)

1 The Court of Foujdaree Udalut
direct that the Acting Criminal Judge
be required strictly to conform to the
Circular Order of the 27th June 1834 excepting
only in those cases in which some specific
or imminent danger may be apprehended.

2 The Court of Foujdaree Udalut
do not comprehend the meaning of the
acting Criminal Judge's expression a "crippled
establishment". The allotment of one peon to
every four convicts (viz. worked outside, prevails
in all the Zails under this Presidency); and
his peons establishment is not inferior in
Numbers to that maintained by other Judicial
Officers, and in the opinion of the Foujdaree
Udalut is sufficient for the performance of
all

to

all the duties requried of it.-

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

(Sent in No. 690)

Read letter dated the 5th instant from the Second Judge on Circuit in the Centre Division submitting copies of the Bellary Primary and Supplemental Calendars for the first Sessions of 1835-

(Hereafter No. 943 of 1835)

Case No. 1. 1

The Court of Foujdaree Udalut direct that the Acting Criminal Judge be required to use his utmost exertions to cause the attendance of the prosecutors and witnesses at the next Sessions, beyond which the trial of the prisoners must not be deferred-

Case No. 8. 2.

The Court of Foujdaree Udalut - desire to be informed of the cause of the absence of the Prosecutor and his brother, and why the Acting Criminal Judge omitted to call for evidence touching the

the ownership of the property-

In this case the Presiding Judge

Case No. 12. 3.

in his remarks in the Calendar, states that "there is not a tittle of evidence against any of these prisoners but the 1st"-

The Second Judge will call

4.

upon the Acting Criminal Judge to state why the 2d 3d and 4th prisoners were committed on so insufficient grounds & will submit his explanation to the Foujdaree Udalut-

In this case also the Acting

Case No. 19. 5

Criminal Judge must be required to state the causes which prevented him from procuring the attendance of the witnesses. The postponement of such a case is greatly to be lamented-

The Court of Foujdaree Udalut

Cases Nos. 24 & 25. 6

consider that the committal of these cases upon evidence so manifestly defective, reflects discredit upon the subordinate Judicial authority who must be admonished to exhibit in future greater care in

the

the performance of this important part of his duty.-

Case No. 26. 7 The same remark applies to this case also.-

Case No. 27. 8. The Acting Criminal Judge must be called upon to explain why the attendance of the second prosecutor could not be procured.-

Case No. 28. 9 Under the circumstances represented in the Calendar, the Court of Foujdaree Udalut resolve to accede to the recommendation of the Second Judge and accordingly authorize the Acting Criminal Judge to take the evidence of the Amildar of Hoodleger.-

10 The evidence must be taken in the presence of the prisoners, and the latter be permitted to cross-examine the witness and to offer any thing further in their defence, should they wish it, at the close of the examination.-

11 The Second Judge will communicate the result of the trial to the Court of Foujdaree Udalut.-

The

Case No. 30 12 The prisoners in this case ought not to have been committed.-

Case No. 36. 13. The second Judge observes in his remarks on the Calendar, that "the "other cases from No. 33 to 40. were not "tried as they are all equal or minor "offences. The 1st Prisoner confessed before "the Criminal Court in them all: the 2d "in none, nor before the Police either."

14 Under these circumstances the Court of Foujdaree Udalut deem it necessary to direct that the Acting Criminal Judge be called upon to explain the grounds of his committal of the said 2d prisoner.-

Case No. 41. 15. The Court of Foujdaree Udalut having maturely considered all the circumstances of this case as they appear in abstract in the Calendar, together with the representations of the Second Judge, sanction, under Clause third, Section III, Regulation I of 1825, the mitigated punishment recommended by that Officer, and accordingly sentence the prisoner.-

"Wobeegaudoo"

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 (6) six years.-

Cases Nos. 43 & 54. 16. The Acting Criminal Judge will explain the cause of the non-attendance of the witnesses in these cases.

Case No. 53. 17. The Court of Foujdaree Udalut presume that in this case the second Judge acquitted the prisoner on the ground of temporary Derangement, specified in the Futwa of the Mahommedan Law Officer of the Court of Circuit.-

Ordered that Extract of these proceedings be sent to the 2d Judge on Circuit in the Centre Division by Precept returnable within 15 days from and after its receipt.-

(Sent following Precept No. 09)

Read Return dated the 6th instant from the First Judge of the Provincial Court of Circuit in the Southern Division, to Precept of the Court of Foujdaree Udalut under date the 19th Ultimo, conveying further observations

observations and orders on the Tinnevelly Calendar for the first Sessions of 1835.-

(Vereenter No. 951 of 1835.)

Case No. 3. 1 The First Judge requests that "with reference to the instructions contained in" para 2 of the Foujdaree Udalut's proceedings of the 19th Ultimo, "the original depositions alluded "to may be returned to him."-

2 The first Judge is informed that the paragraph in question was forwarded to him for his information only, with reference to his own remarks on the subject: and that the documents alluded to were, together with a copy of "para 2," sent direct from the Foujdaree Udalut to the late third Judge of the Provincial Court of Circuit, from whom an explanation has been received.-

Ordered that Extract of these proceedings be sent to the First Judge of the Provincial Court of Circuit in the Southern Division for his information.-

(Sent in No. 892)

In a Court of the Foujdary Udalut_

Present,

Tuesday
16th June 1835

Charles May Lushington Esqre 1st Puisne Judge

John Bird Esqre ---------- 2nd Puisne Judge

William Rudleston Esqre ---------- 3d Puisne Judge

Read letter dated the 25th March last from the officiating 2nd Judge on Circuit in the Western Division transmitting the Trial in Case Nº 2 on the Additional Calendar of the Zillah of Malabar for the 1st Sessions of 1835_

(Here enter Nº 490)

Mr Lushington and 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, confirm the said Futwa of the Cazee ool Coozat and Mooftee aforesaid, convicting the prisoner

"Cheeroomen Pottan"

of Wilful Murder and awarding Kissaas, but being of opinion under all the circumstances of the case, that the punishment to which he is liable under that Futwa would in this instance be too severe, they do, under the authority with which they are vested by Clause Second, Section VII Regulation I

16th June 1835

of 1825 sentence the prisoner

"Chroomen Potten"

aforesaid to be imprisoned and kept to hard labour in irons on the public roads or other public Works for and during the period of his natural life.-

(Sent following letter No 696

Read letter dated the 5th instant from the Officiating Second Judge on Circuit in the Western Division, submitting copies of the Honore and Siraj Calendars for the first Sessions of 1835.-

Honore
Case No 1

(Here enter No 955.)

The Court of Foujdary Udalut entirely approve of the proceedings held by the several authorities in this case.-

Siraj
Case No I

2

The Court of Foujdary Udalut approve of the proceedings in this case also, considering that it was highly desirable to secure the evidence of the persons actually present. They are however of opinion that the officiating Second Judge should have applied for special authority to commence the trial.-

Ordered, that extract from these proceedings be sent to the officiating Second Judge on Circuit in the Western Division for his information.-

(Sent in No 697

16th June 1835

Read the Mangalore Criminal reports prescribed by Section XXXIV Regulation X 1816 for the month of May 1835.-

(Here enter No 952)

Report II
Cases 53 and 54.

In these cases the prisoners were detained in the Talook from the 2nd April to the 6th May and as no reason is given in the Report, the acting Criminal Judge will furnish to the Magistrate copy of the cases as they stand in the Report and of this para, and the Magistrate will transmit direct to this Court the explanation the Joint Magistrate may furnish of the detention within 10 days after the receipt of this order.-

Ordered, that Extract of these proceedings be sent to the acting Criminal Judge of Canara for his information and guidance by Precept returnable in 4 days, after receipt.-

(Sent following Precept No 698

Read letter dated the 5th instant from the 2nd Judge on Circuit in the Centre Division, (late 2nd Judge Northern Provincial Court of Circuit) submitting certain observations on the precept of the Foujdary Udalut under date the 30th April last, directing the revision of trials for robbery held during the late famine, the 2nd Sessions

Sessions of 1833 and 1st Sessions of 1834

(Here enter No. 945.)

1 The 2nd Judge suggests, as the best practical method of effecting the object the Court have in view, that a general order should be issued, "reducing "the sentence for gang robbery unattended with aggravating circumstances to 3 or 4 years' imprisonment, or perhaps "less, and of theft, to 2 or less." The Court of Faydary Adalut have given this suggestion due consideration, and they question its expediency, even if it were competent to them to issue an order of the general nature proposed, but it is not, and a special recommendation will be necessary in each case.

2 They do not concur with the 2nd Judge, "that "the Magistrate can furnish no information of any value "respecting the previous habits of prisoners." On the contrary, they are of opinion that it will be in the power of the Circuit Judges to obtain through the Magistrate, sufficient information of the previous habits, and circumstances of the prisoners, as to form the ground of a recommendation for a total remission of the penalty in many of the cases before them. If the prisoners, for example, could establish by reference to the Magistrate, or, should have already proved the same in their defence, the possession of landed property, or their connection with the old and respectable proprietors of

of their respective villages, their previous industrious and peaceable character, and their constant residence as heads of families in their villages, the Court conceive, that individuals so circumstanced might be safely returned upon Society at once, without danger of their again reverting to crime. But if they can allege no circumstances of this nature, and it was ascertained on reference to the Heads of Police of their districts, that they had been persons of unsettled habits of life, and connected or associated with known depredators, the Court doubt the propriety of extending to them, one and the same measure of relief, as to men of previous good character and respectability.

3 From the diminished extent of crime in the Northern and Centre Divisions as exhibited in the Criminal reports and Calendars lately submitted to them, the Court are induced to think, that many of the worst, and most dangerous members of Society have been apprehended, and placed in custody within the last 18 months. And one great object they had in view in directing the remission of the Cases by the several Judges of Circuit, was so far as practicable, to guard the community from the evil which must ensue, if these men are suddenly thrown back in numbers upon them; whilst they were anxious

anxious to extend to all others, the fullest measure of relief compatible with the public safety -

4 The Court recognize the propriety of the 2d Judge's postponing the remission directed, till after the completion of the Circuit, and as there will be ample time for him to make the communication, they return the letters addressed to the Northern Provincial Court of Circuit and the Criminal Judge of Nellore, which accompanied his letter of the 5th Instant -

Ordered, that Extract of these proceedings be sent to the 2nd Judge on Circuit in the Centre Division (late 2d Judge of the Provincial Court of Circuit in the Northern Division) for his information -

(Sent in No. 699

Read the Cuddalore Criminal Reports prescribed by Section XXXV Regulation X 1816 for the Month of May 1835.

