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Fo 46.

At a Court of the Foujdaree Udalut:

Present,

Wednesday 1st July 1835:

John Bird Esqre — 2d Puisne Judge

William Rudlestone Esqre — 3d Puisne Judge

The Court of Foujdaree Udalut

having already called upon Mr. Wrey late acting 3d Judge of the Provincial Court of Circuit in the Northern Division, to transmit the result of his referred trials, and having observed that all the cases entered in the Masulipatam Criminal Report No. IX for May Vegt. No. 2 to No. 16 of the 4th September 1834, are still due: they direct that his serious attention be required to the orders already ineffectually issued to him.

Ordered that Extract of these proceedings be sent to the late 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 its receipt.

Sent following Precept No. 757.

R

1st July 1835

Read letter dated 22d ult. from the 2d Judge on Circuit in the Centre Division, submitting for the orders of the Court a draft copy of a warrant issued by the late Acting 3d Judge for the detention of a prisoner on security, with directions to impose labour in irons.

(Here enter No. 1066 of 1835)

The Court deem it probable that the order for labour in irons may have been entered in the warrant inadvertently. They resolve therefore to forward copy of his warrant to the late Acting 3d Judge, who will rectify the error should that have been the case, or if it was his intention to direct the confinement in irons, the prisoner being "of a bad or dangerous character" he will amend his warrant by quoting the proper authority - Clause first Section XIII. of Regulation XI 1827, in lieu of the provisions now cited.

Ordered that Extract of these proceedings be sent to the late Acting 3d Judge (Mr. Boileau) by Precept returnable in

5.

1st July 1835

5 days -

(Sent following Precept No. 768)

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

(Sent in No. 769)

At a Court of the Fouydaree Udalut.

Present:

Saturday,
4th July, 1835.

John Bird Esqr. ..... 2nd Puisne Judge.
William Hudleston Esqr. 3d Puisne Judge.

Read return dated the 29th Ultimo
from the late Acting Third Judge late on Circuit
in the Centre Division, to precept of the Court
of Fouydaree Udalut under date the 30th April
1835, requiring him to review his Calendar
for the First Sessions of 1833 and First Sessions
of 1834, with the view of recommending a
mitigation of the punishment in such cases
as were unattended with aggravating circumstan-
ces, or in which there were grounds for believing
that the majority of persons concerned were
urged to commit the Offence by the prejudice
of fanatic &c.

(Here enter F. C. No. 1099 of 1835.)

Criminal
No. 3 of
First Sessions of 1834.

The Court of Fouydaree Udalut
having maturely considered all the circumstan-
ces of the Case, resolve, under the authority
vested in them by Clause Third, Section IV
Regulation I of 1825 to sanction the mitiga-

4th July 1835.

of punishment recommended by the late Acting Third Judge, and accordingly direct that the Prisoner,

Shiranatum Mauaya Canangaden,

be imprisoned and kept to hard labour in irons on the public roads or other public work for and during the period of (4) four years.

2. This mitigated sentence is to be considered as taking effect from the date of the original warrant issued by the late Acting Third Judge.

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. 774

Read supplemental return dated the 9th Ultimo by the Provincial Court of Circuit in the Northern Division to precept of the 28th April last conveying the name and description of the Court of Tanjaore Vaakut on the Criminal Reports of the Division for the month of February 1835.

(Here enter No. 1095.)

4th July 1835.

With the above return, the Provincial Court of Circuit submit for the order of the Court of Tanjaore Vaakut a copy of a return from the Officiating Criminal Judge at Chicacole, relative to case No. 12 of the Report No. V with Extract of their proceedings thereon.

2. The Court of Tanjaore Vaakut on a deliberate consideration of the circumstances of the case in question, are of opinion that the evidence is sufficient to justify the sentence passed and that it should not therefore be disturbed. The Provincial Court of Circuit will communicate this opinion to the Officiating Criminal Judge.

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 3 days after receipt.

(Sent following precept No. 775

Read supplemental Return dated the 9th Ultimo by the Provincial Court of Circuit in the Northern Division to precept of the 9th May last, conveying the order of the Court

J. H.
4th July 1835.

Court of Tanjore Zillah in the Criminal Reports for April 1835.

/Here enter No. 1094./

In the above Supplemental Return, the Provincial Court of Circuit state the result of their enquiry into the case noticed in the Supplemental Report, noticed under the orders of this Court of the 9th May last, on which no further remark appears necessary.

2

Attending however to the concluding part of the Extract of this proceeding, which accompanied the above return, the Provincial Court of Circuit will require the Magistrate to report for the information of the Court of Tanjore Zillah what he has done in respect to the improper consent of the Heirs of Police mentioned by the witnesses in the case.

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

Sent following despatch No. 776

J. H.
4th July 1835.

Read return dated the 28th May last, from the Acting Criminal Judge of Chittoor to precept of Tanjore Zillah dated the 15th May last on the Criminal Reports for March last.

/Here enter No. 852./

Read return dated the 27th May last from the Joint Criminal Judge of the Auxiliary Court at Mannilipatam to precept of Tanjore Zillah dated the 8th May 1835 transmitting this Court's remarks and observations on the Criminal Reports of the Zillah for March 1835.

/Here enter No. 870./

Read further return dated the 30th May last from the Assistant Judge on Circuit in the Northern Division, to precept of Tanjore Zillah dated the 11th May transmitting this Court's remarks and observations on the Rajahmundry Calendar for 1st Session 1835, and also sanctioning the mitigation of punishment in certain cases.

/Here enter No. 885./

Read letter dated the 30th May from the Provincial Court of Circuit

4th July 1835.

in the Southern Division, forwarding copies of Returns from the several authorities in the division in reply to the observations of the Provincial Court in the Criminal Reports for February last.

(Herewith No. 900.)

Read letter dated 1st Ultimo from the Acting Criminal Judge of Wynaad, transmitting the Criminal Reports for the Month of May 1835.

(Herewith No. 933.)

Read returns dated 17th Ultimo from the Provincial Court of Circuit in the Western Division to precept from Tanjore Zillah dated the 30th April 1835 containing the Court's Remarks on the Criminal Reports for the 1st Half year of 1835.

(Here enter No. 1051.)

Read letter dated 19th Ultimo from the Magistrate of Salem, submitting explanation required by the Tanjore Zillah Court in their proceedings of the 20th May 1835 regarding certain cases in the Criminal Reports for April.

(Here enter No. 1053.)

No. 94.
4th July 1835.

Read return dated the 21st Ultimo from the Acting Joint Criminal Judge of Tanjore to precept of Tanjore Zillah Court dated the 16th Ultimo in the Criminal Reports for May last.

(Here enter No. 1055.)

Read letter dated the 18th Ultimo from the First Judge on Circuit in the Western Division Reporting the opening of the second Session of 1835 at Calicut.

(Here enter No. 1056.)

Read letter dated the 16th Ultimo from the Magistrate of Malabar forwarding copy of a report from the Joint Magistrate of Malabar with its enclosures relative to the Absence of 58 Prisoners in the Kurumbranad Talook under charge of that Officer.

(Here enter No. 1057.)

Read letter dated the 20th Ultimo from the Magistrate of Madura submitting the explanation required by the Tanjore Zillah Court in their proceedings of the 20th May 1835 relative to cases Nos. 45 and 46 of the Criminal Reports for April.

(Here enter No. 1067.)

4th July 1835.

Read return dated the 22nd Ultimo from the Provincial Court of Circuit in the Southern Division to precept of Sanjavee Mandut dated the 12th Ultimo requiring them to report only to a certain Return, the signature of one Judge only was affixed.

(Here enter No. 1071.)

Read letter dated the 2nd Inst. from the 1st Judge on Circuit in the Southern Division, forwarding original Death warrants for in Cases Nos. 13 and 17 on the Malcera Calendar for the 1st Sessions of 1835.

(Here enter No. 1073.)

Read letter dated the 24th Ultimo from the 1st Judge on Circuit in the Southern Division, reporting his arrival on the 23rd at Trankimpaly.

(Here enter No. 1074.)

Read return dated 23rd Ultimo from the Late Acting 2nd Judge of the Court of Circuit in the Centre Division to precept of Sanjavee Mandut dated the 3rd April 1835, on the expediency of proposing a mitigation or remission of Penalties in the case of Prisoners who have been impelled.

4th July 1835. impelled to the commission of crime by want, and of not enforcing such proposition to cases of Grain stealing only.

(Here enter No. 1076.)

Read return dated 30th Ultimo from the Provincial Court of Circuit in the Northern Division to precept of Sanjavee Mandut dated the 15th Ultimo, having reference to the Criminal Reports of the Division for February last.

(Here enter No. 1080.)

Read return dated 26th Ultimo from the Late Acting 3rd Judge late on Circuit in the Centre Division, to precept of Sanjavee Mandut dated the 3rd Ultimo directing him to call upon the Magistrate of Bellary to require from the Heirs of Baloo of Gooakeer a further explanation of the explicate declaration alleged to have been taken from the Prisoner in Case No. 32.

(Here enter No. 1085.)

Read return dated 22nd Ultimo from the Acting Joint Criminal Judge of Combatore to precept of Sanjavee Mandut dated the 15th Ultimo in the

Crimi

6th July 1835. Criminal Reports for May.

(Here enter No. 1088.)

Read letter entered 26th Ultimo from the Magistrate of Tanjore, submitting the explanation required by the Court of Foujdaree Adawlut in their proceedings of the 26th May last, regarding certain cases of the Criminal Reports for April 1835.

(Here enter No. 1090.)

At a Court of the Foujdaree Adawlut.

Present:

Monday, 6th July 1835. John Bird Esqre. — 2d Puisne Judge.
William Maddleston Esqre. — 3d Puisne Judge.

Read return dated the 27th ult. by the Criminal Judge at Cuddapa, to Precept of the 23d Ultimo conveying the orders of the Court of Foujdaree Adawlut on the Cuddapa Criminal Reports for May.

(Here enter No. 1103.)

With the above return has been forwarded copy of the order of this Court dated 4th December 1834 under which, it was stated in the Criminal Report, the prisoner in the case noted in the margin, had been committed. The order in question however was not for the commitment of the prisoner, but for enquiry whether or not there was sufficient evidence presumable, to justify his reapprehension & retransmission to the Criminal Court; and with reference to the order, the Court of Foujdaree Adawlut state await an explanation from the Criminal Judge

Report V Case 24

Judge of Cuddapa, of the grounds upon which the said prisoner has been committed.—

Ordered, that Extract of these proceedings be sent to the Criminal Judge at Cuddapa for his information and guidance by Precept, returnable in 3 days after receipt.—

(Sent following Precept No. 781)

Read Return dated the 26th Ultimo from the Criminal Judge in the Zillah of Salem to precept of the Foujdaree Udalut dated 23d instant containing the observations upon the Criminal Reports for the Month of May 1835.—

(Here enter No. 1096)

Read Return dated the 23d Ultimo from the Acting Criminal Judge in the Zilla of Canara to Precept of Foujdaree Udalut dated the 16th June 1835 on the Criminal Reports for the Month of May last.—

(Here enter No. 1103.)

Read Return dated the 29th Ultimo from the Acting Criminal Judge of Chittoor to Precept of Foujdaree Udalut dated 24th June 1835 on the Criminal Reports for May.—

(Here enter No. 1102.)

Read

Read Letter dated the 26th Ultimo from the Additional Judge late on Circuit in the Northern Division forwarding original Death Warrant &c. in Case No. 10 in the Rajahmundry Calendar for the 1st Sessions of 1835.

(Here enter No. 1107)

Read Letter dated the 1st instant from the 1st Judge of the Provincial Court of Circuit in the Centre Division forwarding copies of the Chittoor 6th & 7th Supplemental Calendars for the 2d Quarter Sessions of 1835.—

(Here enter No. 1114)

Read Letter dated the 27th Ultimo from the Magistrate in the Northern Division of Arcot, forwarding a Warrant for the apprehension of the prisoner therein named.—

(Here enter No. 1115.)

Read Letter dated the 27th Ultimo from the Magistrate of Coimbatore.—Reporting with reference to proceedings of the Foujdaree Udalut dated the 13th Ultimo that the necessary orders regarding the delay which occurred in consequence of a reference to the Magistrate by the Police Officer

(Report

6th July 1835

(Report & Case No 390) together with instructions re-
relative to Section XXXIII Regulation X of 1816, have
been issued to the Police officers of the District

(Here enter No 1125)

Read Return dated the 29th ultimo
from the Joint Criminal Judge of Tinnevelly
to Precepts of Fouzdaree Adaulut dated the 22d
June 1835, on the Criminal Reports for May—

(Here enter No 1126)

Read Return dated the 1st instant
from the Criminal Judge of Madura dated the 26th June 1835,
of Fouzdaree Adaulut dated the 22d June 1835,
on the Criminal Reports for May last—

(Here enter No 1127)

Read letter dated the 2d instant
from the Magistrate of Nellore, submitting the
explanation required by the Fouzdaree Adaulut
on their proceedings of the 26th June 1835,
relative to certain cases of the Criminal
Reports for the month of May 1835

(Hereafter No 1128)

F. U.

Tuesday
7th July 1835.

At a Court of the Fouzdaree Adaulut—

Present,

John Bird Esqre ..... 2nd Puisne Judge
William Braddon Esqre ..... 3d Puisne Judge

Read Miscellaneous Petition presented on
the 4th May 1835 by Chellappen—

(Here enter Mis. Pet. No 36 of 1835)

The petitioner represents that one Kuiker
Saiken and seven others, attacked and plundered his
house of property to a considerable amount; and before
apprehension assaulted him: that for these separate offences they
were tried in cases 2 and 3 in the Chittoor Calendar
for the 4th Quarter Sessions of 1834: that in No 3 they
were fined fifty Rupees each, and that No 2 was
referred to the Fouzdaree Adaulut who (the Petitioner has
been informed) have ordered the release of the prisoners—

He prays that the Record of Case No
may be called for and the prisoners heavily punished,
as he apprehends danger to his life from Kuiker
Saiken, should that person be set at liberty—

The Petitioner is informed that he appears

Fo 16
7th July 1835

Fo 16
7th July 1835

it irregular and altogether inadmissible, there being no appl
from the sentence of a Court of Cutcherry -

Ordered that the prayer of the petitio
be rejected and that Extract from these proceedings be furnishe
to the Petitioner upon his application -

Read Petition presented on the 30th May by Co
-mmara Ramachetty of the Zillah of Jaffna -

(Here enter Mis Pet No 38)

The Petitioner alleges that his lands and
property have been unjustly sold in satisfaction of a decree
of Mudaliyar Modelandaram, although he had paid the amount to the
Plaintiff and obtained a receipt from him. He states further
that his house was robbed by the Plaintiff and others
before the suit was decided, but that no investigation has
yet taken place, although he preferred a complaint to the
Magistrate on the subject -

The Petitioner is informed that he should
bring the matter before the Provincial Court -

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

Read Petition presented on the 7th May
by Tambermma Tasor of the Zillah of Jaffnapatam

(Here enter Mis. Pet. No 40)

The Petitioner, whose former Petition No 31 of
1835, prayed for the release of his Brother Mahalingam
committed by the Circuit Court, was rejected, begs the Court
to issue a precept to the Southern Provincial Court to furnish
him, upon stamped papers with Copies of such papers connected
with the trial of his brother, as he may apply for -

The Court of Fiscal's Udalat declines giving
the order prayed for by the Petitioner -

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

Read Miscellaneous Petition presented on the
7th May 1835 by Kandavally Doblaiah

(Here enter Mis. Pet. No 41 of 1835)

The Petitioner represents that the trial of
his brother (late a witness for the prosecution in Case No 1
on the Mayuliyatan Calendar for the 1st Quarter Sessions
of 1835) for perjury is likely, from various causes to be
delayed: and as he and the rest of the accused are compel-
led on account of their caste to abstain from food,
and are consequently seriously inconvenienced, the

Petitioner

F.U.
7th July 1835

Petitioner prays that a precept may be issued to the Provincial Court of Circuit in the Northern Division, directing their release on bail.