(Here enter No. 968

Report. 1
Cases 43 & 52 -

1 The cases noted in the margin requiring explanation to be afforded respecting them, the Acting Joint Criminal Judge will furnish copies of them as they stand in the Report, and of this and the following paragraphs to the Magistrate, who will make return direct to the Court of Faujdary Udalut in 12 days after receipt of this order -

2 In the former case the Court of Faujdary Udalut await an explanation as to what became of the prisoners from

from the 20th April to the 3d May, on which date it is stated they were produced before the Head of Police - In the latter case, there are 6 prisoners apprehended on the different dates of 15th and 16th March - 20th April and 20th May and all forwarded together on the 22nd May - The proceedings of the Head of Police and the detention of the prisoners in the Talook for so long a time appear to the Court of Faujdary Udalut so very unsatisfactorily explained, that they resolve to direct that the Magistrate be called upon to state what notice he has taken of the conduct of the Police officer -

Ordered, that Extract of these proceedings be sent to the Acting Joint Criminal Judge at Cuddalore for his information and guidance by Precept returnable in 5 days, after receipt -

(Sent following Precept No. 700 - 1 -

At a Court of the Foujdaree Udalut.

Present,

Wednesday,
17th June, 1835. John Bird Esqre —— 2d Puisne Judge,

William Rudleston Esqre —— 3d Puisne Judge.

W

Read letter dated the 30th Ultimo from the First Judge of the Provincial Court of Circuit in the Centre Division, submitting an English and Persian Translation of the Proceedings in Case No. 2. on the Shittoon - 3d Supplemental Calendar for the Second Quarter Sessions of 1835.

(Here enter No. 883 of 1835.)

The Court of Foujdaree Udalut,

Mr. Bird
&
Mr. Rudleston. having maturely considered the proceedings held before the Judge on Circuit, the Futwa of the Provincial Law Officer and the Futwa of the Cazee ool Cozat and Mooftee of the Foujdaree Udalut, confirm the said Futwa of the Cazee ool Cozat and Mooftee aforesaid, convicting the prisoner,—

"Raumen,"

of Wilful Murder and awarding Kisaas, and,

under

under the provesions of Section X Regulation VIII of 1802. sentence him to suffer death, by being hanged at the usual time and place of execution.—

The Court of Foujdaree Udalut observe, that in this case also the prisoner, immediately after his plea of "Guilty" was subjected to the same irregular examination, as that noticed in their proceedings upon Case No. 1. on the Calendar—

Ordered, that Extract of these proceedings be sent to the First Judge of the Provincial Court of Circuit in the Centre Division for his information—

(Sent following letter No. 704)

Read letter dated the 30th Ultimo from the Additional Judge late on Circuit in the Northern Division, submitting an English and Persian Translation of the proceedings in Case No. 15. on the Rajahmundry Calendar for the 1st Sessions of 1835—

(Here enter No. 893 of 1835)

The Court of Foujdaree Udalut having

Mr. Bird
Mr. Sadleston.

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 prisoners—

1st "Doodahoola Fakeeroo,"

&

2d "Cappoola Veerupper,"

of the crime charged on strong presumptive proof, and awarding Sageer and Dohoolut, and under 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 of Foujdaree Udalut observe, that in para 9 of the above letter, the Additional Judge cites Clause first, Section IV Regulation XV of 1803 as applicable to the offence of which the prisoners are convicted, though he has adopted the

respective

defective indictment of the Cremical Judge as the arraignment, from which is excluded all mention of the murder committed by the Gang.—

2. The Court of Fouzdaree Udalut cannot but consider the carelessness which this proceeding evinces, especially in so serious a matter, as deserving of severe censure.—

Ordered, that Extract of these proceedings be sent to the additional Judge late on Circuit in the Northern Division for his information.—

(Sent following) letter No. 705

Read Extract from the Minutes of Consultation dated 9th June 1835 upon the proceedings of the Court of Fouzdaree Udalut of 7th April 1835, and upon the letter of the Court dated the 28th May 1835.—

(Here enter No. 939.)

1. Ordered that copy of the above Extract from the Minutes of Consultation be furnished to the Provincial Court of Circuit in the Southern Division, who will issue the

necessary

necessary orders to the officers adverted to therein.—

2. The requisition alluded to in the second para of the above extract, now to be made from the Collector of Tinnevelly the Provincial Court of Circuit will observe, is for a "report, whether sufficient accommodation for the Auxiliary Court can be afforded in the Factory Buildings" and "for a plan of those buildings showing how they are now occupied."—

Ordered that Extract of these proceedings be sent to the Provincial Court in the Southern Division for their information and guidance by Precept, returnable in 21 days after receipt.—

(Sent following Precept No. 796)

Read letter dated the 1st instant, from the Second Judge on Circuit in the Centre Division forwarding English and Persian Translations of the proceedings in case No. 15 on the Cuddapah Calendar for the 1st Sessions of 1835.

(Here enter No. 892 of 1835.)

It

F.C.

17th June 1835

1. It appears that the 2d Judge on Circuit relies for the conviction of the 7th prisoner in this case upon his recognition at the robbery by the prosecutor and the 3d witness, the discovery of the prosecutor's property upon him, and his police confession.

2. But the Court of Foujdaree Udalut observe, that in the depositions both of the prosecutor and of the 3d witness, before the Criminal Court and before the Court of Circuit, respectively, the persons, whom they declare that they recognized are pointed out by different Numbers, and their identity is not made out by the introduction into the record of the names of the prisoners, as intended by the deponents.

3. In the examination of the 8th witness it is evident from the specification of names, that the Numbers used in the different depositions have at different times been applied to different individuals.

4. Under these circumstances the Court of Foujdaree Udalut cannot satisfy themselves that the prosecutor and the 3d witness have identified on oath the 7th prisoner before both Courts.

They in consequence resolve

5. to direct that the record be returned to the 2d Judge, in order that it may be shewn by specification of the names of the prisoners (in the depositions before the Criminal Court and the Court of Circuit,) or by some sufficient explanation, whether or not the prosecutor and the 3d witness did on both occasions swear to their recognition of the same individuals.

The Court of Foujdaree Udalut

6. further observe, that in the English Translation of the proceedings before the Court of Circuit in this and in all trials submitted of late to the Foujdaree Udalut, the depositions do not bear the usual signature of the Presiding Judge, certifying that the same have been delivered on oath before him; and they deem it necessary to direct that this omission be in future supplied.

Ordered

17th June 1835

Ordered that extract from these proceedings be sent to the 2d Judge on Circuit in the Centre Division by Precept, returnable within seven days from and after its receipt.—

Est. W. B.

(Sent following Precept No. 707)—

At a Court of the Foujdaree Adalut.

Present,

Thursday, 18th June, 1835. John Bird Esqre — 2d Puisne Judge.

William Hudleston Esqre — 3d Puisne Judge.

W. B.

Read letter from the Provincial Court of Circuit in the Northern Division transmitting the Statement of the labor of convicts under charge of the Magistrate of Guntoor for the month of May—

(Here enter No. 981)

The Provincial Court of Circuit will point out to the Magistrate, that the above statement is not drawn out in respect to Columns 9 & 10 in the modified form required by the Circular Order of the 29th August 1831— and they will, at the same time take the opportunity of informing him, that the 4 prisoners employed in "watering Pats in the Collectors Cutcherry should be put to labor of some other description, as the Court of Foujdaree Adalut have ruled+, that it is not proper employment for convicts with reference to the

+ 8th May 13th April

the Circular Order 1st August 1827.

Ordered that Extract of these proceedings be sent to the Provincial Court in the Northern Division for their information and guidance by Precept, returnable in 4 days after receipt.

(Sent following Precept No. 710)

Read letter dated the 6th instant from the First Judge on Circuit in the Southern Division submitting an English translation of the proceedings in Case No. 5 on the Madura Calendar for the 1st Sessions of 1835.

(Heresenter No. 956 of 1835.)

1 In this case the prisoners,

1st "Connyappen,"
2d "Moottanon,"
3d "Mottandymooppen,"
4th "Coyanon,"

stood charged before the Court of Circuit, with having murdered one Nauna ppa Naicken, and robbed him of Earrings, Cloths &c. valued at Rupees 11. 2. --

They

They severally pleaded "not Guilty."

In his Futwa, the Mahommedan

2 Law Officer of the Court of Circuit, declared the prisoners not convicted, but nevertheless liable to suspicion: in which finding the Presiding Judge concurred, and directed that they should severally be required to find two sureties in twenty five Rupees each surety for their good behaviours and appearance when required within one year, and that in default, they should be imprisoned for that period.

On reviewing the Calendar the

3 Court of Foujdaree Adalut saw reason to doubt the propriety of the acquittal of the prisoners, and in consequence directed that an English Translation of the case should be prepared and submitted for their consideration.

After a mature consideration of

4 all the circumstances of this case, and of the arguments adduced by the first Judge in his letter accompanying the trial, the

Court

Court of Foujdaree Udalut are satisfied, that upon the evidence brought forward on the prosecution the prisoners could not be convicted, and that the first Judge has justified his acquittal of them.—

5. It nevertheless appears to the Court, that of the truth of the confessions of the 2d, 3d and 4th prisoners, little doubt can be entertained: and they consider it greatly to be regretted, that an application was not made for a conditional pardon to two of the three last named prisoners, by which means, the chief actors in the murder would in all probability have been brought to Justice.—

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

(Sent in No. 911)

Read the Chicacole Criminal Reports prescribed by Section XXXV Regulation X 1816 for the month of May 1835.—

(Here enter No. 975.)

With

Suppl. Report
Case 33.

+ "to be imprisoned for 4 months in addition to whatever sentence may be passed against him by the Court of Circuit under Clause 3d Section V Regulation XI 1822."

With reference to the sentence+ on the prisoner in this case for "escape", the Court of Foujdaree Udalut direct that it be pointed out to the Officiating Criminal Judge for his information and future guidance in similar cases, that they have ruled, that althó the investigation should not be delayed, the sentence, in the event of conviction should not be recorded until the close of the prisoner's trial before the Circuit Court.—

Ordered that Extract of these proceedings be sent to the Officiating Criminal Judge of Chicacole for his information & guidance.—

(Sent in No. 712)

Read the Coimbatore Criminal Reports prescribed by Section XXXV. Regulation X. 1816 for the Month of May 1835.

(Here enter No. 976.)

Report V
Case 40.

In this case a short delay appears to have occurred in consequence of a reference to the Magistrate by the Police Officers.— In such cases an explanation should

should always be forwarded to the Criminal Court of the necessity and nature of the reference, and it should be entered in the Criminal Reports; in order that the Court of Foujdaree Udalut may be satisfied that no blame is to be imputed to the Police.

2 It is stated in the Report that the 3d prisoners was transmitted merely on the crimination of the 1st to the Joint Criminal Court. The following, which is the recorded opinion of the Court of Foujdaree Adalut on this point, should, with reference to this circumstance be communicated by the Magistrate to the Police Officer who forwarded the case, as well as to the others in his District. "It is distinctly pointed out in Section XXVIII Regulation XI 1816, that it is only where a prisoner's crimination of another may be corroborated by evidence against that others, that he should be forwarded to the Criminal Judge, and the Court of Foujdaree Udalut are of opinion that it is contrary to law to send to the Criminal Court

Court a man solely because a prisoner in his declaration may criminate him. But where there is any evidence corroborative of the crimination the prisoner should be forwarded, because the Regulations then admit of the proceeding, and conditional pardon of the accomplices may be allowed and their evidence eventually used".

3 The Acting Joint Criminal Judge will furnish copy of the case as it stands in the Report, and of the two preceding paragraphs to the Magistrate of Coimbatore, who will make return to this Court as directed.

Ordered that Extract of these proceedings be sent to the Acting Joint Criminal Judge at Combatore for his information and guidance by Precept, returnable in 5 days after receipt.

(Sent following Precept No. 713)

18th June 1835

P. 116

At a Court of the Foujdaree Udalut.

Present

Friday, 19th June 1835.

John Bird Esqre ——— 2d Puisne Judge.

William Hudleston Esqre — 3d Puisne Judge.

Read letter dated the 5th instant from the 2d Judge on Circuit in the Centre Division transmitting the Persian and English translation of the proceedings in case No. 33 of the Cuddapah Calendar 1st Sessions of 1835.

(Here enter No. 944.)

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,

"Dauvara Bauleegaudoo"

is sufficient to convict him of the crime of Gang Robbery by open violence, do, under the authority with which they are vested by Clause First Section V Regulation VIII of 1831 and Clause First Section II Regulation I of 1818 convict him thereof, and in conformity with the

18th " June 1835

19th June 1835.

the provisions of Clause third Section IV Regulation XV of 1803 sentence him to be imprisoned and kept to hard labour in irons on the publick roads or other public works for and during the period of (14) fourteen years.

(Sent following letter No. 716)

Read Return dated the 30th ult. to Precept of the 23d " Ultimo conveying to the Acting Joint Criminal Judge at Honore the orders of the Court of Foujdaree Udalut on the Criminal Reports for April 1835.

(Herewith No. 913.)

The Acting Joint Criminal Judge having represented in the above return that the Circular Order of 23d " October 1823 is not on the records, the Court of Foujdaree Udalut direct that copy of it be transmitted to him.

Ordered accordingly that Extract of these proceedings with copy of the Circular Order in question be forwarded to the Acting Joint Criminal Judge at Honore to be lodged amongst the records of his Court.

(Sent in No. 717)

F. U.

At a Court of the Foujdaree Udalut.

Present,

Monday, 22d " June, 1835. John Bird Esqre ——— 2d " Puisne Judge,

William Dudleston Esqre — 3d " Puisne Judge,

Read the Vizagapatam Criminal Reports prescribed by Section XXXV Regulation X 1816 for the Month of May 1835.

(Herewith No. 977.)

Report V Case 34. 1 In this case it is observable that the Native Criminal Judge, in converting the person sent up as 1st " Witness into a prisoner, has adopted a course of proceeding opposed to the Circular Order 28th " October 1822 agreeably to which the Native Criminal Judge will not proceed if on receipt of this order he shall not have disposed of the case. The Court will here recite that part of the Circular Order to which they allude in order to obviate the risk of any delay. As the Regulations vest the Criminal Judge with the cognizance of such charges only as may be brought before him by a Magistrate or some Police Officer under his

his authority" the institution of proceedings against a party sent to the Criminal Judge as a Witness, who may appear to be implicated in the charge under investigation is not competent to this Offices.

2 Where the Head of Police may happen to send in persons so circumstanced. the Criminal Judge should make a communication to the Magistrate in order that the irregularity of the Police Offices may be duly noticed and refer the case of the individual to the Magistrate, in order that, if there should be proof forthcoming of his guilt a charge may be regularly instituted against him.

3 The Native Criminal Judge will instruct the writer or translator by whom the translations of his Reports now under review have been prepared, & to whom they are highly creditable, that the translations in future should be certified by him.

Ordered, that Extract of these proceedings be sent to the Native Criminal Judge at Vizagapatam for his information and

guidance

guidance by Precept, returnable in 6 days after receipt—

(Sent following Precept No. 721)

Read the Cuddapah Criminal Reports prescribed by section XXXV Regulation X 1816 for the month of May 1835.

(Here enter No. 996)

Suppl. Report. Cases 5 & 75.

1 The two prisoners in these cases were tried on the same charge—of murder—and acquitted: there being "nothing like evidence" to prove that "they assisted or were present at the Murder" but have been held to security "as several witnesses swear that upon a Report of the murder they being sent to apprehend the persons implicated—met the prisoners with a body of people two of whom fired at them" tho' the prisoners did not fire or commit any positive act of aggression".

2 This appears to the Court of Foujdaree Udalut to be an instance of prisoners being held to security on account of an offence with which they were not

charged

F.A.
22d June 1835.

charged, for as it is requisite that there should be grounds of suspicion of some specific act of criminality charged to render correct the requisition of security. The grounds of the acquittal of the charge of murder shew that none such existed against the prisoners" in these particular cases, and they should accordingly be released if in Jail or their Bail bonds cancelled if they have been given—

Case 79. 3 With reference to the remark in the Reports "there is nothing like proof against the 5th 6th 8th 9th & 10th Prisoners— They appear only to have been apprehended because the 1st prisoner pointed them out in the Village"— the Court of Foujdaree Adalut direct that it be intimated to the Magistrate that he should caution his Police Officers against sending up persons on such grounds— The Criminal Judge will accordingly furnish to the Magistrate copy of this case as it stands in the Reports and of this paragraph

Case 84. 4 The Criminal Judge will forward copy

copy of the order of this Court to which he alludes as requiring the commitment of the prisoner in this case—

Report V Case-88 5 A delay occurred in this case in consequence of a reference to the Magistrate who in future similar cases will cause an explanation of the necessity and nature of the reference to be transmitted with the case to the Criminal Court for insertion in the Criminal Reports— The Criminal Judge will send the Magistrate copy of this and the following para; and of the cases 88-94 and 95 as they stand in the Report—

6 The Court have to observe that no sufficient cause for the delay of the case 94 in the Talook up to the 14th May is given— and that in case 95 the detention of the 1st prisoner by the Police Officer because he "implicated the 2d prisoner" until the latter was apprehended and examined, was quite unauthorized—

Ordered that Extract of these proceedings be sent to the Criminal Judge

J

of Cuddapa for his information and guidance by Precept returnable in 7 days after receipt.—

(Sent following Precept No. 722)

Read the Bellary criminal Reports prescribed by Section XXXV Regulation X. 1816 for May 1835.—

(Here enter No. 997)

Report V
Cases 80
82
86
88

1 The Officiating Criminal Judge will furnish to the Magistrate copies of the cases noted in the Margin and of the following paras which contain the observations of the Court of Foujdaree Udalut upon them. The Magistrate will make return direct to this Court within 15 days after receipt of this order.—

2 In case 80 the second and third prisoners having been forwarded apparently by the Joint Magistrate solely on their inculpation by the 1st. Prisoner, the Magistrate will communicate to that officer the following

Circ. 23d April 1835. † recorded opinion of the Foujdaree Udalut on this point— "It is distinctly pointed out in Section XXVIII Regulation XI 1816, that it is only where a prisoner's crimination of another may be corroborated

corroborated by evidence against that other that he should be forwarded to the Criminal Judge and the Court of Foujdaree Udalut are of opinion that it is contrary to Law to send to the Criminal Court a man solely because a prisoner in his declaration may criminate him. But where there is any evidence corroborative of the crimination the prisoner should be forwarded because the Regulations then admit of the proceeding and conditional pardon of the accomplices may be allowed and their evidence eventually used."

3 In cases 82 & 86 the reasons assigned for the detention of the prisoners in the Talook are unsatisfactory.—

4 In case 88 the Court of Foujdaree Udalut consider the explanation of the detention of the 1st. prisoner in the Talook from the 1st. April to the 11th. May very insufficient and the Magistrate will state whether he has taken any & what notice of the conduct of the Police Officer by whom the proceedings in the case were conducted.—

In

Cases 269 of 1834 & 27 of 1835.

5. In these cases the Court observe that the Officiating Criminal Judge has omitted to quote the provisions of the Regulations under which he passed his sentences—

Ordered that Extract of these proceedings be sent to the Officiating Criminal Judge of Bellary for his information and guidance by Precept, returnable in 10 days after receipt—

(Sent following Precept No. 723)

Read the Tinnevelly Criminal Reports prescribed by Section XXXV Regulation X 1816 for May 1835—

(Here enter No. 1000)

Report V Cases 40 & 42

The Joint Criminal Judge will forward copy of this para and of the cases 40 and 42 to the Magistrate who will submit direct to this Court within 10 days after receipt of this order an explanation of the necessity of the references to him by the Police whereby the prisoners in both cases were detained in the Talook longer than they ought to have been. In all such cases explanation of this nature

should be given when they are transmitted to the Joint Criminal Court to be inserted in the Criminal Reports in order that blame may not be undeservedly imputed to the Police or Magistracy—

Ordered that Extract of these proceedings be sent to the Joint Criminal Judge at Tinnevelly for his information and guidance by Precept, returnable in 5 days after receipt—

(Sent following Precept No. 724)

Read Return dated the 6th instant from the Criminal Judge of Cuddapah, to Precept of Foujdaree Udalut dated the 2d June 1835 on the Criminal Reports for March 1835—

(Here enter No. 918)

Read letter dated the 6th instant from the 3d Judge of the Provincial Court of Circuit in the Centre Division—Reporting that the 13th proximo is the day fixed for the opening of the Second Sessions of 1835 at Cuddapah—

(Here enter No. 925)

Read

Read letter dated the 6th instant from the acting criminal Judge of Rajahmundy bringing to notice an error in the Supplemental Criminal Report of May for the zillah of Rajahmundy—

(Here enter No. 936.)

Read letter dated the 4th instant from the Magistrate of Malabar forwarding copy of a return from the Joint Magistrate submitting the explanation required by the Foujdaree Udalut in their proceedings of the 18th Ultimo regarding the delay on the part of the Tahsildar in disposing of cases 22. 23. and 26 on the Criminal Returns for March—

(Here enter No. 937.)

Read Return dated the 6th instant from the 1st Judge on Circuit in the Southern Division to Precept of Foujdaree Udalut dated the 11th May 1835. requiring him to furnish the Magistrate of Madura with a copy of their Circular Order 27th December 1815—

(Here enter No. 949.)

Read

Read Return dated the 6th instant from the 1st Judge on Circuit in the Southern Division to Precept of Foujdaree Udalut dated the 18th May 1835 directing the immediate and unconditional release of the prisoners in Cases Nos. 14 and 15. on the Madura Calendar for the first Sessions of 1835.

(Here enter No. 950.)

Read letter dated the 4th instant from the 1st Judge of the Provincial Court of Circuit in the Western Division forwarding the Warrant issued for the execution of the Prisoner in Case No. 1 on the 4th additional Calendar 4th Quarter Sessions 1834 and a copy of the report made by the acting Joint Criminal Judge of Malabar—

(Here enter No. 957.)

Read Return dated the 2d instant from the acting Joint Criminal Judge of Canara to Precept of Foujdaree Udalut dated the 26th May 1835. on the Criminal Reports for March last—

(Here enter No. 958.)

Read

Read Return dated the 3d instant from the Provincial Court of Circuit in the Western Division to Precept of Foujdaree Udalut dated the 23th May 1835 conveying the authority of Government to entertain 13 additional Peons on the establishment of Criminal Judge of Malabar.