The Court of Faujdary Adalut see no sufficient grounds for exceeding to the Petitioners request, or in any way interfering in the proceedings of the Court of Circuit in the case in question.

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

Read Miscellaneous Petition presented on the 7th May 1835 by Munja Mitter of the Zillah Court of
(Here enter Mis. Pet. No. 42 of 1835)

The prayer of this Petition is the same as that of No. 33 of 1835 presented by the same party, on which an order was passed by the Faujdary Adalut under date the 7th May last.

Ordered that no proceedings be had on the Petitioners application, and that any future application on the same subject will not receive attention.

Ordered that the prayer of this Petition be

F.U.
7th July 1835

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

Read again Miscellaneous Petition presented on the 6th April 1835 by D. Ramanah and others on the establishment of the Zillah Court of Chicacole.
(Here enter Mis. Pet. No. 57 of 1835)

Read also Return dated the 18th May last from the Provincial Court of Circuit in the Northern Division to Precept of the Court of Faujdary Adalut under date the 24th April 1835 directing them to ascertain and Report the cause of the dismissal of the above named Petitioners
(Here enter No. 798)

After a due consideration of the explanation of the Officiating Provincial Judge of Chicacole submitted with the above Return, the Court of Faujdary Adalut see no sufficient grounds for disturbing the order of which the Petitioners complain.

Ordered accordingly that the prayer of the Petition be rejected and that Extract from these proceedings be furnished to the Petitioners on their application.

Ordered further that Extract from these proceedings

proceedings be sent to the Provincial Court of Appeal in the Northern Division for the purpose of being communicated to the Presiding Criminal Judge of Chinook.—

3rd

No 775 (Sent on No 794)

In a Court of the Foujdaree Udalut.

Present,

Wednesday, 1st July, 1835. John Bird Esqr. ——— 2d Puisne Judge,
William Hudleston Esqr. ——— 3d Puisne Judge.

Read letter dated the 2d January last,

No 3 from the 1st Judge late on circuit in the Northern Division transmitting the record of trial in Case No 72 Nellore Calendar 2d Sessions of 1834.—

(Here enter No 1062)

The Court of Foujdaree Udalut, &c.

Mr. Hudleston

having maturely considered the proceedings held before the Judge on Circuit, the Letters of the Provincial Law Officer, and the Futwa of the Ozeer-ool-Ozaut and Moftees of the Foujdaree Udalut, confirm the said Futwa of the Ozeer-ool-Ozaut & Moftees aforesaid, acquitting the prisoners,

No 1 Mynumpanty Shoolnah,
No 2 Vaeka Kotiah,

and accordingly direct that they be set at Liberty.—

(Sent following letter No 788)

Read

7th July 1835

proceedings be sent to the Provincial Court of Circuit in the Northern Division for the purpose of being communicated to the Officiating Criminal Judge of Chinsurah.

Ent'd

Vs

(Sent in A.D. 1784)

In a Court of the Foujdaree Udalut.

Present,

Wednesday, 5th July, 1835. John Bird Esqr. 2d Puisne Judge,
William Hudleston Esqr. 3d Puisne Judge.

Read letter dated the 2d January last from the 1st Judge late on Circuit in the Northern Division transmitting the record of trial in Case No. 73 Nellore Calendar 2d Sessions of 1834.

(Here enter No. 1062)

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

1st Mynumpooty Shaikh,
2d Vaeka Kotiah,

and accordingly direct that they be set at liberty.

(Sent following letter No. 708)

Read

S. R.

8th July 1835

Read letter dated the 1st instant from the Second Judge on Circuit in the Centre Division, submitting copies of Precepts to and Returns from the Criminal Judges of Bellaree and Chingleput, respecting the works on which, under the Circular Orders of the Foujdaree Adaulut of the 1st August 1827, convicts should alone be employed—

(We enter No. 1116 of 1835)

Off.g Crim.l Judge of Bellaree

1 The Court of Foujdaree Adaulut are decidedly of opinion that the employment of convicts on the works, described by the Officiating Criminal Judge of Bellaree as "immemorially acquiesced in"— Namely, on the Circuit Bungalow Garden, and a garden near the Fort Toonah, the "chief produce" of which "goes to the Commandant "for the time being"— is objectionable, and should be forthwith discontinued—

2 The Officiating Criminal Judge submits that "wells and hedges should be "cleared and cut with the assistance of convicts, "as the public health and comfort are so deeply "concerned in these operations"—

For

S. R.

8th July 1835

3 To such a proceeding, on such grounds, the Court of Foujdaree Adaulut see no objection; but it will be the duty of the Criminal Judge to take care that the limits here assigned, be on no occasion overstepped—

The Second Judge will communicate

4 these observations to the Officiating Criminal Judge of Bellaree—

Crim.l Judge of Chingleput—

But for his candid confession 5 of error and declaration that he will never again so employ the prisoners the Court of Foujdaree Adaulut would have deemed it their duty to take very serious notice of those objectionable proceedings in the part of the Criminal Judge, detailed in his Return of the 30th to the Precept of the Court of Circuit of the 27th Ultimo—

Under the circumstances, they 6 deem it only necessary to direct that the Second Judge do enjoin upon the Criminal Judge of Chingleput the strictest adherence in future to their Circular Order of the 1st August 1827—

Ordered, that Extract from these proceedings

8th July 1835

proceedings be sent to the Second Judge on Circuit in the Centre Division for his information

Ent. JB JL (Sent in No. 789)

At a Court of the Foujdaree Udalut.

Present

Thursday 9th July 1835. John Byrd Esqre. — 2d Puisne Judge

William Rudleston Esqre. — 3d Puisne Judge

JB

Read supplemental Return under date the 19th Ultimo from the Provincial Court of Circuit in the Northern Division, to the Precept of the Foujdaree Udalut of the 22d May calling upon the late Magestrate of Rajahmundry to detail the circumstances of his enquiry into the Causes of the death of Gontasamy whose homicide formed the subject of the charge No. 21 of 1834 Criminal Cost of Rajahmundry —

(Here enter No. 1080 of 1835.)

I In the concluding para of his Return, now submitted by the Provincial Court of Circuit, the Magistrate states, that he abstained from interference in consequence of "the result of an "enquiry which showed that Gontasamy "death originated from his resistance to the "Magestrates Authority" But this statement the Court

Court observe, is not borne out by his order of the 15th December, referred to in para 3 of the proceedings of the acting 2d Judge in Circuit

2 From those proceedings it appears, that the Magistrate, instead of confining abstaining from interference, directed that "no prisoners were to be forwarded to the "Criminal Court" and they also shew, that his order was not founded upon "the result of an enquiry"; but was issued previous to any investigation, as it was to be carried into effect at the discretion of the Officer to whom it was addressed "if, upon careful "enquiry, it should appear (to such Officer) "that Gentoos any had been killed resisting "the Circars Orders"

3 It would seem to the Court to be obvious therefore, that the Magistrate had not before him the result of an investigation when he issued the order in question and even had that been the case, the Court of Foujdaree Adalut would have deemed the order wholly indefensible

in

in principle, as well as illegal, inasmuch as the Magistrate claimed thereby a power to absolve persons acting under his orders, from all responsibility for the manner in which they might use or abuse the authority entrusted to them—

Ordered that Extract of these proceedings be sent to the Provincial Court of Circuit in the Northern Division for communication to the late Magistrate of Rajahmundry—

(Sent in No. 790)

Ordered, also that extract of these proceedings with copy of the late Magistrates return of the 11th Ultimo be sent to the Secretary to Government in the Judicial Department to be laid before the Right Honorable the Governor in Council, with reference to the proceedings of the Foujdaree Adalut under date 22d May last—

(Sent in No. 791)

Read Supplemental Return dated 23d Ultimo from the Provincial Court of Circuit

in the Northern Division, to Precept of the 23d April last conveying the orders & observations of the Court of Foujdaree Udalut on the Criminal Reports of the Northern Division for the month of February 1835.

(Bore enter No. 1106)

Masulipatam Suppl. Report Case 154 of 1834

The Provincial Court of Circuit in their proceedings upon the above Criminal Reports recorded the following order in the case noted in the margin "The application for Witnesses was last made so far back as 5th January the Joint Criminal Judge should repeat the same" and the Court of Foujdaree Udalut, in para 11 of their proceedings of the 28th April last observed "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 is received from the Magistrate, with whom the Provincial Court of Circuit will not delay to communicate on the subject."

2 On the 8th May upon receipt of the above order the Provincial Court of Circuit

comingd

conveyed by Precept to the Joint Criminal Judge instructions to this effect- "From the remark in the supplemental Criminal Report, it would appear that summonses were issued for the Witnesses by the Auxiliary Court itself and that no application was made to the Magistrate- It appears proper therefore that the Joint Criminal Judge be called upon to explain the cause of the delay in procuring the attendance of the Witnesses- If however any application was made to the Magistrate which was not early attended to- the Joint Criminal Judge will state the same for the information of the Court"

3 Although by their order of the 8th May last upon the Criminal Reports of the Joint Criminal Judge of Masulipatam for March last, the Court of Foujdaree Udalut directed the prisoners to be released if the further evidence could not be produced in one week after receipt of the order for that date, they cannot consider the explanation now

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9th July 1835.

since submitted to them as stated by acting Joint Criminal Judge's return is that "the Summonses for Witnesses &c" in case No. 154 of 1834 were issued this the Magistrate" whilst the Acting Magistrate acknowledging that "5 Summonses were received with a letter under date the 10th February" begs to state that on referring to the Records of his office it would seem that no application was made from the Criminal Court for the witnesses referred to in the proceedings which accompanied this Precept either on the 26th December or the 5th January."

4 In the General Criminal Reports the reference having been recorded to the dates of the 26th December 1834 and 5th January 1835; the above return of the Acting Magistrate involves a contradiction of which the Provincial Court of Circuit will without delay obtain & forward a clear explanation for the satisfaction of the Court of Faujdaree Udalut—

Ordered

* Book Criminal Court Receipt of 6th May.

Feb.
9th July 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 Precept returnable in 14 days after its receipt—

(Sent following Receipt No. 792)

Read Return dated 5th instant from the Acting Criminal Judge of Combaconum to Receipt of Faujdaree Adalut dated the 24th Ultimo on the Criminal Reports for May last—

(Here enter No. 1145.)

Read letter dated the 30th Ultimo from the Joint Magistrate in charge of Cumbaconum submitting the explanation required by the Faujdaree Udalut in their proceedings of the 16th Ultimo, on certain cases in the Criminal Reports for May—

(Here enter No. 1152.)

Read letter dated 4th instant from the Magistrate of Madura submitting explanation required by the Faujdaree Adalut in their proceedings of the 26th Ultimo, regarding

F.C.

F.C.

9th July 1835.

regarding certain cases of the Criminal Reports for May—

Ent. W. (Here enter No. 1153).

W

S.C.

At a Court of the Foujdaree Udalut.

Present,

Friday, 10th July, 1835. John Bird Esqr. —— 2d. Puisne Judge.

William Rudleston Esqr. —— 3d. Puisne Judge.

Read Return dated the 2d. instant from the late acting Third Judge late on Circuit in the Centre Division, to Precept of the Court of Foujdaree Udalut under date the 23d. June 1835, requiring him to call upon the Magistrate of the Southern Division of Arcot to report whether or not "Peroomanengar" late 4th. prisoner in Case No. 12 on the Cuddalore Calendar for the Second Sessions of 1834 is still retained in public employ—

(Here enter No. 1125. of 1835.)

The Magistrate reports, that the abovenamed Individual is at present Peishkar of Cuddalore; and represents that "he has been employed in the public service upwards of nine years and during the portion that has been passed under the Magistrate, he has never had occasion to find fault with him; on the

"the contrary up to the unhappy occurrence
"which led to his disgrace, the Magistrate
"considered him one of the best and most active
"public officers in the District."

2 The Magistrate concludes by
"expressing a hope that the Judges of the
"Foujdaree Udalut will not render him disqualified
"from serving the Government again in the
"Capacity of a Public Officer."

3 Although the opinion of the
Court of Foujdaree Udalut respecting the conduct
of the Tahsildar on the occasion in question
remains unchanged, they are nevertheless
willing to give him the benefit of the strong
testimony borne in his favour by the Magistrate,
and accordingly resolve to abstain from ordering
his dismissal from the public Service.

4 They at the same time deem
it proper to direct that the Magistrate be
intimate to him that no future discretion
of duty will be pardoned; and that in the
present instance lenity has been extended
to him solely in consideration of his previous

good

good character and conduct, and of the
urgent recommendation of the Magistrate
in his behalf, which has had great weight
with the Foujdaree Udalut.

Ordered, that Extract from these
proceedings be sent by Precept returnable
within fifteen days from and after its receipt,
to the late acting Third Judge late on Circuit
in the Centre Division, for his information &
for the purpose of being communicated to the
Magistrate of South Arcot.

(Sent following Precept No. 795)

Read Extract from the Minutes of
Consultation under date the 30th Ultimo,
sanctioning the Reward of (100) one hundred
Rupees proposed to be granted to Kristnapah
a Naik of the 35th Regiment Native Infantry
for his exertions in the case of Sultee referred
to in the Circuit Report of the late acting
Third Judge late on Circuit in the Centre Division
for the Second Sessions of 1834.

(Herewith No. 1109 of 1835)

The Court of Foujdaree Udalut deem
it proper to direct that a copy of the foregoing order
be

10th July 1835.

of Sections 42 and 43 of the Current Report of the late acting Third Judge, and of Section 13 of the Extract from the Proceedings of this Court of the 27th May 1835 be furnished through the late acting Third Judge, to the Magistrate of Bellary, with instructions to confer publicly upon the above named Ristnapah Naick the reward in question, intimating to him at the same time, that it is a token of the approbation with which his meritorious conduct has been viewed by the Government.

Ordered, that Extract from these proceedings be sent with copy of the extract from the minutes of Consultation above alluded to, to the late acting Third Judge late on Circuit in the Centre Division by Precept returnable within fifteen days from and after its receipt.

(Sent following Precept No. 796)

Read letter dated the 2d instant from the Magistrate of Cuddalore submitting the explanation called for by this Court of Sujdaree Adalut in their proceedings of the

10th July 1835

the 10th Ultimo on the Cuddalore Criminal Reports for May 1835.

(Here enter No. 1139.)

The Magistrate of Cuddalore having in the present instance addressed his explanation to the Judges, the Court of Sujdaree Adalut direct that he be instructed in future to address the Register to this Court.

Ordered that Extract of these proceedings be sent to the Magistrate of Cuddalore for his information and future guidance.