(Here enter No. 960.)

Read letter dated the 9th instant from the Secretary to Government in the Judicial Department forwarding letter from acting Resident Councillor of Singapoor with Extract from Log Book of Bark Skinner reporting the death of a convict named Wongee during his passage out.

(Here enter No. 964.)

Read Return dated the 6th instant from the Provincial Court of Circuit in the Western Division to Precept of Foujdaree Udalut dated the 29th May 1835 on the Criminal Reports of Sisy for April last.

(Here enter No. 969.)

Read

Read Return dated the 6th instant from the Officiating Criminal Judge of Chicacole to Precept of Foujdaree Udalut dated the 28th May 1835 on the Criminal Reports for April.

(Here enter No. 970.)

Read letter dated the 10th instant from the Magistrate of Trichinopoly reporting with reference to his letter of the 19th Ultimo that the Sailor has failed in apprehending the two convicts reported to have escaped into the Coimbatore District.

(Here enter No. 972)

Read the Criminal Reports dated the 8th instant from the acting Joint Criminal Judge in the Zillah of Malabar at Tellicherry for the month of May 1835.

(Here enter No. 978.)

Read Statement from the Superintendent of Police in charge of convicts at Cannanore shewing the total number of prisoners in that Jail & specifying the manner in which the convicts were employed

employed during the month of May 1835.-

(Here enter No. 979.)

Read Report from the Superintendent of Police in charge of convicts at Cannanore, of Casualties and of prisoners released in that Jail in the Month of May 1835.-

(Here enter No. 980.)

Read letter dated the 11th instant from the acting 2d Judge of the Provincial Court of Circuit in the Northern Division now at Ishapully - announcing his Arrival at Ishapully (Near Nellore) and his subsequent measures-

(Here enter No. 982.)

Read letter dated the 13th instant from the late acting 3d Judge late on Circuit in the Centre Division - Returning the Death Warrant in No. 6 of the Cuddalore Calendar for the 2d Sessions of 1834.-

(Here enter No. 988.)-

J. H.

At a Court of the Foujdaree Adalut

Present

Tuesday 23d June 1835

John Bird Esqr. 2d Puisne Judge

William Middleton Esqr. 3d Puisne Judge

Read letter dated 31st December last from the 1st Judge late on Circuit in the Northern Division transmitting the record in case No. 15 on the Nellore Calendar for the Second Sessions of 1834.-

(Here enter No. 922.)

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 acquitting the prisoners -

1st "Peddapatoo Condadoo"

2d "Vengalanany Seroomalah"

3d "Laurah Aboolo"

4th "Munnakpally Naugadoo"

5th "Canoogunty Mullogaudoo"

and

6th "Vengalanany Polliah"

and accordingly direct that they be set at liberty, excepting

22d June

23d June 1835

Case 63 1

Read the letter from the 1st Assistant Criminal Judge of Tanjore enclosing the Petitions of the Prisoners Pakkiya Tevar and Vandadu and concerned in Case No 29 on the Calendar.

Sent following letter No 74

Read the Salem Criminal Report prescribed by Section XXXV Regulation X 1816 for the month of May 1835.

Report V

Case 64 1

Received No 1083

In this case the prisoner have been sentenced "under Clause 4th Section II Regulation VI 1822 each to receive 125 Lashes and 4 days imprisonment" on proof of having stolen a Bullock valued at 3 Rupees, although under the Circular Order 28th June 1828 a discretion in respect to the adjudication of stripes alone, is left to the Criminal Judge, the Court of Tanjore Udalut are of opinion that the punishment in this instance is insufficient for the offence.

Case 65 2

The 2d prosecutor in this case "for bringing a false charge of outrage and robbery is fined under Section VII Regulation XIII 1832 in the Sum of fifty Rupees commutable to imprisonment for one month." On this the Court of Tanjore Udalut have to observe that "the bringing a false charge" is not punishable under the provision of the Law quoted a like a false deposition on oath renders the party liable to the penalties of Perjury. The Criminal Judge

Tanjore

23d June 1835

Judge will accordingly return the fine to the 2d Prosecutor if it has been paid or release him immediately on receipt of these orders if in Jail.

Case 67 3

The first prisoner in this case for Gang Robbery and which it would have been more satisfactory if the Criminal Judge had himself investigated was further charged with having effected his escape from Mayavaram. The Assistant Criminal Judge upon this recorded the following order. "This 2d charge is in no wise established by the evidence; the prisoners themselves admit that having been permitted to go home to eat their rice they refused to return to custody unless upon the production of a Warrant from the Tahsildar, for which contumacious opposition to the Police they are severally fined 5 Rupees commutable to 15 days imprisonment under Clause 2d Section III Regulation III of 1819."

4 The Court of Tanjore Udalut are at a loss to comprehend in what respect the provision of the Law quoted by the Assistant Criminal Judge is applicable to the prisoners to whom respectively the fines if they have been levied should be returned. The Criminal Judge might with propriety have overruled the sentence of his Assistant under the Circular Order 15th November 1824.

Case 68 5 The detention from the 7th January to

to the 21st May of the prisoner in the Palook on a charge of having taken forcibly two Sheep valued at Rupees 2 annas 4, is much to be regretted, and no reason having been assigned, as it ought to have been, under the Circular Order 18th May 1832 the Criminal Judge will furnish to the Magistrate copy of this paragraph and of the case as it stands in the Report and the Magistrate will make return explaining the cause of delay direct to this Court in 10 days after receipt of this order.—

6. The Court do not find any Supplemental Report with the other Reports now submitted. It is explained in the Circular Order 4th September 1820 that a letter should if the Report is blank, be addressed to the Register of the Court of Foujdaree Udalut, and the Criminal Judge will observe this practice in future.—

Ordered, that Extract of these proceedings be sent to the Criminal Judge of Salem for his information and guidance by Precept, returnable in 10 days after receipt.

/Sent following Receipt No. 718/

Read the Chingleput Criminal Reports prescribed by Section XXXV Regulation X. 1816 for May.—

/Circulated No. 1009/

Supplt. Report Case 66

With reference to the explanation

7.

of the grounds of commitment in this case the Court of Foujdaree Udalut direct that it be pointed out to the Criminal Judge that it is too much in detail—a concise but distinct note of the grounds being all that is requisite.—

2. The Court conclude that no Batta was paid during the month. In future the Criminal Judge should state such to have been the case, when the Abstract required by the Circular Order No. 35 dated 25th March 1835 is omitted.

3. The present Report was not also received till the 18th Instant the Criminal Judge will take due care in future to forward the report within the period prescribed, the 15th of the following month, by the Circular Order of the Foujdaree Udalut No. 40, if delayed an explanation of the cause of the delay must be submitted.—

Ordered, that Extract from these proceedings be sent to the Criminal Judge of Chingleput for his information and guidance

/Sent in No. 729/

Read letter dated the 13th instant from the late Acting Third Judge late on Circuit in the Centre Division submitting an English

Translation

23rd June 1835.

Translation of the proceedings in Case No. 12 on the Cuddalore Calendar for the Second Sessions of 1834.

/ Herewith F.R. No. 1002 of 1835 /

In this case the prisoners,

1st "Pottoo Naik"

2d "Lachharaya Moodely"

and

3d "Ramasaamy Moodely"

stood charged before the Court of Circuit with having on the night of the 10th August 1834 apprehended the deceased Narrainen upon suspicion that he had stolen the cloths of one Pondicherry Soma Soondra Chetty who had halted in a Choultry in Moodely's Chawady in the Cuddalore Taluk, maltreated him by binding and suspending him to a tree, and by beating and burning him, and thereby occasioned his death on the 16th of the same month.—

The prisoner,

4th Seeronamiengar,

stood charged with being an accessary in abetting the aforesaid prisoners to instant by violence from Narain Naik a confession of theft, in consequence of which violence he died, and in withholding from the Magistrate a Report of his death.—

The prisoners severally pleaded "Not guilty".

F.R.

23rd June 1835.

The Futwa of the Mahommedan Law Officer of the Court of Circuit declared that to the 1st 2d and 3d prisoners attached "Suspicion of Beating / Zahmut-i-Zoorm-i-Zurb-o-Zud / and that the 4th prisoner was entitled to his release.—

Concurring in this finding the presiding Judge called upon the three first prisoners to produce severally two sureties in 20 Rupees each Surety for their good behaviour and appearance when required within one year—and directed the unconditional release of the 4th prisoner.

On reviewing the Calendar the Court of Zuujdaree Adalut saw grounds for doubting the propriety of the above decision of the Court of Circuit, and in consequence in their proceedings under date the 21st April 1835 directed that an English Translation of the Record should be prepared and submitted for their consideration:—

After a mature consideration of the evidence for the prosecution and of all the circumstances of this case, the Court of Zuujdaree Adalut are unable to entertain the slightest doubt that the deceased Narrainen was ill treated, tortured and beaten to induce him to produce property which it was alleged he

he had stolen: and at the same time, there appear the strongest grounds for believing that that ill usage was the cause of his death.-

The Court of Zoujdaree Adalat are further of opinion that even before the Court of Circuit, where the examination was not conducted in that efficient manner which the proceedings before the Magistrate and the Criminal Court exhibit, the evidence was amply sufficient for the conviction of the 1st, 2nd and 3rd prisoners of aiding in and abetting the illusage and torture which the deceased experienced: and under this view of the case, they are constrained to record their opinion that the late Acting Third Judge has in the present instance, failed to do Justice.-

The propriety of the acquittal of the 4th prisoner, the Court of Zoujdaree Adalat do not question, considering the fact sworn to by the Witnesses against him, to be on the face of it, improbable: at the same time, so far from concurring with the late Acting 3rd Judge in his remark in the Calendar that "he / the Tahseeldar / is fully relieved "from any imputation prejudicial to his "character, or in any way exhibiting a dereliction "of duty as affected by the charge" they are

of opinion that he could not have been ignorant of the State in which the deceased was left or of the cause of it: and that he is utterly unworthy of holding the situation of Officer of Police: and they deem it necessary to direct that the late Acting Third Judge do ascertain and report to them whether the individual in question is still retained in public employ.

Ordered, that Extract from these proceedings be sent to the late Acting Third Judge late on Circuit in the Centre Division by Receipt, returnable within 20 days from and after its receipt.

/Sent following Receipt No 2799/

Read the orders of Government under date 15th Instant on the proceedings of the Zoujdaree Adalat of the 27th Ultimo containing their observations on the Report of the late Acting 3rd Judge of the Provincial Court of Circuit in the Centre Division for the 2nd Sessions 1834.-

/Here enter No 1019 of 1835-/

In obedience to the instructions of Government the Court submit their opinion that a reward of 100 Rupees should be publicly conferred on the Havildar of the 31st Regiment for his manly and meritorious exertions

23rd

exertions in the case of Lutter reported upon by the Acting 3rd Judge as a token of the approbation with which his conduct has been viewed by Government.

2. With reference to the order of Government in para 18 of the proceedings of the Foujdaree Adalut the Court direct that a copy of para 82 of the Acting 3rd Judge's report and of the order of Government thereon be communicated to the 2nd Judge now on Circuit with the view of ascertaining his opinion on the Acting 3rd Judge's recommendation after visiting Arnee as directed by the Foujdaree Adalut of the 27th December 1833.

3 Ordered, that a copy of the Order of Government in para 22 be communicated to the late Acting 3rd Judge who will furnish the information required without delay.

Ordered that para 1 of these proceedings be sent to the Secretary to Government in the Judicial Department for the purpose of being laid before the Right Honorable the Governor in Council.

/Sent in No 731/

Ordered also that para 2 of these proceedings be sent to the 2nd Judge on Circuit in the South Division for his information.

/Sent in No 732/

Ordered also, that para 3 of these

Proceedings

proceedings be sent to the late Acting 3rd Judge of the Provincial Court of Circuit in the Centre Division for his information and guidance by Receipt returnable in 8 days from and after its receipt.

/Sent following precept No 733/

Circular Order

No 47.

1 It has been ruled by the Court of Foujdaree Adalut that when a trial is referred for the final Judgment of the Foujdaree Adalut respecting one or more of the Prisoners it is competent to the Judge of Circuit to release those only of the accused who are sentenced to be discharged unconditionally, but that he has no authority to order the release on Security of other Prisoners in the same case, whom he may consider liable to strong suspicion, but must await the orders of the Foujdaree Adalut for their disposal.

22nd June 28th July 1824

In practice however this Court have admitted a different mode of proceeding and there are numerous instances on record of Judges of Circuit issuing warrants of release on Security in such cases.

2. The Judges consider it advisable to circulate a general rule for the future guidance of the Circuit Courts on similar occasions, and upon mature consideration they are of opinion

opinion that under the provisions of Clause Second Section VI Regulation XV A. D. 1803 it is competent to a Judge of Circuit to direct the release on Security of Prisoners acquitted in a trial, though that trial may be referred to the Sudr Dewanee Adalut for sentence on other Prisoners therein concerned and accordingly they direct that mode of proceeding to be observed in future.

/Sent following Circular order No. 733/

Read return dated 13th Instant from the late Acting 3d Judge late on Circuit in the Centre Division in pursuance of Sudr Dewanee Adalut dated the 3d instant requiring him to transmit an English Translation of the proceedings in Case No. 15 Cuddapah Calendar 2d Sessions of 1834.

/Here enter No. 986/

Read return dated 13th Instant from the late Acting 3d Judge late on Circuit in the Centre Division in pursuance of Sudr Dewanee Adalut dated 15th June 1835 requiring him to explain whether the 8th and 9th Witnesses in Case No. 15 Cuddapah Calendar 2d Sessions of 1834 did, before the Criminal Court, depose to the facts mentioned in the late Acting 3d Judge's letter of the 6th instant

/Here enter No. 987/

Read letter dated 9th Instant from the

the Acting Assistant Judge in charge of the Zilla Court of Madura Transmitting the Criminal Report for the Month of May 1835.

/Here enter No. 990/

Read letter dated 15th Instant from the 2d Judge on Circuit in the Centre Division Reporting his arrival at Chingleput the opening of the Sessions and the state of the Calendar.

/Here enter No. 992/

Read letter without date from the Magistrate of Tuticorin Submitting the explanation required by the Sudr Dewanee Adalut in their proceedings of the 28th Ultimo regarding the detention of Prisoners in Case 35 from the 15th to 17th to the 21st April.

/Here enter No. 993/

Read letter dated 10th Instant from the Acting Joint Criminal Judge of the Auxiliary Court at Coimbatore Submitting a Statement of the Labor of Convicts for the month of May last received from the Officer Commanding Neilgherries.

/Here enter No. 994/

Read letter dated 15th Instant from the Magistrate of Tuticorin Submitting the

23rd June 1835

the explanation required by the Tangdarra Udalat in their proceedings of the 26th Ultimo regarding the detention of the parties in case No. 76 from the 2nd to the 15th April.

/Here enter No. 995/

Read letter dated 6th Instant from the Acting Joint Criminal Judge of the Aluthgama Court at Bonaire transmitting the Criminal Reports for the month of May 1835.

/Here enter No. 1001/

Read return dated 12th Instant from the Criminal Judge of Salem of Kurunegala convicts under the charge of the Magistrate in the Kelani of Salem for the Month of May 1835.

/Here enter No. 1004/

Read letter dated 8th Instant from the additional Judge on Circuit in the Northern Division forwarding Copy of the Rajadommedy Supplemental Calendar for the 1st Sessions of 1835.

/Here enter No. 1005/

Read return dated 15th Instant from the 1st Judge of the Provincial Court of Circuit in the Centre Division to Precept of Tangdarra Udalat dated the 12th June 1835 directing him to amend his sentence with respect to the second prisoner in case No. 1 of the 4th Supplementel Calendar for the Colletion 2nd Quarter Sessions 1835.

/Here enter No. 1006/

23rd June 1835

Read return dated 31st Ultimo from the Magistrate of Trincomalie of Convicts in the Jail at Trincomalie for May 1835.

/Here enter No. 1011/

Read return dated 9th Instant from the Provincial Court of Circuit in the Northern Division to Precept of Tangdarra Udalat dated the 19th May 1835 on the Criminal Reports for April of the Native Judge of Vengapitam.

/Here enter No. 1014/

Read letter dated 12th Instant from the Additional Judge on Circuit in the Northern Division forwarding Original Death Warrant &c. in case No. 86 Chilaw Calendar 2nd Sessions of 1834.

/Here enter No. 1015/

Read letter dated 15th Instant from the 1st Judge of the Provincial Court of Circuit in the Centre Division forwarding Copy of the Colletion 5th Supplemental Calendar for the 2nd Quarterly Sessions of 1835.

/Here enter No. 1022/

Read letter dated 12th Instant from the 3rd Judge of the Provincial Court of Circuit in the Western Division, forwarding original Death Warrant &c. in Case No. 1 on the Kelaniya Calendar for the 2nd Quarterly Sessions of 1835.

/Here enter No. 1024/

23rd June 1835

Read letter dated 10th Instant from the Officiating 2nd Judge on Circuit in the Western Division - Reporting his having resumed his seat on the Court bench.-

/Here enter No. 1025-/

Read letter dated 12th Instant from the Officiating 2nd Judge on Circuit in the Western Division Reporting the death of the Prisoner in case No. 2 on the additional Calendar Zillah of Malabar for the 1st Sessions 1835.-

/Here enter No. 1026-/

Read letter dated 13th Instant from the Additional Judge on Circuit in the Northern Division - forwarding the original Death Warrant in Case No. 9 on the Rajahmundry Calendar for the 1st Sessions of 1835.-

/Here enter No. 1027-/

Read letter dated 12th Instant from the Joint Magistrate in Charge of the Zillah of Canara, forwarding copy of a letter from the Assistant Magistrate of Canara containing the information called for in para 3 of the Extract from the Proceedings of the Sudder Adalut dated the 23d Ultimo relative to certain cases on the Criminal Reports for April.-

/Here enter No. 1028-/

23rd June 1835

Read return dated 15th Instant from the Acting Criminal Judge of Madura to Receipt of Sudder Adalut dated the 10th instant on the Criminal Reports for May last.-

/Here enter No. 1029-/

Read letter dated 13th Instant from the Provincial Court of Circuit in the Northern Division forwarding copy of a return from the Officiating Criminal Judge of Chicacole having reference to the Criminal Reports for October 1834.-

/Here enter No. 1038-/

Read letter dated 15th Instant from the Acting 3rd Judge on Circuit in the Northern Division - reporting that he had received instructions from Government to resume his duties as Zillah Judge of Rajahmundry and that he leaves one trial only undisposed of 15th

/Here enter No. 1040-/

Read return dated 15th Instant from the Acting Criminal Judge of Guntoor to Precept of Sudder Adalut dated the 15th June 1835 on the Criminal Reports for may -

/Here enter No. 1042-/

Read return dated 12th Instant from the Acting Joint Criminal Judge of Combaconum to precept of Sudder Adalut dated the 8th Instant directing him to furnish the Magistrate with

copy

23rd

23rd June 1835

Copy of the Court Proceedings and of the Case No 42 as it stands in the Criminal Reports for March 1835.

Ed W.

/ Clements No 1017 /-

P. M.

91.

At a Court of the Poujdaree Udalut.

Present,

Wednesday, 24th June, 1835. John Bird Esqre — 2d Puisne Judge,

William Hudleston Esqre — 3d Puisne Judge,

Read the Madura Criminal Reports prescribed by Section XXXV. Regulation X 1816. for May 1835.-

(Here enter No. 999.)

Suppl. Report case 42
Report V cases 52, 54, 57, 59.

1 The Acting Criminal Judge will transmit to the Magistrate copy of the cases noted in the Margin and of this and the following paragraphs which contain observations and orders upon them, and the Magistrate will make return direct to this Court in 12 days after receipt of the communication.

Suppl. Report Case 42

2 The Magistrate will explain the cause of the delay in procuring the required further evidence in this case.

Case 50.

3 The only reason assigned for the non disposal of this case is the non attendance of the Prosecutor. The Acting Criminal Judge will observe on reference to the Circular Order 11th April 1832 that

24th June 1835

that he ought to have given "a full explanation" of the cause and he will now state why the Prosecutor could not attend and why, in that case, the Government Vakeel could not conduct the Prosecution.

Report V Case 52. 4 The Court regret to observe the detention of the prisoner in this case from the 28th February to the 6th May in the Taloak and the proceedings are by no means satisfactorily explained in the Report. The Magistrate will state whether any further more satisfactory explanation can be afforded.

Case 54 5 The Magistrate will forward an explanation of the detention of this prisoner from the 25th April to the 11th May and will direct the attention of his Assistant, who sent up the case, to the Circular Order 8th February 1830 requiring this explanation to be given at the time the case is dispatched to the Criminal Court.

Case 57 58 6 The same communication should be made to the Joint Magistrate with reference to the cases noted in the Margin and the

Magistrate

24th June 1835

Magistrate will at the same time inform him that giving a "deposition upon oath before a Criminal Court in contradiction to the one given before the Police Officer" is not a punishable offence, and that the Court do not clearly understand upon what grounds the prisoner was sent up to the Criminal Court - if the charge was for perjury it could only originate in the Criminal Court itself. The Magistrate will forward the explanation which the Joint Magistrate may have to offer respecting the detention of these prisoners from the 27th April to the 13th May.

Report 9. 7. The two first cases in this Report having been disposed of on the 20th & 23d March their appearance here should be explained.

Ordered that Extract of these proceedings be sent to the Acting Criminal Judge of Madura for his information and guidance by Precept returnable in 10 days after receipt.

(Sent following Precept No. 736)

24th June 1835

Read the Consultacum Criminal Reports prescribed by Section XXXV Regulation X 1816 for May.

(Here enter No. 1010.)

Suppl. Report Case 78. 1 The grounds of the "strong suspicion" against the 3d 5th & 6th prisoners in this case under which the requisition of security was made should have been stated in the Report to enable the Court of Foujdaree Adalut to judge whether or not they were valid.