Ent'd WB

(Sent in No. 797)

At a Court of the Tondiarpe Adalut.

Present,

Saturday, 11th July 1835. John Bird Esqre — 2d Provincial Judge,
William Budleston Esqre — 3d Provincial Judge,

173

Read letter dated the 29th Ultimo from the Provincial Court of Circuit in the Western Division forwarding the explanation of the Assistant Magistrate of Tinnevelly stating the grounds upon which the prisoner in case 25. of the Sirsa Criminal Reports for april last was forwarded to the Native Criminal Court —

(Hereunto Annexed 1140.)

It appears from the above that the prisoner in question, whose character was forwarded to the Native Criminal Court by the Sheristdar with his proceedings was "a noted bad character," and had been "previously punished, twice for assault & "once for theft besides having been taken "into custody once on suspicion of murder "and once of arson"

The

13th July 1835

"the First Judge has been left without a
"Mohammedan Law officer, the Moofty who
"was with the late acting Third Judge not
"having yet arrived from Nellore.

2 The Court of Zoujdaree Udalut
direct that the Provincial Court of Circuit
be required to ascertain and report the date
on which the Moofty quitted that station
for Nasulipatam.

Ordered that Extract of these
proceedings be sent to the Provincial Court
of Circuit in the Northern Division
by Receipt, returnable within 3 days.

20th
WS (Sent following Receipt No. 882) in

WS

At a Court of the Zoujdaree Udalut.

Present,

Monday,
13th July 1835. John Bird Esqre — 2d Puisne Judge,
William Rudleston Esqre — 3d Puisne Judge.

Read letter dated the 2d instant
from the 1st Judge late on Circuit in the
Southern Division transmitting the record in
Case No. 6 on the Salem Calendar 1st Sessions
of 1835.

WS

(Here enter No. 1130)

The Court of Zoujdaree Udalut,

Mr. Bird.

having maturely considered the proceedings
held before the Judge on Circuit, the Futwa of
the Provincial Law Officer and the Futwa of
the Cazee ool Cozat and Mooftees of the Zoujdaree
Udalut confirm the said Futwa of the Cazee ool
Cozat and Mooftees aforesaid, acquitting the
prisoner —

Unnamullay Chetty,

and direct that he be set at liberty —

(Sent following) letter No. 805

Read letter under date 2d instant
from

2

The Criminal Report contains no notice of this information and the Rom Court of Circuit will instruct the Native Crimin Judge that in future similar cases, these particulars ought to be stated.

3

The Provincial Court of Circuit will take the opportunity of communicating to the Native Criminal Judge with reference to case 56 of 1834 - one of examn - and entered in the Report 5 for April, that the Court of Co Sanjidarce Udalut have ruled that in such a case the investigation should not be delayed, but that the sentence should not be recorded until the close of the prisoners trial before the Circuit Court: and the Provincial Court of Circuit will enjoin the Native Criminal Judge to proceed accordingly with the 1st prisoner of whom he states in the Report "The 1st Prisoner having been committed as above, no punishment was awarded against him in this case".

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

7

of Circuit in the Western Division for their information and guidance by Precept, returnable within 10 days after its receipt.

(Sent following Receipt No. 801)

Read Return dated the 3d Instant, from the First Judge of the Provincial Court of Circuit in the Northern Division, to Precept of the Court of Sanjdarce Udalut under date the 16th April 1835, requiring him to proceed as early as possible with the trial of certain prisoners therein referred to, whose commitment for Perjury was directed by the acting Second Judge -

(Here enter No. 1146 of 1835.)

The First Judge reports that the "New Indictment" which the acting Joint Criminal Judge was called upon to furnish, was received on the 27th Ultimo He adds "But the Cazy who was assisting at "the Sessions, being, in the meantime, "called upon to proceed to Kellore to "officiate at the Sessions at that station,

the

13th July 1835 S. Ct.

from the Acting Joint Criminal Judge at Coimbatore, reporting the circumstances of a case of Murder sent up to the Court by the Head of Police of Dumicherottah, and requesting authority to tender a conditional pardon to two of the prisoners under the provisions of Section XX Regulation XIII of 1802 (Sentenced 12th inst.)

The Court gather from the Joint Criminal Judge's statement, that he entertains no expectation of any further evidence being obtained against the prisoners, and that he has sufficient before him to satisfy himself, that the parties to whom he proposes to tender a conditional offer of pardon, were not principals. Under these circumstances the Court sanction agreeably to the authority vested in them by Section XII Regulation XIII 1832 an offer of pardon upon the condition specified in Section XX Regulation XIII 1802 to the Prisoners—

4th Samboonaury Maroon,
5th Baulon.

Ordered, that Extract of these

13th July 1835 S. Ct.

these proceedings be sent to the acting Joint Criminal Judge of Coimbatore for his information and guidance by Receipt, returnable in 14 days from its receipt.

(Sent following Receipt No. 806)

2d Ct.

At a Court of the Foujdaree Udalut.

Present;

Tuesday, 14th July 1835. John Bird Esqre — 2d Puisne Judge;

William Rudleston Esqre — 3d Puisne Judge.

Read letter dated the 29th Ultimo from the 1st Judge on Circuit in the Southern Division - transmitting the record in Case No 2. Combaconum Supplemental Calendar 1st Sessions of 1835.

(Here enter No 1123.)

The Court of Foujdaree Udalut having maturely considered the proceedings held before the Judge on Circuit, the Futwa of the Provincial Law Officer and the Futwa of the Cazee-ool-Cozat and Mooftees of the Foujdaree Udalut confirm the said Futwa of the Cazee-ool-Cozat and Mooftees aforesaid, and accordingly direct that the prisoner,

1st Soobbramoneyan
alias
Mooneasipen,

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

to

Mr Bird
&
Mr Rudleston

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 that the prisoner

2d Simeon

be set at Liberty.

(Sent following letter No. 809)

Read Return from the Provincial Court of Circuit in the Northern Division, dated the 21st to Precept of the Fouzdaree Udalut under date the 14th April 1835, directing them to call upon the Magistrate of Rajahmundry to fulfil without delay their orders of the 30th September last, and the Receipt of the Fouzdaree Udalut of the 12th November 1834 relative to the conduct of the Head of Police of Amlapoor in Case No. 57 on the Rajahmundry Supplemental Criminal Report for August 1834.

(Here enters No. 619 of 1835.)

1. A period of nearly three months has elapsed since the Receipt of the above Return, and the Report therein promised, from the Magistrate of Rajahmundry has not yet

yet been submitted.

2 The Court of Fouzdaree Udalut resolve in consequence to direct that the Provincial Court be instructed to call upon the Magistrate immediately to communicate the result of the Proceedings which may have been held in pursuance of the orders of the 14th April last and 12th November 1834.

3 The Provincial Court state that "this Return" (by the Magistrate of Rajahmundry) dated the 26th December "had been accidentally mislaid when the "Return of the 6th March was made to the "Fouzdaree Courts Precept of the 12th November.

4 The Court of Fouzdaree Udalut have had occasion to remark the frequent recurrence of similar accidents, which evince in their opinion a degree of irregularity not very creditable to the ministerial Department of the Provincial Court.

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

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

(Sent following Receipt No. 910)

Read letter dated the 23d. ulto. from the late Acting Third Judge late on Circuit in the Northern Division, submitting copy of the first portion of the Grantors Calendar for the first Sessions of 1835.

(Here enter No. 1129 of 1835.)

Case No. I 1 The Court of Fouzdaree Udalut observe that the prisoners in this case will either be tried, or released in due course by the Acting Second Judge on Circuit in the Northern Division, who has notified his intention to open the Second Sessions for the current year at Grantoors on the 25th. instant.-

Case No. II 2 On a due consideration of all the circumstances of this case, the Court of Fouzdaree Udalut are of opinion, that the mitigated sentence proposed by the late Acting Third Judge is insufficient for the punishment

punishment of the prisoner in question: and they accordingly resolve to direct that the said prisoner,-

"Poocpogoo Venkadoo"

be imprisoned and kept to hard labour in irons on the public roads or other public works for and during the period of (2) two years- from the date of the warrant which may be issued in pursuance of these instructions-

Case No. IV 3. The Court of Fouzdaree Udalut are unable to discover any grounds whatever for the commitment of the prisoner in this case; and they deem it proper to direct that the name of the Officer by whom he was committed, be communicated to them-

Case No. VI 4 The Court of Fouzdaree Udalut direct that the Acting Joint Criminal Judge be required to report, why he was unable to procure the attendance of the second witness whose absence rendered necessary the postponement of the trial.

The

5.

The remark on Case No. I is also

Case No. VII applicable to this case.

Case No. IX 6.

Seeing reason to doubt the propriety of the conviction of the prisoners 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. XII 7.

Having maturely considered all the circumstances of this case, the Court of Foujdaree Udalut resolve under the authority vested in them by Clause Third, Section III, of Regulation I of 1825, to sanction the mitigated penalty recommended by the late acting Third Judge and accordingly direct that the prisoners

"Sunkoo Moodaliyppah"

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. XV. 8

The Court of Foujdaree Udalut observe that the Futwa of the Mahommedan Law Officer of the Court of Circuit declared the prisoners

prisoners in this case, convicted on Zunna in Ghat and liable to Ookoobut: but that the late acting Third Judge has omitted to record the fact in the Calendar. The second Futwa would have declared the prisoners liable to Hud, and Section XXI, Regulation VII of 1802 would then have applied, but not "Regulation VI of 1822" quoted by the late acting Third Judge.

Case No. XIX 9.

In this case also the Court of Foujdaree Udalut resolve to sanction the mitigated sentence proposed by the late acting Third Judge, and accordingly direct that the prisoner,

"Cundoola Venkaboo,"

be imprisoned and kept to hard labour in irons on the public roads or other public works for and during the period of (2) two years.

Case No. XXI 10 Being of opinion that the confinement already undergone by the prisoners in this case, is sufficient punishment for the offence of which they have been convicted,

the

14th July 1835

the Court of Sujdaree Udalut direct that the said prisoners,

1st "Chilka Venkaser"

2d " & Uddunky ganer"

be immediately and unconditionally set at liberty.-

Case No. XXII 11. In this case also the late acting Third Judge has omitted to record that a second Futwa was taken from the Mahommedan Law officer, and has again incorrectly quoted "Regulation VII of 1832"

Case No. XXIII 12. The same remark is applicable to this case also.

Case No. XXIV 13. Upon a due consideration of all the circumstances of this case the Court of Sujdaree Udalut resolve to accede to the recommendation of the late acting Third Judge, and accordingly direct that the prisoners-

1st "Vonnura Lonnogrudoo"

2d "Muddeda Condadoo"

3d "Connara Venkaser"

and

4th "Galaty Chentadoo"

be immediately set at liberty.-

Ordered

14th July 1835

Ordered, that extract from these proceedings be sent to the late acting Third Judge late on Circuit in the Northern Division by Parcel, returnable within fifteen days from and after its receipt.-

Ct Wks (Sent following Parcel No. 811)

P.P.

At a Court of the Foujdaree Udalut.

Present,

Wednesday, 15th July 1835. John Bird Esqre. —— 2d Puisne Judge.

William Rudleston Esqre. —— 3d Puisne Judge.

Read Report prescribed by

Cir L

Section XXXVII Regulation VII 1802, submitted by

the 3d Judge late on Circuit in the Southern Division

for the 2d Sessions of 1834—

(Here enter No. 962)

In the 3d para of this Report, the late 3d Judge remarks, that the prisoners in the Jail at Tinnevelly "were more worked, and "received a smaller allowance of food than those "at Madura"; and adds, "Why there should be "this difference of discipline I know not, but it "appears to exist throughout the Division." The Court conceive that the 3d Judge partially errs in this statement, as the Jail rules which bind all Officers in charge of Jails equally, and are generally observed, prescribe the hours of labour; and must produce a consequent uniformity in regard to the work required from the

the prisoners - The Circular order of the Foujdaree Udalut of the 25th January 1832, which vests in those Officers a discretion, as to the quantity of grain to be allowed for each prisoner, will account for the difference noticed by the late 3d Judge on this head; and it is satisfactory to observe from paras 1. 2. 3. & 4 that notwithstanding the difference of treatment in respect to diet, the prisoners in the Jails at Trichinopoly, Madura, Tinnevelly, and Combaconum are all reported to be healthy and generally looking in good condition. -

2 The Jail at Salem, to which the late 3d Judge adverts in para 5, has become much more healthy since the date on which that officer held the Sessions - at that period, and previously, the deaths averaged from 3 to 4 per Cent per Mensem, they have latterly not exceeded 2 per Cent per Mensem -

3 The Coimbatore Jail continues, the Court regret to state, what the late 3d Judge represents it to be in para 6, the most sickly

sickly Jail in the Division - Some alterations are in progress, and the Court trust, that the wished for improvement will take place in the general health of the prisoners. The Jail rules appear to them to provide all that is requisite in regard to the clothing, and cleanliness of the prisoners; and they see no sufficient ground in therefore for any additional orders on these heads, as suggested in this paragraph -

4 In the 7th Para the late 3d Judge remarks, that he did not consider the establishment for the safe custody of the prisoners at Ootacamund, adequate for their security; and he also observes, that the "building at Ootacamund is not sufficiently "strong for a Jail." Considering the character of the prisoners who have been transfered to Ootacamund, the Court deem it proper to request the attention of the Right Honorable the Governor in Council to this subject; and they would propose, that until the building is made sufficiently secure, no prisoners whose

sentence

sentence exceeds 7 years shall be forwarded to Ostacamund.

5.

The Court of Foujdaree Udalut do not concur with the late 3d Judge in the opinion expressed in the 8th para of his report, that it is advisable, that the system of placing convicts under charge of Collectors should be extended. The prisoners are thereby removed from Jail discipline, and it is not in ordinary circumstances probable, that their labour will be turned to so good an account, or be so well superintended by a Collector, who is necessarily absent from the station where they are employed for several months in the year, as by the Judicial Officer, who is always present; and who is required to see that they are properly employed. The only mode also in which they can be employed under a Collector, is in the most common cooly work. In the Jail, they may have it in their power to acquire some knowledge of a manufacture, which may avail them as a means of support

on

on their release.

6

The Court are not also of opinion, that the spreading them over a district, is likely to operate beneficially as an example, as argued by the late 3d Judge. The reverse may, and probably will be the case, if the discipline is relaxed; and this is almost certain to take place, from the intimacy which subsists between the peons and prisoners, noticed by the 3d Judge in the 7th para, and which must be increased, when the peons are withdrawn from the immediate superintendence of the European officer, and placed at all times over the same gangs.

In the 9th para, the late 3d Judge

7

suggests, that "the Criminal Judges might be "called upon to propose the release of such "[aged] convicts as they may deem deserving "of the commiseration of Government." A proposition of a similar nature, was submitted by the 1st Judge of the Criminal Court in the Southern Division in his

report

report on the 2d Sessions of 1833, forwarded to Government under date 18th July 1834. upon which the Court recorded the observation, that it is open to a Criminal Judge, to make a representation for the remission of the sentence in special cases — Any general measure of the kind they would deem objectionable, as amounting in fact to an alteration of the Law and indefensible on principle.