Report Case 80 2 The prisoner in this case, found guilty of theft of property valued between 77 and 78 Rupees, the Court considers to have been but slightly punished by the sentence "to receive 100 stripes with a Cat-o-nine Tails and to be released."

Cases 93 94 95 97 3 The Acting Criminal Judge will furnish copy of these cases as they stand in the Report and of this and the following paragraphs containing observations and orders upon them, to the Magistrate who will make return to this Court direct in 10 days after receipt of these orders.

The

24th June 1835

Case 93. 4 The Court consider the explanation given in the Report by no means satisfactory for the detention of the prisoners in the Taloak from the 28th April to the 17th May.

Case 94. 5 The explanation assigned in this case for the detention of the prisoners in the Taloak is still more unsatisfactory. The prisoners were apprehended on the different dates of the 14th & 29th March, of the 8th & 30th April. In respect to the portion of the delay stated to have arisen from a reference to the Magistrate the Court have to observe that the nature and necessity of the references should have been specified in the transmission of the case to the Criminal Court for insertion in the Criminal Reports, & the Magistrate will use due means to secure this being done in all future similar cases. The Magistrate will instruct the Police Officer, who ought to have been aware of the fact, that the "non-apprehension of other suspected persons" is not under the Circular Order 24th January 1822 to be admitted as a valid ground for infringing

the

the rule laid down in Clause 4th Section XXVII Regulation XI 1816.

Case 95. 6 The reason given for detaining the 1st and 2d prisoners in case 95 from the 4th to the 17th May is likewise unsatisfactory, and the same remark is applicable to the case No. 97 in which there appears to have been a delay of 14 days "in consequence of the Prosecutors in this case being prisoners in the former one and the Prosecutors of that case being 1st prisoners in this case."

7 The present Report was not received till the 18th instant in future the acting Criminal Judge will take due care to forward it within the time prescribed by the Circular Order of the Foujdaree Adalut No. 40. if delayed an explanation of the cause of the delay should be submitted.

Ordered that Extract of these proceedings be sent to the acting Criminal Judge of Combaconum for his information and guidance by Precept, returnable in 7 days after receipt.

(Sent following Precept No. 737)

Read the Chittoor Criminal Reports prescribed by Section XXXV Regulation X 1816 for May.

(Here enter No. 1021.)

Report V Case 105. 1 The prisoner in this case convicted of housebreaking and theft of property valued at 1 anna & 3 pice has been sentenced to imprisonment for 3 months and "to suffer 150 lashes." The Court of Foujdaree Adalut observe that she is stated to be "a weak & impoverished man" and they accordingly resolve with reference to the prisoners bodily weakness to direct the remission of the stripes.

2 The statement of labor "gives the number of prisoners working outside as 182, for which 45 Peons being the prescribed proportion, an explanation should have been forwarded of the excess of seven Peons, entertained throughout the month as the "Extra" guard.

3 The Court perceive that the acting Criminal Judge continues to employ certain

At a Court of the Poujdaree Udalut

Present,

Thursday,
25th June, 1835. John Bird Esqre ——— 2d Puisne Judge,
William Rudleston Esqre ——— 3d Puisne Judge,

Read letter dated 12th January 1835
from the 1st Judge late on Circuit in the
Northern Division - transmitting the record in
Case No. 29 on the Nellore Calendar for the
2d Sessions of 1834 -

(Here enter No. 923.)

The Court of Poujdaree Udalut,

Mr. Bird
Mr. Rudleston. 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 Mooftee of the
Poujdaree Udalut, confirm the said Futwa of
the Cazee vol. Cozat and Mooftee aforesaid,
convicting the prisoner -

14th "Caumsanany Condadoo"

and acquitting the prisoners -

2d "Cummata Vencatareddy"

3d "Bunkah Vencatagaudoo"

5th

25th June 1835

5th "Timmasamoodrum Vencatapully"
6th "Dagah Govindoogaudoo"
7th "Yendlory Pedda Gonaviah"
8th "Bundee Chennoogaudoo"
9th "Tauteereddy Nawappah"
10th "Rauzavoloo Chendroogaudoo"
11th "Peddapoloo Condadoo"
12th "Peddapoloo Venkatuppah
13th "Venkadaree Pedda Condadoo"

and under the provisions of Clauses Second and Fifth, Section IV. Regulation XV of 1803 sentence the prisoners,

14th "Caumeenany Condadoo"

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 direct that the prisoners,-

11th "Peddapoloo Condadoo"
&
12th "Peddapoloo Venkatapah"

be set at Liberty-

But being of opinion that strong suspicion though not amounting

to

25th June 1835.

to conviction, attaches to the prisoners-

2d "Cunnumaloo Veniaatareddy"
3d "Bunkah Veneateygaudoo"
5th "Timmasamoodrum Vencatapully"
6th "Dagah Govindoogaudoo"
7th "Yendlory Pedda Gonaviah"
8th "Bundee Chennoogaudoo"
9th "Tauteereddy Nausappah"
10th "Rauzavoloo Chendroogaudoo"
and
13th "Venkadaree Pedda Condadoo"

the Court direct under the provisions of Clause Sixth, Section II Regulation XV of 1803 that they be severally required to find security for their good behaviour and appearance when required:- the 13th prisoner - in two sureties of (100) one hundred Rupees each surety for (3) three years, and the remaining prisoners - in two sureties of (50) fifty Rupees each surety for (2) two years.-

(Sent following letter No. 1/21)

Read letter dated the 16th instant from the First Judge on Circuit in the Southern Division, submitting copy of the

Salem

Salem Calendar for the First Sessions of 1835.

(Here enter No. 1035 of 1835.)

Case No. 1 — 1 — It is matter of regret to the Court of Foujdaree Udalut that the First Judge should in this case have deemed it necessary to defer to the opinion of the Mahommedan Law Officer, as it is quite clear that the evidence of the 4th Witness was not in the least degree material to the issue of the trial and on what grounds the Law officer could declare his testimony "essential" it is impossible to discover.

Case No. 3 — 2 — The Court of Foujdaree Udalut are unable to discern in what way the "remarks upon Nos. 14 and 15 of the Madura Calendar" referred to by the First Judge, bear upon this case. The purport of those remarks was that nothing had been brought forward on the prosecution to affect the innocence of the prisoners, and the question of "burglariously entering" or "breaking," as a point of Law, was not mooted.

J.F.

If the First Judge disapprove of the Fulwa of the Law Officer, it will be incumbent upon him to refer the trial for the consideration and final judgment of the Foujdaree Udalut.

Case No. 4 — 3 — The Court of Foujdaree Udalut direct that they be furnished with a copy of such explanation as the Criminal Judge may submit relative to the steps taken to secure the attendance of the prosecutor and the 1st Witness in this case.

Case No. 7 — 4 — The Court of Foujdaree Udalut are unable to discover the grounds for the committal of the 7th and 8th prisoners in this case by the Criminal Judge, and for the requisition of security from the 7th by the Circuit Judge: and they deem it proper to direct that an explanation upon the subject be furnished by those Officers respectively.

Case No. 10 — 5 — The First Judge will call upon the Criminal Judge to explain the cause of the non-attendance of the witnesses

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Witnesses required to prove the deposition of the prisoner before the Joint Magistrate of Combatore and will submit his explanation to the Foujdaree Udalut.—

Case No. 14 6

Before passing any order upon this case, the Court of Foujdaree Udalut deem it proper to direct that a copy and translation of the 1st prisoner's confession before the Criminal Court, be submitted for their consideration.

7. The First Judge will also state what there is peculiar in the "condition and circumstances of life of the 1st prisoner" which leads him to propose a mitigation of punishment in his favor.

8. The Court of Foujdaree Udalut consider the second question put by the First Judge to the Mahommedan Law Officer to be in the present case irregular.

Ordered, that Extract from these proceedings be sent to the First Judge on Circuit in the Southern Division for his information and guidance by Precept, returnable within 20 days from and after its receipt.

(Sent following Precept No. 742)

Read

Read again letter dated the 10th March 1835 from the First Judge on Circuit in the Southern Division submitting copy of the Tinnevelly Calendar for the first Sessions of 1835.—

(Here enter No. 401 of 1835.)

Read also Return dated the 31st Ultimo from the late Third Judge late on Circuit in the Southern Division to Precept of the Court of Foujdaree Udalut under date the 19th May 1835, requiring him to explain the grounds on which he ordered the commitment for Perjury of the second Prosecutor Andy in Case No. 1. on the Tinnevelly Calendar for the second Sessions of 1834: prisoner in Case No. 3. on the Tinnevelly Calendar for the first Sessions of 1835.—

(Here enter No. 844 of 1835.)

Read also Return dated the 11th instant from the Joint Criminal Judge of Tinnevelly to Precept of the Court of Foujdaree Udalut under date the 3d instant, forwarding to him copies of the two depositions given in the

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the 24th February) and 4th March 1834 before the (then) Acting Joint Criminal Judge by the abovenamed prosecutor and prisoner Andy and requiring him to report whether they are correct copies: and if so, to explain the discrepancy apparent between their contents and the Indictment in the Calendar.

(Here enter No. 1023 of 1835.)

The Joint Criminal Judge reports that the copy is not a correct one inasmuch as the second part of the deposition has been omitted: and he encloses "the original papers". He adds that "on inquiring "from the Sawab Navis how this essential "document could have been mislaid; he "searched and found it in the Records of "the original case and stated that it was "not returned to the Acting Joint Criminal "Judge by the Circuit Court when they issued "their Precept directing him to frame the "Indictment for the Perjury case" &c.

2. The Court of Foujdaree Adalut are unable to comprehend, how, with reference to the above explanation, the document in question could be subsequently found with the Record by the Sawab Navis: and they have moreover to observe that the original proceedings in Criminal cases are never taken by the Circuit Judge.

3. The Joint Criminal Judge views the "negligence of the Sawab Navis "as culpable in the extreme and is disposed "to hold him responsible" but solicits the "orders of the Court of Foujdaree Adalut "as to the course of proceeding to be "adopted".

4 The Court of Foujdaree Adalut are of opinion that more blame does not attach to the Sawab Navis's than to the officer who certified the translations and to the Circuit Judge who, inasmuch as the charge could not have been framed upon the documents before him, ought to have seen that something was wanting and himself have made due enquiry before proceeding with the trial. As it is

the

25th June 1835

the Court of Fouzdaree Udalut are of opinion that the accused must have the benefit of this carelessness and cannot again be put on his trial—

5. The Court of Fouzdaree Udalut in conclusion direct that the "original paper" be transmitted to the First Judge on Circuit with instructions to forward it together with a copy of these proceedings to the Joint Criminal Judge of Tinnevelly—

Ordered that extract from these proceedings be sent to the First Judge on Circuit in the Southern Division for his information—

(Sent in No. 743)—

F. R.

At a Court of the Fouzdaree Udalut—

Friday,
26th June 1835.