8 The remarks of the late 3d Judge in the 12th para upon the proceedings of the Village police are deserving of much attention. The records of trials recently sent up from the Southern Division, afford several instances of the cruel maltreatment of suspected prisoners by inferior officers of Police, fully supporting the late 3d Judge's statement, that "torture and "oppression are still considered by many "of the Village police, as necessary weapons "in their hands for the detection of crime "and apprehension of offenders" — The Court are not aware, that any immediate remedy can

can be applied to this evil. The best, and probably the only effectual check, is in the control of the superior grade of Police officers; and as their proceedings become more regular, and are conducted upon more enlightened principles, a corresponding improvement may be looked for in those of the inferior agents. In the mean time, the exemplary punishment of those who may be prosecuted for offences of this nature, would appear to be the only means of restraining such gross abuse of authority.

9 The illegal interference with the personal liberty of the lowest grades of the people, and the vexatious surveillance exercised over them by the Village Police, upon which the 3d Judge remarks in the same paragraph, demand further enquiry; and the Court of Sudder Adalut resolve to require the Provincial Court of Circuit to call upon the Magistrates in the Southern Division to report, whether the practice prevails in their respective

Districts

F.C.
15th July 1835

Districts, and if so, to what extent - what may be the necessity for it; and by what authority it is permitted - The Court entirely concur in the observation of the late 3d Judge, whatever may be the necessity for a vigilant surveillance in some particular cases, "that every inducement should be held out "to such classes, by the officers of Government "to raise themselves to respectability, and "to set a value on the good opinion of the rest "of the community, that they may gradually "attain (notwithstanding their peculiarity of "caste) that station in society to which their "circumstances of life may entitle them; "At all events every measure of an opposite "tendency should be carefully avoided."

10 The question discussed in the 13th & 14th Paras has been of late so often before Government, that the Court deem it unnecessary again to enter upon it - they are not of opinion, that any plan for the improvement of the Village Police, however feasible in itself, will succeed, unless some adequate

remuneration

F.C.
15th July 1835

remuneration is first attached to the office; and the Court are aware, that this matter is now under the consideration of Government -

11 The observation of the late 3d Judge in para 14, that "the interpretation "of the Regulations by the Foujdaree Adalut has in a great measure freed the Heads of Villages "from the control of the Magistrate", is not intelligible to them -

12 The subject brought under consideration in para 15, is one of much importance, and requires the early attention of the several Magistrates and Collectors; the Court accordingly propose (with the sanction of Government) to furnish those Officers with a copy of the remarks of the 3d Judge in this paragraph on the subdivision of the Police Mauzums in the Southern Division, that their attention may be directed to the subject -

13 The Court greatly doubt the expediency of the measure suggested in the

para

para 17, * and they are not prepared to recommend its adoption.

14.

They will not follow the late 3d Judge through the remarks contained in para 18, as the opinion of the Court of Sudder Adalut on the extent of the discretion which it is advisable to vest in Courts of Circuit would appear to be unnecessary, now that the abolition of these Courts and a change in the entire system is in contemplation.

15.

In para 19, the late 3d Judge submits for consideration a proposition, which has been recently brought before the Court by the late Acting 2d & 3d Judges on Circuit in the Dinagepore Division, in their reports, dated respectively the 18th February and 30th April last. The sentiments of the Court of Sudder Adalut upon the subject were recorded in the 8th Para of their proceedings of the 19th March last, and it does not appear necessary for them to enter again upon the question.

Ordered, that Extract from these proceedings together with copy of the report

therein

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 in No. 812.)

Ordered also that copy of Para 9. of these Proceedings with copy of para 12. of the late 3d Judge's report be furnished to the Provincial Court of Circuit in the Southern Division for communication to the several Magistrates by Precept, returnable in 15 days.

(Sent following Precepts No. 813)

Read the Quinton Criminal Reports prescribed by Section XXXIV Regulation X 1816 for the Month of June 1835.

(Here ends No. 1157.)

Suppl. Report Case 58.

The 1st prisoner in this case against whom the charge of entering the house of the Prosecutor by taking off the Tatty door & stealing therefrom property worth Rupees 13. 11. 0 was proved, has been sentenced, under Section VII Regulation X of 1816. This however appears to

F.U.

15th July 1835

to have been a case of housebreaking, to which Section VII Regulation X of 1816 is not applicable, and the sentence should therefore have been passed under Clause 6th Section II Regulation VI 1822.

Report V
Case 69

2

The Court conclude that the 2d prisoner in this case, charged with "beating the Prosecutrix by order of the 1st prisoner", and the 3d prisoner, charged with "hanging the prosecutrix up to a tree by her right hand", and who have been "fined 10 Rupees each, or to be confined for one month", under Section VII Regulation X 1816 are not Police Officers. The Joint Criminal Judge will however explain whether this conclusion is correct.

Ordered, that Extract of these proceedings be sent to the Joint Criminal Judge at Guntoor for his information and guidance by Precept, returnable in 3 days after receipt.

(Sent following Precept No 44)

F.U.

At a Court of the Foujdaree Udalut.

Present,

Thursday 16th July 1835.

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

Read letter dated the 22d ultimo, from the Third Judge of the Provincial Court of Circuit in the Centre Division, submitting an English and Persian Translation of the proceedings in Case No 3 on the eighth Supplemental Calendar of the Zillah of Guntoor, for the First Quarter Sessions of 1835.

(Here enter F.U. No 169 of 1835)

The Court of Foujdaree Udalut having maturely considered the proceedings held before the Judge on Circuit, the Letter of the Provincial Law Officer, and the Letter of the Cazee ul Cozat and Mooftee of the Foujdaree Udalut, confirm each Letter of the said Letters of the Cazee ul Cozat and Mooftee aforesaid, as regards the Prisoner,

Mr Bird
&
Mr Henderson

1st Congress

F.C.
16th July 1835.

and accordingly direct that he be set at lib

And being of opinion the

the Prisoners

1st "Cavanagh"

2nd "Vanhatgan"

and

3rd "Colegrave"

are not convicted on sufficient proof

on the evidence of credible witnesses

on their own confessions, we think it

the duties of their Law Officers, the Court

do accordingly acquit them. And under

the provisions of Clause Sixty Sixth

II Regulation XV of 1803, direct that

they be set at liberty.

1

The Court of Sujawal

observe that the first, second and third wit

nesses in the case, suffer from the previous

and from each other in keeping to the ori

nor can we find the Prisoners were convicted

that the alleged confessions could be

of the first, second and third Prisoners

are nearly identical and the very same

words, and exhibit internal evidence of

their being fabrications and clumsy at

fabrications

F.C.
16th July 1835.

fabrications to. that the fourth witness ap

pears to admit that he did not identify

the Prisoners and that the evidence of

the fifth and sixth witnesses is utterly

worthless.

For, from an attentive consid

2

ation of the whole record there appears to

the Court of Sujawal Doubt to be the

strongest grounds for believing that the

Robbery was planned by the fifth and

sixth witnesses, Gungkeredy and Comindee

and that the Prosecutor and his witnesses

have sworn to their recognition of the

Prisoners, solely because they were

pointed out by those persons.

The Court also consider

3

that the evidence in behalf of the first

and second Prisoners is very strong in

their favor.

Ordered that Extract from

these proceedings be sent to the Third

Judge of the Provincial Court of Circuit

in the Centre Division for his inform

ation.

Court following letter No. 821

Read letter dated the 3d. Inst.
from the Provincial Court of Circuit in
Western Division, transmitting the copy
tion of the joint Magistrate in charge of
Cannanore, of the circumstances connected with
the entry in the Criminal Statement for
the 1st half of 1834 of 6 persons as flogg
by the District Police of Cannanore

(Here enter No. 1035)

The joint Magistrate in charge
states in the above letter, that the Dist
Head of Police considering the punishm
he was empowered to inflict in aggrav
to the offence committed by the Prisoners
question, referred them under the provisi
of Clause 2d Section III Regulation II of
1821, to the Magistrate for his final ord
ference; and he submits that although the
1st Section III Regulation IX of 1831 has
been specifically modified by Clause
1st Section V Regulation XIII of 1832, the
provisions of the remaining Clauses
of that Section are still in force:-

The Court of Sudder Adawlut
[illegible]
enquire

recognize the legality of the proceedings thus
explained and direct that the joint Magis-
trate in charge be informed by the Provin-
cial Court of Circuit, that his construction
of the Regulations above cited is correct.

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 4 days after receipt

(Sent following precept No. 822

Read letter dated 15th Ultimo
from the Provincial Court of Circuit in the
Northern Division transmitting translation
of a Return from the Native Criminal Judge
of Vizagapatam reporting the release of
the 5 Prisoners in No. 124 of 1834.

(Here enter No. 1039.)

Read letter dated 23d Ultimo
from the Additional Judge of the Court
of Circuit in the Northern Division Repo
ing his arrival at Masulipatam

(Here enter No. 1082.)

Read letter dated 24th Ultimo
from the Head Assistant Magistrate in
charge

charge of Quinton, submitting the explan required by the Lieutenant Governor in the proceedings of the 14th. May last, relati to certain cases of the Criminal Repo for April.-

(There enter No. 1089.)

Read letter date 25th U from the Criminal Court of Circu in the Northern Division, to present Lieutenant Governor dated the 15th Ulti conveying their views on the statem of the labour of convicts under charg of the Magistrate of Quinton, for the of May last.-

(There enter No. 1105.)

Read return date 29th Ult from the Criminal Court of Circuit i the Central Division to precept of Lieut Governor dated the 30th April last, accomp this observations and orders on the Criminal statements for the 1st half year of 1835.

(There enter No. 1108.)

Read letter date 29th Ult from the Magistrate of Cudgegong, sub explanation required by His Excellency in this proceedings of the 20th May

May last, regarding cases 77 and 78 on the Criminal Reports for April 1835.

(There enter No. 1112.)

Read statement dated 26th Ultimo from the Second Judge on Circuit in the Central Division, shewing the amount of Batta paid to Prosecutors and witnesses in attendance before the Court of Circuit at the 1st Sessions 1835 at Bathurst, according to Section XXXIII Regulation X. of 1810.

(There enter No. 1117.)

Read letter date 1st Instant from the Acting 2nd. Judge on Circuit in the Northern Division, reporting the opening of the Court at Bathurst for the 2nd Session of 1835.

(There enter No. 1124.)

Read return dated 2nd Instant from the Acting Criminal Judge of Maitland to precept of the 24th Ultimo, containing this Courts observations and orders upon the Criminal Reports for the Month of May 1835.-

(There enter No. 1133.)

Read

Read letter dated 29th Ult.
from the Magistrate of Coimbatore, s
mitting his explanation called for
paras 3 and 5 of this Courts proceed
of the 20th May last on the Criminal
Reports for the Month of March 183

(Here enter No. 1158.)

Read letter dated 22nd Ultimo
from the Officiating 2nd Judge Eastern D
in the Western Division, Reporting th
death of the Prisoner in Case No. 2 o
the Additional Calendar of the Zillah
of Malabar for the first Sessions of
1835.-

(Here enter No. 1085.)

Read letter dated 27th Ultimo
from the 2nd Judge of the Provincial C
of Circuit in the Southern Division,
reporting his intention to open the S
Sessions of 1835 at Tinnevelly on the
22nd Instant. (July.):-

(Here enter No. 1098.)

Read order dated 3rd Instant
from the Secretary to Government in the
Judicial Department, communicat

to the Tanjore Vacatat copy of a letter from
the Chief Magistrate and Superintendent of Police,
reporting that the convict Muppilla has been transferred
to the Criminal Judge of Chingleput, agreeably to the order
of Government of the 19th Ultimo.-

(Here enter No. 1141.)

Read letter dated 4th Instant
from J. P. Parker Esqr. First Judge of the
Provincial Court of Circuit in the Northern
Division, to precept of Tanjore Vacatat
dated the 30th April last, directing
him to revise the Calendars of Cases
tried by him at the first Quarter Sessions
of 1833 and 1st and 2nd Quarter Sessions of
1834 at Masulipatam.-

(Here enter No. 1161.)

Read letter dated 5th Instant
from the 1st Judge of the Provincial Court
of Circuit in the Centre Division, submitting
further information relative to the case
tion of the Prisoner in Case No. 1 on
the Chittoor Zillah supplemental Calen
2nd Quarter Sessions of 1835.-

(Here enter No. 1162.)

Read letter dated 3rd Instant
from the Acting Criminal Judge in the
Zillah

F. C.
16th July 1835.

Zillah of Masulipatam at Rajahmundry forwarding the report for the month of June, on account of the convicts employed under charge of the Officer commanding Samulcottah.

(Here enter No. 1169.)

Read return dated 8th Instant from Mr. Bailey, the late Acting 3d Judge late on Circuit in the Centre Division, in obedience to precept of Sanjeevarow Mantut dated the 1st Instant, requiring information regarding the warrant issued by him in Case No. 23 Chingleput Calendar 2d Sessions of 1833, which directed the imposition of labour in conjunction with the remand of security.

(Here enter No. 1168.)

Read return dated 8th Instant from the Late Acting Third Judge late on Circuit in the Centre Division, in obedience to precept of Sanjeevarow Mantut dated the 4th Instant, sanctioning mitigated punishment in Case No. 55 Cuddapah Calendar, first Sessions of 1834.

(Here enter No. 1169.)

F. C.
16th July 1835.

Read letter dated the 8th Instant from the Late Acting 3d Judge late on Circuit in the Centre Division, reporting the conclusion of all business connected with the second Sessions of 1834, and his intention to proceed to Masulipatam, according to his late appointment.

(Here enter No. 1170.)

Read letter dated the 7th Instant from the Acting 2d Judge on Circuit in the Northern Division, reporting his intention to open the Sessions for the 2d Sessions of 1835 at Guntoor on the 21st Instant.

(Here enter No. 1171.)

Read letter dated the 7th Instant from the Acting 2d Judge on Circuit in the Northern Division, reporting that the Circuit establishment will leave Nellore for Guntoor on the 10th Instant.

(Here enter No. 1172.)

Read return dated the 2d Instant from the Native Judge of Vizagapatam to precept of Sanjeevarow Mantut dated the 28th Ultimo on the Criminal Reports for that

(Here enter No. 1173.)

Read

P.R.
10th July 1835.

Read letter dated the 9th
from the Second Judge on Circuit in the
Centre Division, reporting his arriv
at Cuddalore the opening of the Sess
and the state of the Calendar.

(Here enter No. 1183.)

Read letter dated the 8th Inst
from the 3rd Judge on Circuit in the Sout
Division, reporting the arrival of the
Court of Circuit at Madura, the commen
ment of the Sessions, and the state of
Calendar.

(Here enter No. 1202.)

Read letter dated the 9th Inst.
from the Criminal Judge of Madura, r
porting the escape of a Prisoner while
at work near the Gaol.

(Here enter No. 1203.)

Read letter dated 9th Inst
from the Magistrate of Tanjore transm
ing an Abstract of the Proceedings of the Tanjore
Court of the 30th Ultimo, respecting
the Criminal Reports for May.

(Here enter No. 1207.)

Read return dated 8th Instant
from

P.R.
10th July 1835.

from the Provincial Court of Circuit in the
Western Division, to precept of Tanjore
Resident dated the 20th Ultimo intimating
that the statement adverted to in para
2 of the proceedings of the 30th April
last, was for the first, not the last half
of 1834, and that consequently the explan
nation therein required remains to be
furnished.

(Here enter No. 1214.)

Read return dated 11th Instant
from the Criminal Judge in the Zillah
of Cuddapah, to precept of Tanjore
Resident dated the 6th Instant, requiring
further explanation regarding the Crim
inal Reports for May.

(Here enter No. 1210.)

At a Court of the Foujdaree Udalut

Present,

Friday 17th July 1835

John Bird Esqr 2nd Puisne Judge.

William Huddleston Esqr 3d Puisne Judge

Read again letter dated the 2nd May last, from the Additional Judge on Circuit in the Northern Division, transmitting the record in case No 5 on the Vizagapatam Calendar 1st Sessions of 1835.

(Here enter No 684)

Read also return dated the 6th Instant from the Additional Judge on Circuit in the Northern Division, to the precept of the Foujdaree Udalut of the 20th May last, returning the English and Persian Translations of the record in No 5 on the Calendar of the Zillah of Vizagapatam with instructions to issue a precept to the Native Judge to furnish further evidence on the above case.

(Here enter No 1186)

Mr Bird and Mr Huddleston

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

the prisoner

Dauda Sinnatty"

is sufficient to convict him of the crime of wilful murder, &c, under the authority with w[hich] 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 1803, sentence him to suffer death by being hanged at the usual time and place of execution.

(Sent following letter No 838)

Read letter dated the 2d Instant from the 1st Judge Kandy on Circuit in the Southern Division, submitting an English and Persian Translation of the Proceedings in Case No 13 on the Salem Calendar for the first Sessions of 1835.

(Here inter No 1131)

Mr Bird
Mr Huberton

The Court of Fayelaare 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 Fayelaare Udalut, confirm the said futwa of the Cazee-ool-Cozat and Mooftees aforesaid, and under the provisions of Section X Regulation VIII of 1803, sentence the prisoner

"Enoolun"

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

(Sent following Letter No 834)

The Court of Fayelaare Udalut

1.

observe that at Page 56. of the English record of this case appears the following "remark" "the said witness" (Chinnasungamen Son of Arunachellum, a cooly, and about twelve years of age) "said that he is ignorant of his age, he has been examined without taking an oath from him, and his age is taken down on an estimate" - while at the foot of the same deponent's evidence it is entered that it was "taken on oath"

The Court of Fayelaare Udalut

2.

direct that the first Judge do call upon the Criminal Judge of Salem to explain this circumstance, and at the same time point out to him that if the evidence of the witness was taken without oath, such a proceeding was

was directly opposed to their Circular Orders of the 15th April 1819 and 13th July 1825.

Ordered, that Extract from these proceedings be sent to the First Judge late on Circuit in the Southern Division, by precept returnable within ten days from and after its receipt.

(Sent following Precept No 825)

Read letter dated the 9th Instant from the First Judge late on Circuit in the Southern Division, submitting an English translation of the proceedings in Case No 31 on the Cumbacconum Calendar for the 1st Sessions of 1835.

(Here enter No 1191)

In this case the prisoners

1st Moothien

2nd Govindoo

and

3rd Chokkoo.

stood charged before this Court of Circuit, with having, in company of an armed gang, forced to the house of the Prosecutor at Sukkrapanee Veerannungalum in the taluk of Shialy, in the District of Tanjore, during the night of the 3d June 1834, - broken into it, maltreated the

the said Prosecutor and his brother, and plundered from the house property to the value of fifty three Rupees and six Annas.

They severally pleaded "not guilty".

In his Futwa, the Mahommedan Law Officer of the Court of Circuit declared that the confessions of the first and second prisoners in the Taluk Cutcherry rendered them liable to suspicion, and that it was optional with the Judge either to release or punish them: but that the third was entitled to his release, as no proof whatever existed against him.

Concurring in this finding the Presiding Judge required the first and second prisoners to furnish each two sureties in 25 Rupees each security for their good behaviour for one year, and directed the release of the third.

The review of the case in the Calendar, did not satisfy the Court of Foujdaree Adalut that this decision of the Presiding Judge was correct, and they accordingly instructed

17 July 1835.

instructed him to submit for their consideration an English Translation of the record.

The Court of Inquiry Related observe that the proceedings now submitted, clearly show that the cloth produced at the trial, was found on the first prisoner: and that in consequence of its Suspicious appearance, he was questioned, and then confessed the robbery.

It further appears that the Prosecutor identified the cloth, and the first and second witnesses before the Criminal Court, proved that it belonged to him. The ownership of the Article was one of the points entered in the abstract of the evidence in the Calendar, as established by those witnesses: and it was in likemanner, entered in the list of witnesses submitted with the record by the Criminal Judge.

Notwithstanding this, the Presiding Judge, puts no question on the subject to these witnesses; and yet, in the 14th paragraph of his letter of the 9th Instant states that there is no witness "to identify the cloth as "belonging to the Prosecutor."

It appears to the Court of

17 July 1835.

Inquiry Related that had the evidence which it is clear was forthcoming, been taken, the first prisoner at least would have been convicted, and have received the punishment due to his offence: and that his escape can only be attributed to the inattention and neglect of the Presiding Judge.

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

(Sent in No 824)

Read letter dated the 6th instant from the Acting 2d Judge on Circuit in the Northern Division. With copy of the Nellore Calendar 2d Session of 1835.

(Have enter No 1224)

Saturday 18th July 1835.

At a Court of the Poujdaree Adalut.

Present,

Charles May Lushington Esqre 1st. Puisne Judge,

John Bird Esqre —— 2d. Puisne Judge,

William Hudleston Esqre —— 3d. Puisne Judge.

113

Read the Rajahmundry Criminal Reports prescribed by Section XXXV Regulation X 1816 for June 1835.

(Here enter No. 1158)

The acting Criminal Judge will, in future, state the facts charged against the prisoners; the mere charge of "committing highway robbery, value of property robbed is Rupees 7-8" or "Theft* of articles worth Rupees 58-6" is too vague to satisfy the Court as to the proper disposal of the case.

+ Report X. Case 30.

* Case 32.

2 The Reports and statements should not be forwarded on separate loose sheets - but in a combined form. The Supplemental Report being placed first, and the statements appended after Report No. 9.

3 The "Statement of Extra Pens" should

should shew for whom the Extra Peons have been employed in the Jail. The Court observe that in the Statement of Labor, 93 prisoners are specified as "worked outside"; and they presume therefore that the Peons of the Prisoners sent to Samulcottah are included in the Number (60) given in the Statement. The Acting Criminal Judge will explain for the information of the Court of Foujdaree Udalut whether they are correct in the supposition.

Ordered, that Extract of these proceedings be sent to the Acting Criminal Judge of Rajahmundry for his information and guidance by Receipt returnable in 5 days after receipt.

(Sent following Receipt No. 829)

Read the Circuit Criminal Reports prescribed by Section XXXV Regulation X 1816 for the Months of June 1835.

(Here enter No. 1182)

Report V Case 56. 1 The prisoners are stated in the Report to have been apprehended on the 2d May, and to have been left in charge

of

of a Taliar, and forwarded on the 29th of the month to the Joint Criminal Court, the witnesses having appeared before the Police officers "only on the 2d May". The Court await a further explanation regarding this case, particularly as to the prisoners being left in charge of the Taliar, and with respect to the date last mentioned, there is obviously some error which should be rectified. 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 make return direct to this Court within 10 days after receipt of this order.

Case 59. 2 The Acting Joint Criminal Judge will proceed in the same way with the case noted in the margin to which the above order to the Magistrate equally applies. The Magistrate will ascertain and report where the first prisoner was from the 19th April, the date of his apprehension, till the 7th of May, and where the 2d prisoner

was

declare the truth until 4 days afterwards: he then confessed on the 6th convey to strengthen the impression that the prisoners in question was unjustifiably kept by the Police a-ween till he confessed; that the Court of Foujdaree Adalut resolve to direct the Criminal Judge to furnish the Magistrate with copy of this paragraph and of the case as it stands in the Report, with the view of drawing the attention of the Magistrate to the conduct of the Police officers-

Ordered, that Extract of these proceedings be sent to the Criminal Judge of Chinglepat for his information and guidance by Precept returnable in 3 days after receipt-

(Sent following Precept No. 831)

Read the Tellicherry Criminal Reports prescribed by Section XXXV Regulation X of 1816 for the Month of June-

(Here enter No. 1209-)

The Court of Foujdaree Adalut being of opinion that the Acting Joint Criminal

Report V
Case 60-

was after the 9th May till the 13th June the recorded date of his being forwarded to the Joint Terminals Court-

3 The Acting Joint Criminal Judge will in future transmit his Criminal Reports in a combined form, instead of in separate sheets, the supplemental Report being placed first, and the statements appended as after Report No. 9-

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 4 days after receipt-

(Sent following Precept No. 830)

Read the Chinglepat Criminal Reports prescribed by Section XXXV, Regulation X 1816, for the Month of June-

(Here enter No. 1189-)

Report V
Case 92-

The following observation in the columns of "remarks" in this case - "these prisoners were apprehended by the Cutwals Peon on the 30th May, but the first prisoner did not declare

Criminal Judge has taken a correct view of the case noted in the margin, his order for the requisition of security from the prisoner Oran will remain undisturbed—

Ordered, that Extract of these proceedings be sent to the Acting Joint Criminal Judge at Tellicherry for his information and guidance—

(Sent in No. 832)

Read the Tinnevelly Criminal Reports prescribed by Section XXXV. Regulation X 1816, for the month of June—

(Here enter No. 1208.)

Report V Case 48

The Joint Criminal Judge has omitted to specify, in the Report the grounds of the commitment of the prisoners in the case noted in the margin—

Ordered, that Extract of these proceedings be sent to the Joint Criminal Judge at Tinnevelly for his information—

(Sent in No. 833)

J. C.

At a Court of the Foujdaree Udalut.

Present,

Monday, 20th July, 1835. Charles May Lushington Esqre. 1st Puisne Judge,
John Bird Esqre. — 2d Puisne Judge,
William Hudleston Esqre. — 3d Puisne Judge.

Read Miscellaneous Petition — presented on the 7th instant by Wyapory and Nullacoattien, inhabitants of the Village of Nursingamungalum in the Zillah of Combaconum—

(Here enter Mis. Pet. No. 45 of 1835.)

The petitioners represent, that

1.

at the commencement of the present year, they, and some other Cultivators were, according to a custom which has immemorially prevailed engaged in raising a dam across the river Khagesul Soolliaroo, with the view of turning the Course of the water, and rendering it available for their village; when some individuals who superintend the Meerasy Estates of Timby Sawmy Moodely, the Shristadar of the Combaconum Zillah Court came upon them with a Numerous party of armed men and

and destroyed the dam: — that in consequence of this proceeding, a violent enmity arose between the aforesaid Soni by Sawmy Moodely and the Mussulmans of Nasinganamingalam, the result of which has been the apprehension and confinement — on a false, and malicious charge of theft, of seventeen persons (among whom are the youngest brother and three brother-in-law of the petitioners) who were ill treated; and for effect whose connection, an illegal influence was exerted by the complaining party. —

2.

They therefore pray, that the proceedings held in this case may be called for and examined, and order issued for the release of the persons confined —

3.

The Court of Tanjore Ordered observe, that the Petitioners do not state against whom this complaint is preferred — If it be against the Magistrate, they should address the Judge on Circuit: if the Criminal Judge, a representation of the circumstances should be made to the Collective Court at Trichinopoly —

Ordered

Ordered that Extract from these proceedings be furnished to the Petitioners on their application —

Read Return dated the 4th Instant from the Provincial Court of Circuit in the Centre Division, to Precept of the Tanjore Adalut under date the 30th April 1835, directing them to review the Calendars of persons tried at the first Quarter Sessions of 1833 at Chittoor, and at the second Sessions of 1833 by the late Mr. Gahagan at Cuddapah and Bellary, with the views of proposing a remission or mitigation of punishment in such cases of Gang-Robbery as may appear to have been unaccompanied by any aggravating act, and to have had their origin in the pressure of famine —

(Here enter No. 1202 of 1835.)

The Provincial Court of Circuit

1.

report, that the Calendar of the First Quarter Sessions of 1833 does not contain any case "worthy of the indulgence above alluded to and they transmit copy of a Return from the

20th July 1835 Fifth

the Criminal Judge of Cuddapah, and to
"recommend that the persons therein mentioned
"may be forthwith released:-

3. The Court of Foujdaree Udalut,
resolve to accede to the recommendation of the
Provincial Court of Circuit, so far as it regards
the prisoners.-

"Pasala Nagaroo,"
"Marahatta Venkaroo,"
and
"Buttala Venkatachellum,"
in No. 35 on the Cuddapah Calendar, and
the prisoners-

"Kalaraddy Gungaloo,"
and
"Mala Chennoyyaroo,"
in No. 6,

"Coovva Goosavaroo,"
in No. 8,

and

"Pasupoolaty Lamboyaroo,"
in No. 12 on the Cumbum Calendar for the
second Sessions of 1833, and accordingly direct,
that those prisoners be immediately and
unconditionally set at liberty-

3. But observing from the abstract

20th July 1835

of evidence, that

"Cauteravaa Gungaloo,"

the third prisoner in Case No. 6 on the
latter Calendar, inflicted a wound upon the
prosecutor, the Court of Foujdaree Udalut
direct, that he be detained in confinement
for two years longer, and that at the expiration
of that period he be set at liberty-

Ordered, that Extract from
these proceedings be sent to the Provincial
Court of Circuit in the Centre Division by
Receipt, returnable within ten days from and
after its receipt-

Clerk (Sent following Receipt No. 836)-

Ld. W. 4th

At a Court of the Zoujdaree Udalut.

Present,

Tuesday, 25th July, 1835.

Charles May Lushington Esqre. 1st Puisne Judge.

John Bird Esqre. 2d Puisne Judge.

William Rudleston Esqre. 3d Puisne Judge.

Read the Chittoor Criminal Reports prescribed by Section XXXV Regulation X. 1816 for the month of June-

(Here enter No. 1180)

The Court of Zoujdaree Udalut

Suppl. Report Case 107. 1

cannot pass over this case without noticing the unsatisfactory nature of the proceedings of the Head of Police of Wandewash in detention of the Prisoner for 27 days in the Palook is stated to be "attributable to some of the Witnesses who were absent at Madras and Conjeveram" and then he appears to have been forwarded on the bare examination of a convict - The acting Criminal Judge will send copy of this para to the Magistrate and also copy of the case as it stands in the Report.

Report V Case 37. of 1834. 2

It is noted in the Report that the prisoner

prisoners in this case is reapprehended and committed to take his trial before the Court of Circuit in obedience to orders dated 4th May 1835 by the said Court." The acting Criminal Judge will forward copy of the order alluded to.

Case 109. 3 The seven prisoners in this case sent up to the Criminal Court on their confessions before the Head of Police and Assistant Magistrate of Rolleg, have been held to security by the acting Criminal Judge. The Court of Foujdaree Adalut being of opinion that if there was proof of the Robbery the confessions of the prisoners before the Magistrate supposing those confessions were distinct and full, would be sufficient for their conviction, resolve to direct the acting Criminal Judge to proceed accordingly, committing all the prisoners who may be in Jail in default of producing security and transmitting to the Magistrate copy of the cases as it stands in the Report and of this paragraph, upon receipt of which the Magistrate will cause

cause the reapprehension of those who may have furnished the security required, and upon their being forwarded to the Court it will be the duty of the acting Criminal Judge to cancel the security Bonds and to commit the prisoners.