Present,
John Bird Esqre — 2d Puisne Judge
William Budliston Esqre — 3d Puisne Judge

Read letter dated the 30th Ultimo from the Third Judge of the Provincial Court of Circuit in the Western Division submitting "English and Persian Translations of the proceedings in Case No. 2 on the Additional Calendar of the Auxiliary Court of Malabar for the second Quarterly Sessions of 1835—

(Here enter No. 963 of 1835.)

1 It appears to the Court of Fouzdaree Udalut that, in as much as the Record of this case affords no proof that "Cheloowan" is dead, or supposing him to be dead, that his death was the result of the wound inflicted by the prisoner, the evidence of "B. Wauley Senior assistant Apothecary (late) in Medical charge "Detachment 32d Regiment Native Infantry" alluded to in the order of the Third Judge dated

dated the 16th May 1835 is indispensable.

2 The Court of Soujdarce Udalut resolve therefore to return the English and Persian Record to the Third Judge with instructions to issue a Precept to the acting Joint Criminal Judge of Malabar directing him to procure the attendance of that Individual, and in the presence of the prisoner "Paunjan Vellukan" take his examination upon oath in regard to the points specified above.

3 The Acting Joint Criminal Judge will permit the prisoner to cross-examine this witness and to offer any thing further in his defence, should he wish it at the close of the examination.

4 The third Judge will annex English and Persian Translations of the evidence so taken to the Record and will retransmit the same for the consideration and final Judgment of the Court of Soujdarce Udalut.

5 The third Judge will also call

upon the acting Joint Criminal Judge of Malabar to explain why the Assistant apothecary abovementioned was not bound over to appear at the trial and will submit his explanation to this Court.

Ordered that Extract from these proceedings be sent to the third Judge of the Provincial Court of Circuit in the Western Division by Precept, returnable within six Weeks from and after its receipt.

(Sent following Precept No. 744)

Read Return dated the 15th instant by the Provincial Court of Circuit Western Division to Precept of the 30th April last conveying certain observations and orders upon the half yearly Criminal Statements of the Division for the first six Months of 1834.

(Here enter No. 1046.)

1 The Court of Soujdarce Udalut direct that it be communicated to the Provincial Court of Circuit Western Division that the statement (the difference between which

which and the Calendars in respect to the
number of the cases postponed and returned
it was required should be explained)
adverted to in para 62 of the proceedings
of the 30th April last was for the fasl, not
the last half of the year 1834. and consequently
that the explanation is still to be furnished—

2 The explanation of the Magistrate
of Malabar that his Statement erroneously
represented 5 cases of "fine" by the Police
for "killing Cattle" and that the 5 persons in
question had been acquitted "no fine having
been awarded by the Magistracy or Police for
the Offence of killing Cattle," is satisfactory—

Ordered that Extract of these
proceedings be sent to the Provincial Court
of Circuit in the Western Division for their
information and guidance by Receipt
returnable in 5 days after receipt—

(Sent following Receipt No. 745)

Read the Masulipatam Criminal
Reports prescribed by Section XXXV Regulation X 1816
for May—

(Were entered No. 1033)

The

Suppl. Report
Cases 10.15.16.
17.18.19 20.

The cases noted in the margin
are cases of Perjury and the Court of
Sudder Adalut are much concerned to observe
that the prisoners in them have been
confined for 72 days without due examina-
tion of the charge prefered—The explanation
given—"not fully examined in consequence
of the illness of some of the Witnesses"—is not
of the nature required by the Circular Order
11th April 1832 in fulfilment of which the
Acting Joint Criminal Judge will now
report how the alleged "illness" of the
Witnesses has been ascertained and the
circumstances under which the order for
placing the prisoners in confinement was
passed—

Case 26. 2 The explanation of the
appearance of this case in the Supplemental
Report is likewise insufficient under the
Circular Order above alluded to "records not
being received from the Court of Circuit to
whom an application was made on the
29th April 1835. It would be satisfactory to

the

the Court to be informed why during the
while month of May no further application
was made for the record, if it is requisite,
but it is not clear why the record in question
No 14 of the Calendar 4th Session 1834 is wanted
the evidence given in the other case in which
certain prisoners have been committed for
the crime with which the prisoners in this
case have been charged would not affect
the latter.

Cases 27 & 40. 3

In these cases the delay in the
Talook is stated to have arisen from references
to the Magistrate. In the former the 14 prisoners
were apprehended on dates between the 31st
March and 15th April and all forwarded
together on the 23d April. In the latter the
Prisoners was detained by the Police from
the 27th April to the 5th May. The Court of
Sudder Adalut always expect that when
cases are thus delayed an explanation of
the necessity and nature of the reference will
be sent with them to the Joint Criminal
Court and the Magistrate will use due means
to

to secure this object in future. The acting
Joint Criminal Judge will furnish copy of
the cases as they stand in the Report and
of this paragraph to the Magistrate for his
information and future guidance.

Cases 41 & 42. 4

The acting Joint Criminal
Judge will likewise furnish to the Magistrate
copy of these cases and this paragraph.
The Court do not consider the reason assigned
in the former "non attendance of the witnesses"
as satisfactory for the detention in the Talook
until 12th May of the four first prisoners
who were apprehended on the 29th April
and still less satisfactory does it appear
to the Court that in the latter case "the
"non attendance of the Prosecutor and Witnesses"
should be recorded as an explanation of
36 days detention. The Court anticipate that
the Magistrate will see the necessity of issuing
proper instructions to the Police Office before
whom the prisoners in these cases were
brought to prevent their proceedings being
open to the same remarks in future.

The

26th June 1835.

Read the Nellore Criminal

Reports prescribed by Section XXXV Regulation

X 1816 for the Month of May—

(Here enter No. 1034.)

Report V
Case 85.

1 The prisoners in this case were apprehended on the 17th May but were not forwarded by the Head of Police until the 29th his explanation of this detention the Court of Foujdaree Adalut do not consider satisfactory: it is not stated where the prisoners were from the date of their apprehension to the evening of the 22d when only they reached the Head of Police, and the Witnesses did not appear till the 28th. The Criminal Judge will convey to the Magistrate for his information copy of the case as it stands in the Report & of this paragraph and the Magistrate will make return direct to this Court in 5 days after receipt of this order.

2 The Criminal Judge will state the facts charged against the prisoners in future the entry of "Highway Robbery to the extent of Rupees" does not enable the Court to

26th June 1835.

Case 44 5. The provisions of the Law quoted by the

+C. 2d Section II Reg IX 1822. Acting Criminal Judge in support of his

his commitment of the prisoner for murder being incorrect, he will state in his return that which he intended should have been inserted. He will likewise bear in mind that the grounds of commitment, as well as of the order that he may pass, in any case in the Criminal Report should be specified in a concise but distinct manner.

6. The Acting Joint Criminal Judge having failed to forward the Reports under review so as to arrive within the 15th of this month of June, the Court direct that his attention be required to the Circular Order No. 60.

Ordered that Extract of these proceedings be sent to the Acting Joint Criminal Judge at Masulipatam for his information and guidance by Precipt returnable in 6 days after receipt.

Sent following Precipt No. 746

Read

26th June 1835.

26th June 1835.

to satisfy themselves of the propriety of the mode in which the cases may be disposed of.

3 The Criminal Judge will also in future transmit the Criminal Reports in a combined form and not on separate sheets - the Supplemental Report being placed first and the Statements after Report No 9.

4 The Court observe that a large proportion* of the prisoners at Nellore are entered as "sick" in the "statement of labor". The Criminal Judge will therefore state whether there was, during May, any unusual cause of sickness and what measures have been taken to check it.

* More than ½ of those in Col 4.

5. The Criminal Judge having omitted to forward the Reports under review as to arrive within the 15th of the months of June, the Court direct that his attention be required to the Circular Order No 40.

Ordered that Extract of these proceedings be sent to the Criminal Judge of Nellore for his information and guidance.

26th June 1835

by Precept returnable in 4 days after receipt.

(Sent following Precept No 747)

747

At a Court of the Foujdaree Adalut

Present,

Monday, 29th June, 1835. John Bird Esqre — 2d Puisne Judge.

William Hudleston Esqre — 3d Puisne Judge.

Read letter dated the 17th instant from the Provincial Court of Circuit Western Division transmitting the three Criminal Reports prescribed by Section XXXV. Regulation X. 1816 for May —

(Here enter No 1048)

Suspl Report / Case 29.

The Court do not understand from the entry in the Report what the object of the letter stated to have been "addressed to the Assistant Magistrate" relative to this case was or what was the necessity for it — The Provincial Court of Circuit will call upon the Native Criminal Judge for an explanation for the information of the Court of Foujdaree Adalut —

2 The Provincial Court of Circuit will enjoin the Native Criminal Judge to transmit to them his Criminal Reports earlier

in order that they may reach the Court of Foujdaree Udalut by the 15th of the Month. The present Report did not arrive until the 24th Instant.

Ordered that Extract of these proceedings be sent to the Provincial Court of Circuit Western Division for their information & guidance by Precept returnable in 10 days after receipt.

(Sent following Precept No. 753)

Dated Letter dated the 22d January 1835 received the 15th instant, from the First Judge late on Circuit in the Northern Division submitting English and Persian Translations of the proceedings in Case No. 62 on the Nellore Calendar for the Second Sessions of 1834.

(Here enters No. 983 of 1835.)

1 Before proceeding to pass sentence in this case, the Court of Foujdaree Udalut are desirous of having before them further evidence touching the state of the prisoner's intellects and as to whether he has been of unsound mind at any period previous to the perpetration of

of the acts of violence with which he now stands charged.

2 They therefore resolve to return the English and Persian Record to the First Judge with instructions to issue a Precept to the Criminal Judge of Nellore directing him to summon before him and examine upon oath in the presence of the prisoner any persons inhabitants of the village in which he has been accustomed to reside and any others who may be enabled to give evidence upon the above point.

3. The First Judge will cause English and Persian translations of the additional evidence so taken to the Records and will retransmit it for the consideration and final judgment of the Foujdaree Udalut.

Ordered that Extract from these proceedings together with the English & Persian Records of the case, be sent to the First Judge late on Circuit in the Northern Division by Precept returnable within twenty one days

F.C.

29th June 1835

days from and after its receipt.

2d W.

W.S. L.L. (sent following Receipt No. 734).

F.C.

At a Court of the Foujdaree Adalut.

Present

Tuesday,
30th June, 1835. John Bird Esqre. ——— 2d Puisne Judge.
William Hudleston Dgo. ——— 3d Puisne Judge.

Read Return dated the 17th instant,

W.S.

from the officiating second Judge late on Circuit in the Western Division, to Precept of the Court of Foujdaree Adalut under date the 8th instant, requiring him to submit an English Translation of the proceedings in Case No. 4 on the Calendar of the Zillah of Canara for the First Sessions of 1835.

(Here enter No. 1063 of 1835.)

In this case the prisoner,

1 "Maria"

stood charged before the Court of Circuit with wilful and Corrupt Perjury, in having, when examined as a witness in a case wherein Mecabye and Antonio were charged with ill-treatment, given two contradictory depositions upon oath upon matters of fact materials to the issue of the charge; namely,

one

one on the 14th October 1834 before the Joint Magistrates and the other on the 11th of November of the same year before the Assistant Criminal Judge of Canara.