4 In the event of there being no proof of the Robbery, the acting Criminal Judge will of course explain the fact to the Court, and suspend the proceedings conditionally ordered in the previous paragraph.

Case 118 5 The Court are constrained to record their opinion that the cause of the detention* of the Prisoner in the Paloch from the 18th April to the 10th June as given in the Report, is neither satisfactory nor clear. The Court await a further explanation respecting it. The acting Criminal Judge will forward copy of this case as it stands in the Report and of this paragraph to the Magistrate who will make return direct to this Court in 5 days after receipt.

*Owing to the non attendance of the attesting witnesses of the receipt which the prisoner says he attested.

Case 123. 6 With reference to the following entry

entry in the Report, the Court of Foujdara Adalat require it to be explained in what respect the proof against the prisoners was deficient. "The witnesses examined in the case prove that they saw the prisoners within the compound of the Prosecutrix's house at midnight, while the 1st prisoner together with the 2d and 3d were in the act of opening the lock."

7 The Acting Criminal Judge will in future forward his Criminal Reports & Statements in a combined form and not on separate sheets - the Supplemental Report being placed first and the Statements after the Report &c.

Ordered that Extract of these proceedings be sent to the Acting Criminal Judge of Chittoor for his information and guidance by Receipt returnable in 10 days after receipt.

(Sent following Receipt No. 839)

Read the Cumbalore Criminal Reports prescribed by Section XXXV Regulation

Regulation X 1816 for the month of June -

(Here enter No. 1190.)

Suppl. Report Case 96 Report Case 99

1 The Acting Joint Criminal Judge will state in his future Reports the grounds upon which he may commit any prisoners - a concise but distinct note of the reasons being requisite to enable the Court to Judge whether or not the case has been properly committed -

Case 106.

2 According to the charge, this case appears to have been one of robbery by open violence; and without explanation it cannot be understood upon what authority the Acting Joint Criminal Judge passed sentence of punishment upon the 4th 5th 6th 7th 9th 10th and 11th prisoners The Court await the explanation of the Acting Joint Criminal Judge -

* "Having proceeded in the night of 22d May 1835 to the garden of the prosecutor and after wounding his servant (Vide Warning) robbed from a hut situated therein Tobacco to the value of Rupees 22 4 annas 12"

Case 107

3 In this case and in others in the Report under review the Acting Joint Criminal Judge has cited Section VII Regulation X 1816 in support of his sentence for Cattle stealing - This provision

of

of the Law is inapplicable to such cases, in which punishment should be awarded under Clause 4th Section III Regulation VII of 1822.

Case 119

4

The delay as regards the 5 first prisoners (apprehended on the 9th June), would appear to have been 20 days and the causes assigned are not satisfactory. The acting Joint Criminal Judge will therefore furnish the Magistrate with copy of this case as it stands in the Report and of this paragraph, and the Magistrate will make return to this Court direct within 10 days after receipt of this order & submit a further explanation for the information of the Court of Sunjdaree Adalut.

5

The acting Joint Criminal Judge will in future annex his statements to the Reports, placing them after Report 9, instead of forwarding them on separate sheets.

Ordered that Extract of these proceedings be sent to the acting Joint Criminal Judge at Coimbatore for his information and guidance by Receipt returnable in 6 days after receipt.

(Sent following Receipt No. 840)

Read

* A delay of 9 days was unaccountable for search among the houses of the 5 first prisoners after his imposition of the crime on the 14th and for the subsequent apprehension of the last 2 prisoners who were implicated by the 3 as having disposed of the coolies & who were apprehended on the hills at the distance of 2 leagues.

Read the Mangalore Criminal Reports prescribed by Section XXXV Regulation X of 1816 for the month of June.

(Here enter No. 1221.)

In this case, it is stated that the

Report V
Cur. p.

1

Palail forwarded the prisoners to the Tasildar on the 23d May, but that the witnesses did not arrive till the 5th June as the witnesses ought to have been sent up with the Prisoners to the Tasildar, the error of the Palail should be pointed out to him. The acting Criminal Judge will transmit copy of this paragraph to the Magistrate for his information and guidance together with copy of the case as it stands in the Report.

2

The acting Criminal Judge will in future annex the Statements to the Reports, instead of forwarding them on loose sheets.

Ordered that Extract of these proceedings be sent to the acting Criminal Judge at Mangalore for his information and guidance by Receipt returnable within 7 days after receipt.

(Sent following Receipt No. 841)

Read

of the Law is inadmissible.—

Read letter of the Acting Joint Criminal Judge at Masulipatam dated 9th instant to Precept of the Court of Foujdaree Adawlut of the 26th Ultimo, conveying their observations and orders on the Masulipatam Criminal Reports for May—

(Here enters No. 1227)

Suppl. Report Case 26.

1 The above return does not furnish the further explanation of the appearance of this case in the Supplemental Report, now of the connection with it of case No. 14 of the Calendar 4th Sessions 1834, which it was expected would have been furnished by the Acting Joint Criminal Judge in consequence of the observations recorded in the 2d para of the proceedings of the 26th Ultimo; and the Acting Joint Criminal Judge will therefore now supply it.

Case 44.

2 In support of the order for the commitment of this case, "Clause 2d Section II Regulation VI 1832" was before cited, and the Acting Joint Criminal Judge was informed that the quotation was inaccurate as in the return, before the Court, he

he repeats the same provision of the Law, he will state in what respect he considers Clause 3d Section IX Regulation X of 1816, which grants general authority to the Criminal Judge to commit prisoners against whom there may be evidence of their having been concerned in crimes brought under his cognizance, but not punishable by Statute, inapplicable to the case in question—

Ordered, that Extract of these proceedings be sent to the Acting Joint Criminal Judge at Masulipatam for his information and guidance by Precept, returnable in 4 days after receipt—

(Sent following Precept No. 842.

Ct
JS
Ct

Fyl 6.
25th July 1835

Read Return by the Acting Joint Criminal Judge at Masulipatam dated 9th instt. to Precept of the Court of Foujdaree Udalut of the 26th Ultimo, conveying their observations and orders on the Masulipatam Criminal Reports for May—

(Here enter No. 1227)

Suppl. Report Case 26.

1 The above return does not furnish the further explanation of the appearance of this case in the Supplimental Report, nor of the connection with it of case No. 14 of the Calendar 4th Sessions 1834, which it was expected would have been furnished by the Acting Joint Criminal Judge in consequence of the observations recorded in the 2d para of the proceedings of the 26th Ultimo, and the Acting Joint Criminal Judge will therefore now supply it—

Case 44.

2 In support of the order for the commitment of this case, Clause 2d Section II Regulation XI 1832 was before cited, and the Acting Joint Criminal Judge was informed that the quotation was inaccurate. As in this return, before the Court,

he

Fyl 6.
25th July 1835

he repeats the same provision of the Law, he will state in what respect he considers Clause 3d Section IX Regulation X of 1816, which grants general authority to the Criminal Judge to commit prisoners against whom there may be evidence of their having been concerned in crimes brought under his cognizance, but not punishable by him, inapplicable to the case in question—

Ordered, that Extract proceedings be sent to the Acting Joint Judge at Masulipatam for his information and guidance by Receipt, returnable in days after receipt—

(Sent following Receipt No. 112)

At a Court of the Foujdaree Udalut.

Present,

Wednesday 22d July 1835. Charles Mary Lushington Esqre 1st Puisne Judge,

John Bird Esqre ——— 2d Puisne Judge,

William Hudleston Esqre ——— 3d Puisne Judge.

Read Letter, dated the 9th instant, from the 2d Judge on Circuit in the Bauleah Division, submitting an English and Persian translation of the Proceedings in Case No. 36 on the Cuddapah Calendar, for the first Sessions of 1835.

(Here enter No. 1192.)

Mr. Bird. The Court of Foujdaree Udalut having maturely considered the proceedings held before the Judge on Circuit, the Futwa of the Provincial Law Officers and the Futwa of the Cazee-ool-Cozat and Mooftees of the Foujdaree Udalut, are of opinion that the prisoner—

"Boya Baulleegadoo"

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

J.

of their Law Officers, and do accordingly acquit him, and under the provisions of Clause First Section V. Regulation VIII of 1931 and Clause Sixth Section II Regulation XV of 1803, direct that he be set at liberty—

\+ \+ \+

Observing that from the English Record of this Trial, the translations of the arraignment and defence of the second and third prisoners and also of the evidence of the 1st, 2d and 7th Witnesses before the Court of Circuit, are omitted, apparently because they do not bear upon the case of the 1st prisoner, the Court of Foujdaree Udalut deem it proper to point out to the Presiding Judge that there is no authority for such a proceeding and that the Record of a referred Trial should be complete as it regards all the prisoners—

Ordered that Extract of these proceedings be sent to the Second Judge on Circuit in the Centre Division for his information—

(Sent following letter No. 847)

F. Ms.
22d July 1835

Read letter dated the 4th instant from the 1st Judge on Circuit in the Western Division, transmitting the trial in Case No. 36 Malabar Calendar for the 2d Session of 1835—

(Records No. 1178—)

Mr. Bird
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 prisoner

"Mahomed Yoosoof"

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—

JHS

(Sent following letter) 848

At a Court of the Toungdaree Udalut.

Present,

Thursday, 23d. July, 1835. Charles May Lushington Esqre. 1st. Puisne Judge,

John Bird Esqre. 2d. Puisne Judge,

William Hudleston Esqre. 3d. Puisne Judge,

Read letter dated the 17th. instant from the First Judge late on Circuit in the Southern Division, submitting an English translation of the proceedings in Case No. 19 on the Madura Calendar for the First Sessions of 1835.

(Here enter No. 1267 of 1835.)

In this case the prisoner, "Linganon," stood charged before the Court of Circuit, with having at about ten o'clock of the night of the 27th. October 1834, in company with three other persons not apprehended, attacked on the highway, the two prosecutors "Cavopana pillay" and "Moottoocurpen", beaten them with sticks, and robbed them of Money, Cloths &c. to the value of Thirty four Rupees, Annas seven and

Pice

Pice four-

2 He pleaded "Not Guilty"

3 The Mahommedan Law officer of the Court of Circuit acquitted the prisoner, and pronounced him entitled to his discharge-

4 Concurring in this finding, the Presiding Judge, directed that the prisoner should be immediately released-

5 The reasons assigned by the Presiding Judge for the acquittal of the prisoner were not deemed satisfactory by the Foujdaree Adalut, who accordingly, in their proceedings under date the 26th March 1835, directed that an English translation of the case should be prepared and submitted for their consideration-

6 The Court of Foujdaree Adalut, having maturely considered all the circumstances of the case, are satisfied that the charge was false, and the decision of the Court of Circuit, correct-

7 They at the same time observe

observe that it affords matter of regret that, in his remarks in the Calendar, the Presiding Judge did not assign more satisfactory reasons for concurring in the finding of the Law Officer, by which means, all necessity for the present reference would have been obviated-

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

(Sent in No. 850)

Read Return dated the 9th instant from the First Judge of the Provincial Court of Circuit in the Southern Division to Precept of the Court of Foujdaree Adalut under date the 12th May 1835, conveying their observations and orders on the Combaconum Calendar for the first Session of 1835-

(Here enter No. 1199 of 1835-)

Not deeming the explanation afforded by the First Judge regarding this case

Case No. 27.

23d. July 1835

case to be satisfactory, the Court of Poojdaree Udalut resolve to direct that an English translation of it, be prepared and submitted for their consideration without delay—

Ordered, that Extract from these proceedings be sent to the First Judge late on Circuit in the Southern Division by Precept, returnable within twelve days from and after its receipt—

(Sent following Precept No. 351).

Friday 24th July 1835.

At a Court of the Poojdaree Udalut—

Present,

Charles May Lushington Esqre. 1st Puisne Judge.

John Bird Esqre. 2d Puisne Judge

William Rudleston Esqre. 3d Puisne Judge,

Read letter dated the 6th instant from the third Judge of the Provincial Court of Circuit in the Western Division forwarding for trial No. 1. on the 3d Additional Calendar for the 2d Quarterly Sessions of 1835—

(Here enter No. 1243)

Present of Poojdaree Udalut—

Mr. Bird.

having maturely considered the proceedings held before the Judge on Circuit, the Futwa of the Provincial Law Officer, and the Futwa of the Cazee-ool-Cozat and Mooftees of the Poojdaree Udalut, confirm, the said Futwa of the Cazee-ool-Cozat and Mooftees aforesaid, convicting the prisoner—

"Poddiottile Parambel Teityattacha"

of the crime charged, and awarding Poshoottee and under the provisions of Clause Fast, in Section

Section V. Regulation VII of 1831, and Clause third, Section VIII Regulation XV. of 1803, sentenced her to be imprisoned and kept to labour suitable to her sex without irons, for and during the period of (14) fourteen years—

(Sent following letter No. 852)

Read the Salem Criminal Reports prescribed by Section XXXV. Regulation X. 1816 for the month of June—

(Here enter No. 1939)

Report V
Case 73—

1 With reference to the observation in the Report, some of the stolen property was discovered in the possession of these prisoners severally; it is however unproved and does not appear to be any means of proving that they received it, knowing it to have been stolen; the Court would remark, that if the criminal Judge means, that the property was not proved to belong to the Prosecutor, security was not demandable from the prisoners, the order for it should be cancelled—the Bonds of the prisoners who may have produced the security being cancelled, and

the

the prisoners, in confinement on default of it, released—

Case 74

2 The Court expect a report of the date of the apprehension of the 3d prisoner in this case, and 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 the Court of Foujdaree Udalut within 6 days after receipt of this order—

3 The explanation respecting the sentence passed finally on the 3d prisoner is not quite intelligible; but the Court suppose he was sentenced to 6 months imprisonment for escape— The Criminal Judge will however explain for the satisfaction of the Court, if this conclusion is correct—

Case 77

4 The Criminal Judge will send to the Magistrate copy of this case, and of this paragraph, for the delay of the prisoner in the Talook having been occasioned by a reference to the Magistrate,

the

the nature of the reference should have been explained.

Case 72. 5. The age of the 2d prisoner stated to be "under age", should have been specified in the Report.

Case 24. 6. The proceedings of the Police Officer in this case being totally at variance with the orders of this Court, the Magistrate is required to explain what notice he has taken of them. The Criminal Judge will therefore also furnish the Magistrate with copy of this case as it stands in the Report and of this paragraph and the Magistrate will make return direct to the Court of Sunjdarce Udalut within 10 days after receipt of this order.

7. The Criminal Judge will in future annex the statements to the Criminal Reports placing them after Report No.

Ordered, that Extract of these proceedings be sent to the Criminal Judge of Salem for his information and guidance by Banghy, returnable in seven days after receipt.

(Sent following Banghy No. 853)

Read

Read the Honble Criminal Reports prescribed by Section XXXV Regulation X 1816 for the month of June.

(Here enter No. 1234.)

Report V Case 37. 1. The impropriety of sending up the 2d prisoner in this case as such, without any evidence against him, should be noticed by the Magistrate to the Police officer. The acting Joint Criminal Judge will transmit to the Magistrate copy of the case as it stands in the Report, and of this paragraph for his information and guidance.

Case 38 2. Under the circumstances represented in the Report, the Court are of opinion that the full punishment authorized by Section II Regulation IX, and Section VI Regulation XIII, 1832 would have been more appropriate than the sentence passed viz. imprisonment for 4 months with labor in irons.

Case 46. 3. The acting Joint Criminal Judge will furnish the Magistrate with copy of this case as it stands in the Report, and of this paragraph, the explanation of the

detention

detention of the prisoners from the 25th May to the 22d June not being altogether satisfactory.

4. It appears to the Court from the annaiment entered in the statement of Batta, that there has been a too general distribution of it in the month of June. They trust the acting Joint Criminal Judge will not overlook the 3d Para of the Circular Order No. 35 dated 25th March 1835 requiring strict attention to the rule for payment of Batta, in cases of necessity alone.

Ordered, that Extract of these proceedings be sent to the acting Joint Criminal Judge at Honore for his information and guidance by Precept returnable in 4 days after receipt.

(Sent following Receipt No. 351)

Read the Bellary Criminal Reports prescribed by Section XXXV Regulation X 1816 for the Month of June 1835.

(Here enter No. 1222.)

Report X Case 97. 1 It is stated in this case, that a delay occured in the transmission of the prison

to the Criminal Court in consequence of this having been "dangerously wounded" It would have been satisfactory if some explanation on this point had been given in the Report, and the officiating Criminal Judge is now expected to furnish information as to the circumstances connected with the wounding) — If he is unable to give it, he will forward to the Magistrate copy of the case as it stands in the Report and of this paragraph, and the Magistrate will supply the explanation direct to this Court within 8 days after receipt of this order.

Suppl. Report Case 83. 2 The Officiating Criminal Judge will avoid in future the use of the term "Burglary", this Court having ruled it to be objectionable. If the 1st prisoner was convicted of Housebreaking — his previous conviction of the same offence would have rendered necessary the commitment of the case. In cases of this nature the mode of entry should always be stated.

3 The statements connected with the

the Criminal Reports should in future be annexed to them, being placed after Report No. 9. and not sent on separate papers.—

Ordered, that Extract of the proceedings be sent to the Offending Criminal Judge for his information and guidance by Precept returnable in 5 days after receipt.—

(Sent following Receipt No. 855)

F. C.

At a Court of the Fouzdaree Adalut—

Present,

Saturday
25th July 1835. Charles Mary Lushington Esqre. 1st Criminal Judge
Abd John Bird Esqre. 2d Criminal Judge
WM William Hudleston Esqre. 3d Criminal Judge

Read the Nellore Criminal Reports prescribed by Section XXXV Regulation X 1816 for the Month of June—

(Here enter No. 1232.)

Case 88— 1 If, as would appear from the Report, the prisoner in this case was convicted of having effected his escape, the charge should not have been dismissed. The neglect of the person in whose custody he was, and whose capacity ought to have been stated in the Report—is unconnected with the offence of the prisoner—and they are respectively liable for the offences which they have committed. It is stated, that the guard "neglected, to bind the prisoner, who made his escape whilst the Witness was asleep under a tree."—

In as much as the "usual precautions for securing the prisoner

prisoner were "as it would seem purposely with
connivance under the Circular Order 13th Sep
1829 would be inferible, and the prisoner
ought to have been dealt with accordingly
instead of his conduct being "merely" brought
to the notice of the Magistrate.

Case 100 2 The prisoner in this case was
detained in the Tabook from the 10th to 16th Dec
and the Court consider the reasons assign
by the Police Officer altogether unsatisfactory
The Criminal Judge will send the Magis
copy of this case & of this paragraph for
his information.

Case 102 3 The presumptive evidence
against the 2d prisoner in this case, viz.
the stolen property being found in his
possession, and the proof of his receipt of
it "at a price considerably less than its
value", is nearly as strong as a charge "of
"knowingly receiving stolen property" as was
likely to be supported by the order for
security. Sentence need not be disturbed.

Report 3. 4 The Court observe, that the abstract

abstract does not contain the postponed cases,
and they accordingly direct that the Criminal
Judge of Nellore be informed, that the abstract
attached to the Report No. 8. is intended to
include all cases committed in previous
months undisposed of by the Court of Circuit,
and that consequently, where trials are
postponed, the cases should be entered
"as well as those which have not been
presented to the Court of Circuit".

Ordered, that Extract of these
proceedings be sent to the Criminal Judge
at Nellore for his information and guidance
by Precept returnable in 5 days after receipt.

(Sent following Precept No. 858.)

Read the Calicut Criminal
Reports prescribed by Section XXXV. Regulation
X 1816 for the month of June 1835.

(Here enter No. 1233.)

Suppl. Report 1 In these cases the delay in the
Cases 165. 166. & 167. disposal of them being accounted for
merely by the entry "Delayed from the non
attendance of Witnesses", the Court direct, that
the

the full explanation, required under Cir.
Order 11th April 1832 be now called for—

Report V
Case 120

2 As the Tahsildar did not state
causes of delay", the Criminal Judge will forw
the Magistrate with copy of this case as it sta
in the Report, and the Magistrate will have
direct to this Court, an explanation of the
detention of the prisoner in the Tahsil from
22d to the 23d May—

Cases 190
to
193

3 Copy of these cases also shou
be sent to the Magistrate and of this para
the Court being of opinion that the explan
tion given is scarcely satisfactory for
detention of prisoners for 17 days in the fo
and no explanation of 6 days delay having
been afforded as regards the 1st and 2d prison
in the latter case—

Cases 204
to
208

4 It is requisite likewise, that
the Criminal Judge should furnish expl
of these cases, & of this paragraph to the
Magistrate, for the Court do not consider
satisfactory, the explanations entered in th
former, of the delay of 36 days, as regards th

1st

1st and 2d prisoners and they do not understand
from the circumstances represented in the
latter case, in the Report, why the 2d prisoner
was sent up—

Report 8. 5 With reference to the few cases
entered in the Abstract to this Report, the Court
conclude that it does not contain those which
are under trial by the Judge on Circuit, and
if so, they require to be informed why all the
cases committed in former months and some
of those committed in the early part of the
month, for which the Reports under review are
prepared, were not brought on the Calendar—

6 The Criminal Judge will in
future annex his statements to the Reports,
placing them after Report No. 9 instead of
transmitting them on separate sheets—

7 The Batta paid at the Calicut
Court during the month of June appears high,
and it will be the duty of the Criminal Judge
to endeavour to keep the payment in accordance
with the rule pointed out in Para 3 of the
Circular Order No. 35 dated 25th March 1835.

Ordered

F. 96.
25th July 1835

Ordered that Extract of the proceedings be sent to the Criminal Judge at Calicut for his information and guidance by Receipt returnable in 10 days after receipt.

(Sent following Receipt No. 859)

Read the Cuddalapa Criminal Reports prescribed by Section XXXV Regn X 1816 for the month of June.

(Here enter No. 1245)

Report V Case 105.

1 In this case, the prisoner has been improperly sent to the Criminal Court and if the Criminal Judge has not already acted to the last para of Circular Order 25th May 1823, communicated to the Magistrate the circumstances of the case, he will do so on the receipt of this order.

Suppl. Report No. 94.

2 The Criminal Judge will furnish a copy of this paragraph, and of this case as it stands in the Report, to the Magistrate, who will point out to the Police officer, who forwarded the prisoner it apparently only because the prisoner was a former case connected with this charge implicated

F. 96.
25th July 1835

implicated herein," that "the mere criminations of one prisoner by another unsupported by any other fact is not a sufficient ground for transmitting the party criminated as a prisoner".

3 In future, the Criminal Judge will submit his Reports and Statements in a combined form instead of on separate sheets - the Supplemental Reports being placed first, and the Statements added after Report No. 9.

4 The Criminal Judge will endeavor to fulfil the instructions in Circular Order No. 40 dated 19th April 1835 in respect to the early transmission of his Criminal Reports - The present it is remarked were dispatched only on the 14th of the month -

Ordered that Extract of these proceedings be sent to the Criminal Judge of Cuddapah for his information and guidance by Receipt returnable in 4 days after receipt.

(Sent following Receipt No. 860)

Read the Cumbum Criminal

Reports

F.46.

25th July 1835

Reports prescribed by Section XXXV. Regulation X 1816 for the Month of June.

(Hereunto No. 1246.)

Report V Cases 27. 28 & 29.

1

In these cases, in explanation the grounds, of the commitment of the prisoners it is stated merely, that the charges were proved. The Native Criminal Judge will in future specify concisely the particulars showing how the charge may have been proved in each case, or what grounds there may be for the commitment.

2

Instead of being sent on separate sheets, the Reports & Statements should be transmitted in a combined form. The Reports being placed first, and the Statements after Report No. 9.

Ordered that Extract of these proceedings be sent to the Native Criminal Judge at Cuttack for his information and guidance.

(Sent in No. 361)

Read the Cuttack Criminal Reports

F.46.

25th July 1835

Reports prescribed by Section XXXV. Regulation X 1816 for the Month of June 1835.

(Hereunto No. 1247.)

Suppl. Report Calcutta.

1

With reference to the latter part of the explanation of the reasons for committing the prisoners in this case, viz. "the prisoners having twice effected their escape from custody," the Court would remark, that these are no sufficient grounds for commitment, and that the nature of the evidence should have been specified.

Report V Case 105

2

The grounds of suspicion under which the prisoners have been held to security in this case, should have been explained.

Case 104

3

The excuse for the detention of this case in the Talook from the 6th April to the 31st May - viz. "the absence of the prosecutor and the informant", the Court considers inadmissible.

Case 124

4

Under the Circular Order No. 29. dated 4th February 1835; the Acting Criminal Judge will proceed at once to dispose of this case of escape. The sentence however should not be recorded

recorded until after the result of the trial of the prisoners before the Circuit Court is known.

Case 126. 5 The Court requires an explanation in respect to the commitment of the 1st and 3rd prisoners in this case, it is not clear, whether they are committed as receivers, or as thieves; if the latter, the Acting Criminal Judge cannot order their release on bail without authority.

Case 132 6 The cause of delay not having been assigned by the Police officer, he should now be required by the Magistrate to explain the detention of the prisoners in the Tobock from the 15th to the 23rd June.

7 In Column 2 of the Statement of Labour, 146 convicts are entered, but the Statement shews that 137 prisoners are employed in repairing roads. It would appear from this that some of the security prisoners are worked on the roads, and the Acting Criminal Judge will therefore submit an explanation on this point.

The

8 The Statements should in future be annexed to the Reports, instead of being sent separately.

Cases 104 and 132 of Report X. 9 The Acting Criminal Judge will furnish to the Magistrate copies of the cases noted in the margin, and of this, and the other paragraphs referring to them, and the Magistrate will make return direct to this Court within 8 days after receipt of this order.

Ordered that Extract of these proceedings be sent to the Acting Criminal Judge at Combaconum for his information and guidance, by Receipt returnable in 8 days after receipt.

(Sent following Receipt No. 862)

Read the Madura Criminal Reports prescribed by Section XXV Regulation X. 1816 for the month of June.

(Here enter No. 1268.)

Diffl. Report Case 18. 1 If there are no other grounds for demanding security from the 1st, 2nd, 6th and 7th prisoners in this case, than

the

the mere crimination of them by the others, they should be discharged if in Jail, or the bail bonds cancelled, if they have been entered into — The Court await the explanation of the acting Criminal Judge on this point.

Case 50 2

In this case the fine appears to have been illegally enforced, as the Party does not seem to have been summoned by the Court. The acting Criminal Judge will accordingly cause the amount to be returned to the Prosecutor.

Case 52. 3

The explanation of the release of the prisoner is rather unintelligible, a concise but distinct note of the grounds is all that the Court require to be given in the Criminal Reports.

Case 64. 4

Against the 19th prisoner in this case, there is no point of fact nothing but his Police confession, which is insufficient for conviction. The Court accordingly direct that he be released on moderate security.

Report Card 64 & 66. 5

The acting Criminal Judge will

will forward to the Magistrate copy of these cases as they stand in the Report, and of this para, and the Magistrate will transmit direct to this Court in 3 days after receipt of this order the explanation, which ought to have been earlier given under the Circular Order 8th February 1830, of the detention of the prisoners before the Joint Magistrate from the 5th May to the 1st June.

Case 71 6

The Court expect further information respecting the delay of this case in the Talook, which, in the Criminal Report, is not satisfactorily explained. the acting Criminal Judge will furnish the Magistrate with copy of this case and of this paragraph.

The acting Criminal Judge 7

will, in future, arrange the statements to the Reports instead of sending them separately.

It is expected, that the Reports 8

will be dispatched earlier than the 14th of the month from the Criminal Court as the Court of Foujdaree Adalut have pointed out

in

in the Circular Order No. 40, that their arrival should be ensured if possible, before the 15th

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 Receipt No. 863)

Read Return dated the 18th Instant from the Provincial Court of Circuit in the Centre Division furnishing the information required by the Courts proc. of the 30th Ultimo—

(Here enter No. 1251)

With the foregoing return, the Provincial Court submit a return from the Acting Joint Magistrate of South Arcot, explaining the circumstances under which the Jaghiredar of Arnee took cognizance of the case, in which three Europeans were prisoners, adverted to by the late Acting 3d Judge in the 63d para of his recent Circuit Report submitted to Government on the 29th May last—

2 From the Acting Joint Magistrate's statement it appears that the Jaghiredar was led into this irregularity, by the prisoners having been sent before him by the Commanding Officer of their Regiment under a guard; and it is also added, that express orders have been issued to the Jaghiredar, "to examine into no case in "which a European is Defendant"— With this information before them, the subject does not appear to call for any further notice from the Foujdaree Adalut—

Ordered with reference to para 19 of the proceedings of the Foujdaree Adalut of the 27th May last, that Extract from these proceedings, with a copy of the returns of the Provincial Court of Circuit and Acting Joint Magistrate be transmitted to the Secretary to Government in the Judicial Department, to be laid before the Right Honorable the Governor in Council—

(Sent in No. 864)

Read

25th July 1835.

Read letter dated the 4th instant from the Provincial Court of Circuit in the Northern Division - forwarding copies of communication from the Magistrate and Head Assistant Magistrate of Guntoor accounting for the delay in forwarding the half yearly Criminal Statements -

(Here enter No. 1243)

Fo. 16.