2 The Mahommedan Law Officer of the Court of Circuit declared the prisoner convicted and liable to Dookoobut.

3 In this finding the Presiding Judge concurred, and sentenced the prisoner to be immediately exposed in the mode commonly denominated Tusheer: but in his remarks in the Calendar, recommended that the rest of the punishment to which the prisoner had rendered herself liable, should be remitted, in consideration of her tender age and respectable parentage and in the mean while, directed her release on bail.

4. The Court of Foujdaree Adalut directed that an English translation of the case should be submitted to them, as they were not satisfied that there were sufficient grounds for the conviction of the

the prisoner.

5. And a mature consideration of the proceedings has confirmed that opinion. It appears clear to the Court of Foujdaree Adalut that the matter of fact on which the contradictory depositions were given was in no respect material to the issue of the case, which was one of assault, and that consequently on that ground alone, the prisoner was not liable to punishment under the provisions of Regulation III of 1826.

6. Further, it does not appear to the Foujdaree Adalut that there were grounds for presuming "the corrupt intention of the Witness" while in all prominent particulars the same facts were stated in both depositions. Seeing no object which the prisoner could have in view, and unable to discover any motive which could induce her to commit the offence of Perjury, the Court are of opinion that the discrepancies in her evidence may justly

justly be attributed to want of recollection and not to a criminal purpose; particularly when her extreme youth is taken into consideration—

7 Under these circumstances, the Court of Foujdaree Udalut consider that in agreeing with his Law Officer in the conviction of the prisoner, the Presiding Judge committed a serious error of judgment—

8 Moreover, the Presiding Judge, having resolved to apply to the Foujdaree Udalut for authority to mitigate the punishment, was not competent under the provisions of Clause Second Section III Regulation I of 1825, and the standing orders of the Foujdaree Udalut, to carry that part of the proposed sentence into effect, which prescribed "Pasheer", and his order upon the subject was consequently illegal—

9 Exposure by "Pasheer" is a most ignominious punishment, and under the Regulations can be imposed only upon a "proper object" that is to say, upon a deliberate & hardened offender, and the Court of Foujdaree

Foujdaree Udalut are at a loss to conjecture how the Presiding Judge could consider a young girl of 14 years of age, a proper object of such exposure under any circumstances, and much less so, when there was no aggravation apparent, but the reverse, for she expressed good feeling in her defence—"I had no intention to give false depositions: to the best of my remembrance "I stated what was correct: but I am a "young girl and from want of recollection "I may have made mistakes"—

10 With reference to the foregoing observations, the Court of Foujdaree Udalut deem it proper to direct, as the only reparation for which room is now left, that the present Acting Criminal Judge be required to call before him the prisoner and her friends, and inform them in open Court, that the Foujdaree Udalut acquit her of corrupt motive and attribute her contradictions to want of memory, and consider the punishment which she has suffered

suffered to be undeserved and further imme-
diately to release her sureties from the
obligations into which they have entered.

The Court of Foujdaree Udalut
further direct that the present Acting Joint
Criminal Judge of Canara be informed of
of their opinion as to the insufficiency of
the grounds upon which the girl was
brought to trial.

Ordered that Extract from
these proceedings be sent to the Officiating
Second Judge late on Circuit in the Western
Division by Precept returnable in five
days.

(Sent following Precept No. 162.)

Read Return dated the 30th
Ultimo by the Provincial Court of Circuit in
the Southern Division to Precept of the 21st
April last conveying the observations and
orders of the Court of Foujdaree Udalut on
the Criminal Reports of the Division for the
Month of February 1835.

(Hereunto No. 902.)

Re-

Tinnevelly
Supplemental Report
Case 128 of 1834.

1 The six prisoners in this case,
charged with having "put an excess
of 5 Garces and 181 Measals of Salt valued
at Rupees 572-8-2 in a Salt heap with
the fraudulent intention of appropriating
it to their own purposes" appeared in the
Supplemental Report as thus disposed of:-
the first fined in a sum of 200 Rupees,
under Clause 1st Section IV Regulation V 1831:-
the second in a sum of 100 Rupees:- the third
acquitted and released:- the 4th 5th and 6th
fined each 80 Rupees:- the term of imprison-
ment in default of payment of the several
fines, being fixed at 18 months.

2 The Court of Foujdaree Udalut
however seeing reason to doubt whether
the Prisoners were liable to punishment
under the Regulation quoted - called for
an explanation of the circumstances of the
case, and the following information was
supplied in the above return. "It was
admitted by the prisoners that the Salt
heap was stored by them in person

and

and that it was proved by the evidence that they were responsible for the correctness of the measurement; that, on examening it, there was found great excess, and a large hole in the plat form was discovered under the heap. The intention to commit a fraud by weighing salt in an illicit manner being thus proved, the Joint Criminal Judge considered the criminality of their proceedings rendered the prisoners liable to be punished under Section XVIII. Regulation I of 1805, although the main object of their scheme was frustrated by detection.

3. It appears to the Court of Foujdaree Udalut, that the prisoners in this case can be brought within the scope of Section XVIII Regulation I of 1805 only for "weighing salt in an illicit manner;" but they do not clearly understand from the return of the Joint Criminal Judge whether or not the prisoners weighed the salt and heaped it for sale: in that case, the act having been completed they would certainly be

be liable to the fine - but if the salt was merely heaped to be subsequently weighed, as no salt had been abstracted, the crime was not complete.

The Court direct that a further explanation be submitted to them on the above point.

Ordered, that Extract of these proceedings be sent to the Provincial Court of Circuit in the Southern Division for their information & guidance by Precept, returnable in 10 days after its receipt.

(Sent following Precept No. 763.)

Read Return dated the 22nd instant to the Precept of the Foujdaree Udalut of the 27th May, calling upon the late Acting 3rd Judge of the Provincial Court of Circuit in the Centre Division, to afford information regarding the authority exercised by the Jagheerdar of Arnee, adverted to in the 6th para. of his Circuit Report.

(Hereunto No. 1054 of 1835.)

Ser

In para 5 of his return, the late Acting 3d Judge refers to the papers marked B. submitted with it as affording the requisite information. The Court do not find however in those papers the full statement they require of the particular circumstances of the cases; and of the manner in which they came under the cognizance of the Jaghirdar. The acting 3d Judge having been appointed to another Division the Court resolve to refer the Provincial Court of Circuit to his return and to the orders of the Foujdaree Udalut, and to desire, that they will obtain and forward the further information required without delay.

Ordered that Extract from these proceedings be sent to the Provincial Court of Circuit in the Centre Division by Receipt returnable in 10 days.

J.T. (Sent following Receipt No 7/1x)

B.

Read Return dated the 15th instant from the late acting 1st Judge of the Provincial Court

Court of Circuit in the Centre Division to Receipt of Foujdaree Udalut dated the 3d instant requiring immediate Return to their former precept calling upon Moftee Vully Mahommud for an explanation respecting his Futwa in Case No 2. Chittoor Calendar 2d Quarter Sessions of 1834.

(Here enter No 991)

Read letter dated 2d instant from the Magistrate of Tinnevelly submitting explanation required by the Foujdaree Udalut in their proceedings of the 26th Ultimo regarding Case No of the Criminal Reports for April.

(Here enter No 914.)

and that it was proved by the evidence that they were responsible for the correctness of the measurement; that, on examining it, there was found great excess, and a large hole in the plat form was discovered under the heap. The intention to commit a fraud by weighing salt in an illicit manner being thus proved, the Joint Criminal Judge considered the criminality of their proceedings rendered the prisoners liable to be punished under Section XVIII. Regulation I of 1805, although the main object of their scheme was frustrated by detection.

3. It appears to the Court of Foujdaree Udalut, that the prisoners in this case can be brought within the scope of Section XVIII Regulation I of 1805 only for "weighing salt in an illicit manner;" but they do not clearly understand from the return of the Joint Criminal Judge whether or not the prisoners weighed the salt and heaped it for sale: in that case, the act having been completed they would certainly be

be liable to the fine - but if the salt was merely heaped to be subsequently weighed, as no salt had been abstracted, the crime was not complete.

The Court direct that a further explanation be submitted to them on the above point.

Ordered, that Extract of these proceedings be sent to the Provincial Court of Circuit in the Southern Division for their information & guidance by Precept, returnable in 10 days after its receipt.

(Sent following Precept No. 763.)

Read Return dated the 22nd instant to the Receipt of the Foujdaree Udalut of the 27th May, calling upon the late Acting 3d Judge of the Provincial Court of Circuit in the Centre Division, to afford information regarding the authority exercised by the Jagheerdar of Arnee, adverted to in the 6th para. of this Circuit Report.

(Hereunto No. 1054 of 1835.)

Sir

in order that they may reach the Court of Foujdaree Udalut by the 15th of the Month. The present Report did not arrive until the 24th Instant.

Ordered that Extract of these proceedings be sent to the Provincial Court of Circuit Western Division for their information & guidance by Precept returnable in 10 days after its receipt.

(Sent following Precept No. 753)

Read letter dated the 22d January 1835 received the 15th instant, from the First Judge late on Circuit in the Northern Division, submitting English and Persian Translations of the proceedings in Case No. 62 on the Nellore Calendar for the Second Sessions of 1834.

(Here enters No. 983 of 1835.)

1

Before proceeding to pass sentence in this case, the Court of Foujdaree Udalut are desirous of having before them further evidence touching the state of the prisoner's intellects and as to whether he has been of unsound mind, at any period previous to the perpetration

of

of the acts of violence with which he now stands charged.

They therefore resolve to return

2

the English and Persian Record to the First Judge with instructions to issue a Precept to the Criminal Judge of Nellore directing him to summon before him and examine upon oath in the presence of the prisoner any persons inhabitants of the village in which he has been accustomed to reside and any others who may be enabled to give evidence upon the above point.

The First Judge will annex

3.

English and Persian translations of the additional evidence so taken to the Records and will retransmit it for the consideration and final judgment of the Foujdaree Udalut.

Ordered that Extract from these proceedings together with the English & Persian Records of the case, be sent to the First Judge late on Circuit in the Northern Division by Precept returnable within twenty one days

26th June 1835.

26th June 1835.

to satisfy themselves of the propriety of the mode in which the cases may be disposed of.

3 The Criminal Judge will also in future transmit the Criminal Reports in a combined form and not on separate sheets - the Supplemental Report being placed first and the Statements after Report No 9.

4 The Court observe that a large proportion* of the prisoners at Nellore are entered as "sick" in the "statement of labor". The Criminal Judge will therefore state whether there was, during May, any unusual cause of sickness and what measures have been taken to check it.

* More than ½ of those in Col 4.

5. The Criminal Judge having omitted to forward the Reports under review as to arrive within the 15th of the months of June, the Court direct that his attention be required to the Circular Order No 40.

Ordered that Extract of these proceedings be sent to the Criminal Judge of Nellore for his information and guidance.

26th June 1835

by Precept returnable in 4 days after receipt.

(Sent following Precept No 747)

747