At a Court of the Foujdary Udalut -

Present,

Monday 27th July 1835 -

Charles May Lushington Esqre 1st Puisne Judge

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

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

Read a jun petition presented on the 27th May last by Pragadala Soobbiannah of the Zillah of Cuddapah -

(Here enter Pris. Pet. No. 39 of 1835)

In their former orders of the 3d June last, delivered in Court on the 7th Instant, the Petitioner was informed, that further information respecting No. 15 of the Cuddapah Calendar 2nd Sessions of 1834 had been called for -

The Court see no ground whatever for questioning the propriety of the sentence of the Court of Circuit, and they accordingly now reject this petition, praying for the release of the Prisoner P. Raumoodoo on that account -

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

Read

F. U.
27th July 1835

Read Miscellaneous Petition presented
the 7th instant by Ramasawmy Iyen, Mookteyar
Vakeel on behalf of Annangy, Sankuppa, Sattu
Iyer, Soobarayer, and Sacha Iyengar, prisoners
case No 1 on the Supplemental Calendar of the Zillah
of Combaconum for the first Sessions of 1835.-

(Here enter Mis. Pet. No 43 of 1835)

1 The Petitioners represent that on or
with a custom which has long prevailed, they and
others were in the month of January 1835 engaged
raising a dam across the River Kaghistal Sodan
which irrigates the lands attached to the village of
Valungiamanum, when some persons who superintend
Mearsby estates of Tumbyasawmy Moodely the Sud
dar of the Zillah Court of Combaconum accompanied
by about four or five hundred men attacked them,
illegally destroyed the dam, that to avoid the evil
greater which he apprehended might result to himself
this outrage, Tumbyasawmy Moodely caused the Petit
and three, seventeen in number to be apprehended, that
were subsequently committed to take their trial before
the Court of Circuit; when the Presiding Judge acting

under

F. U
27th July 1835

under the influence of the Court servants and other interested
parties, sentenced them all to imprisonment with hard
Labour for three years, excepting only two old men, who
in consideration of their advanced age, were sentenced
to confinement in the Zillah Jail for one year.-

2 The Petitioners pray that orders may
be issued for their release.-

3 They are informed, that from the sentence
of a Court of Circuit there is no appeal; and further that
the Temporary Vakeel, having referred to the Calendar,
see no grounds for interference in the case.-

Ordered, that the prayer of this Petition
be rejected, and that Extract from these proceedings
be furnished to the Petitioners on their application.-

Read Miscellaneous Petition presented
on the 7th instant by Venkatachella Selvappa of the Zillah
of Combaconum.-

(Here enter Mis. Pet. No 44 of 1835.)

The Petitioner represents, that while he
1
and others were employed in raising a dam across the
River Kaghistal Sodanaroo for the purpose of making
the water available for the cultivation of the lands
attached to the village of Narungamangalum, they

were

were attacked and the Lion was destroyed by a large
of persons headed by the Superintendents of the Pourfo
Estates of Tumbypauny Mandy the Arrakkadar of
Zillah Court of Combaconum, who, to screen himself f
the consequences of this outrage, caused the offen
of seventeen persons who were tried, and through
influence of the Arrakkadar committed before the Court
Circuit, when they were all sentenced to imprison
and hard labour for three years, excepting only
petitioners father and slave, who being very aged
sentenced to imprisonment in the Zillah Gaol for
period of one year.-

2 The petitioner prays that orders
be issued for their release.-

3 He is informed that from the Sentence
of a Court of Circuit, there is no appeal, and further,
the Foujdary Adalut, having referred to the Calendar
see no grounds for interfering in the case.-

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

Read Miscellaneous Petition presented

on the 7th instant by Nursummah, Atchy and Pandoo
Chetty Dafs of the Zillah of Cuddapah.-

(Here enter Mis. Pet. No 46 of 1835)

1 The petitioners represent that they are
respectively the mother, wife and brother of Pondum
Chirravadoo, Narrainsawmy and Yarmah Lutchayandoo
the 1st, 2nd and 8th prisoners in Case No 53 on the
Cuddapah Calendar for the First Sessions of 1834: who
they allege were on a false and malicious charge of
Gang Robbery sentenced by the late Mr Gahagan to
fourteen years imprisonment with hard labour in irons -

They pray that the Record of the
2 case may be called for and examined and orders issued
for the release of the prisoners.-

The Court of Foujdary Adalut having referr
3 to the Calendar, see grounds for questioning the propriety of
the Conviction of the prisoners in the above case, of which
they accordingly direct, that an English Translation be
prepared and submitted for their consideration without
delay.-

Ordered, that Extract from these proceedings
be sent to the Provincial Court of Circuit on the
Centre Division by Precept returnable within twelve
days

F. U.
27th July 1835

days from and after its receipt.

(Sent following Precpt No 916

Ordered further, that Extract from t
proceedings be furnished to the Petitioner upon their ap
tion.-

Read Miscellaneous Petition presented
the 13th Instant by Puttyammah of the Zillah of Cha
=put.-

(Here enter Miss. Pet. No 47 of 1835.)

The Petitioner prays the Court to order
return to Chingleput of her son a Convict who has b
sent to work at Poonamallee.-

The affiliation being altogether irregul
cannot be attended to, and the Petition is accordingly rej

Ordered, that Extract of this proceedi
be furnished to Petitioner upon her application.-

Read Petition presented on the 13th Inst
by Mungattaul of the Zillah of Chingleput.-

(Here enter Misc. Pet. No 48 of 1835.)

The object of the Petition is to obtain a rev
of the proceedings held, and the release of certain of the pris
=ners, in cases Nos 12 & 14 of the Chingleput Calendar for th
2d Sessions of 1835.-

F. U.
27th July 1835.

It is observed on reference to the Calendar
that the case of the prisoners in question in No 12 was refer=
red to the Court of Fugitary Vidalut, who after mature
deliberation having passed the Sentence there on recorded,
cannot accede to the prayer of the Petition.-

Ordered accordingly, that the Petition be
rejected, and that Extract of these proceedings be furnish=
=ed to the Petitioner.-

Read Miscellaneous Petition presented on
the 13th instant by Adungaul of the Zillah of Cuddalore.-

(Here enter Miss. Pet. No 51 of 1835.)

1 The petitioner prays, that orders may be
issued for the release of her son Ramayyan, a prisoner
in Case No 25 on the Cuddalore Calendar for the 2d
Sessions of 1834, who, she alleges, has on a false and
malicious charge of Gang Robbery been tried and con=
=victed by the Court of Circuit.-

2 The Petitioner is informed that the prison=
er in question has after a mature deliberation of all the cir=
=cumstances of the case, been sentenced by the Court
of Fugitary Vidalut to transportation for Life: and
that this sentence will not be disturbed.-

Ordered, that the prayer of this petition
be

be rejected, and that Extract from these proceedings be furnished to the Petitioner on his application.-

Read letter dated 10th instant from Acting 2nd Judge on Circuit Northern Division on subject of the Prisoners confined on requisition of the Police for offences committed during the late forei-

(Here enter No 7201 of 1835)

1

In the foregoing letter the Acting 2nd observes, that upon the principle, often acted on, of mitigation and remission of the sentences passed upon the persons convicted of offences committed during the late forei- the Northern Division, he would propose, that a like indulgence should be granted to prisoners in like cases, obtained upon a requisition of security - And he suggests, that such prisoners should, under certain restrictions, be released upon their own Recognizances

2

The Court concurring generally with the Acting 2nd Judge, that relief should be afforded in these cases, so far as it can be done with safety to the community; and they conclude that on numerous occasions the Acting 2nd Judge will, with the view, apply the provisions of Clause second, Section IX. Regulation XII. 1827

In

3

In those instances where it will not be competent to him of his own authority to order the discharge of the prisoners, the Court of Foujdary Udalut will be prepared to take their cases into consideration on a report being made to them.-

Ordered, that Extract of these proceedings be sent to the Acting 2nd Judge on Circuit in the Northern Division for his information by Precept returnable in one Month.-

(Sent following Precept No 867

Read return dated the 30th by the Officiating Criminal Judge of Bellary to precept of the 22nd Ultimo, conveying the orders and observations of the Court of Foujdary Udalut on the Bellary Criminal Reports for May 1835.-

(Here enter No 1132)

In the above return the Officiating Criminal Judge in answer to para 5 of the proceedings of the Court of Foujdary Udalut of the 22nd Ultimo submits, that no Regulation could be quoted as he only entertained, at all, in defence to superior authority his own conviction continuing, that the cases were out of his jurisdiction for reasons expressed in

be rejected, and that Extract from these proceedings be furnished to the Petitioner on her application.-

Read letter dated 10th Instant from the Acting 2nd Judge on Circuit Northern Division on the subject of the Prisoners confined on requisition of Security for offences committed during the late famine.-

(Here enter No. 1201 of 1835.)

1 In the foregoing letter the Acting 2nd Judge observes, that upon the principle, upon which a mitigation, and remission of the sentences passed upon the prisoners convicted of offences committed during the late famine in the Northern Division, he would propose, that a similar indulgence should be granted to prisoners in like cases, detained upon a requisition of security - And he suggests, that such prisoners should, under certain restrictions, be released upon their own Mochilkas.-

2 The Court concur generally with the Acting 2nd Judge, that relief should be afforded in these cases, so far as it can be done with safety to the community; and they conclude that in numerous instances the Acting 2nd Judge will, with this view, apply the provisions of Clause second, Section IX. Regulation VII 1827.-

In

3 In those instances where it will not be competent to him of his own authority to order the discharge of the prisoners, the Court of Foujdary Udalut will be prepared to take their cases into consideration on a report being made to them.-

Ordered, that Extract of these proceedings be sent to the Acting 2nd Judge on Circuit in the Northern Division for his information by Precept returnable in one Month.-

(Sent following Precept No. 867

Read return dated the 30th by the Officiating Criminal Judge of Bellary to precept of the 22nd ultimo, conveying the orders and observations of the Court of Foujdary Udalut on the Bellary Criminal Reports for May 1835.-

(Here enter No. 1132.)

In the above return the Officiating Criminal Judge in answer to para 5 of the proceedings of the Court of Foujdary Udalut of the 22nd ultimo submits, that no Regulation could be quoted as he only sentenced, at all, on sedition to superior authority - his own conviction continuing, that the cases were out of his jurisdiction for reasons expressed in

in the Sentence Column." With reference to this remark the Court of Foujdary Udalut desire it may be pointed out to the Officiating Criminal Judge, that he should pay greater deference to superior authority than he has in the present instance exhibited, and that he should have quoted the Regulation applicable under the view taken of the case by the Circuit Judge, according to which he did, in point of fact, pass sentence.

Ordered that Extract of these proceedings be sent to the Officiating Criminal Judge of Bellary for his information and future guidance.—

(Sent in No. 868

Read Return dated the 10th instant from the Officiating Second Judge late on Circuit in the Western Division, to Precept of the Foujdary Udalut under date the 30th Ultimo conveying their observations and orders on Case No. IV of the Canara Calendar for the first Sessions of 1835, in which a Girl named Maria was convicted by the Court of Circuit of Wilful and corrupt Perjury and sentenced to Fashion &c.

(Here enter No. 1264)

The Court of Foujdary Udalut have given due consideration to all the circumstances adduced by

by the Officiating Second Judge in this Return, and regret that they can see no grounds for altering their view of the case as communicated to that Officer on the Extract from their Proceedings of the 30th Ultimo.—

Ordered, that Extract of these proceedings be sent to the Officiating Second Judge late on Circuit in the Western Division for his information.—

(Sent in No. 869

Read Returns dated 22nd June and 6th Instant from the Provincial Court of Circuit in the Southern Division, submitting the information required by the Honorable the Court of Directors in paras 63-77- and 350 of their dispatch of the 30th April 1834 called for under the orders of Government of the 25th April by the Court of Foujdary Udalut in their precept of the 29th May last.

(Here enter Nos. 1064 & 1193)

With reference to their proceedings of the 29th May last submitted to Government on the same date, the Court direct, that the foregoing returns with a copy of the correspondence which accompanied them, be transmitted to the Secretary in the Judicial Department

to

in the Sentence Column." With reference to this remark the Court of Foujdary Udalut desire it may be pointed out to the Officiating Criminal Judge, that he should pay greater deference to superior authority than he has in the present instance exhibited, and that he should have quoted the Regulation applicable under the view taken of the case by the Circuit Judge, according to which he did, in point of fact, pass sentence.

Ordered that Extract of these proceedings be sent to the Officiating Criminal Judge of Bellary for his information and future guidance.—

(Sent in No. 968

Read Return dated the 10th instant from the Officiating Second Judge late on Circuit in the Western Division, to Precept of the Foujdary Udalut under date the 30th Ultimo conveying their observations and orders on Case No. IV of the Canara Calendar for the first Sessions of 1835, in which a Girl named Mara was convicted by the Court of Circuit of Wilful and corrupt Perjury and sentenced to Fasheen Imp.

(Here enter No. 1244)

The Court of Foujdary Udalut have given due consideration to all the circumstances adduced

by

by the Officiating Second Judge in this Return, and regret that they can see no grounds for altering their view of the case as communicated to that Officer in the Extract from their Proceedings of the 30th Ultimo.—

Ordered, that Extract of these proceedings be sent to the Officiating Second Judge late on Circuit in the Western Division for his information.—

(Sent in No. 869

Read Returns dated 22nd June and 6th Instant from the Provincial Court of Circuit in the Southern Division, submitting the information required by the Honorable the Court of Directors in paras 63-77 and 350 of their dispatch of the 30th April 1834 called for under the orders of Government of the 25th April by the Court of Foujdary Udalut in their precept of the 29th May last.—

(Here enter No. 1064 & 1193)

With reference to their proceedings of the 29th May last submitted to Government on the same date, the Court direct, that the foregoing returns with a copy of the correspondence which accompanied them be transmitted to the Secretary in the Judicial Department

to

27th July 1835

to be laid before Government - The Right Honorable the Governor in Council will observe, that Mr. Dickinson and Mr. Taylor were the Judges of the Provincial Court of Circuit in the Southern Division, and Mr. Claud Currie, the Garrison Surgeon, at the date of the transaction referred to by the Honorable Court of Directors -

2 Ordered also with reference to para 35 of the extract from the Minutes of Consultation of the 25th April last on the 63d para of the Honorable Court's despatch, that translation of a report from the Cazee ool Coozat of the Court of Foujdary Adalut upon the present circumstances of the Petitioner, the widow Mujeda Beebee, be forwarded to Government - It would appear from this report, that her sons are not in a condition to support the widow; and the Court of Sudr Adalut would therefore recommend a continuance of her pension -

Ordered, that extract of these proceedings be transmitted to the Secretary to Government in the Judicial Department, to be laid before the Right Honorable the Governor in Council -

(Sent following letter No. 870) -

At a Court of the Foujdaree Adalut.

Present,

Tuesday, 28th July 1835 - Charles May Lushington Esqre 1st Puisne Judge.
John Bird Esqre 2d Puisne Judge.
William Budleston Esqre 3d Puisne Judge.

Read letter dated the 13th Instant from the First Judge late on Circuit in the Southern Division, submitting copies of the Primary and Supplemental Calendars of the Zillah of Coimbatore, for the first Sessions of 1835 -

(Here enter No. 1245 of 1835.)

Case No. V 1 The prisoners in this case stood charged with "Highway Robbery and wounding", and from the Remarks in the Calendar it appears, that the "Futwa of the Law Officer convicted" them "of the crime laid to their "charge" -

2 "The first Judge did not "hesitate to concur in the verdict, and "accordingly sentenced the 1st and 2d "prisoners to 7 years' imprisonment with hard labour in irons & the 3d to 2 years' imprisonment with labour -

2,

"labour applicable to her sex — considering the
"crime to be mere assault and wounding
"committed on the highway instead of highway
"robbery" — It is added that "there is nothing
"to show that the prisoners committed assault
"upon the prosecutor for the purpose of robbing
"him of his property"

3

It is thus evident, that the
Presiding Judge did not concur with the
Law officer, and not concurring he was not
competent to pass sentence —

4

Under this view the case
becomes referrible, and the First Judge will
in due course submit an English and Persian
Translation of it, for the consideration and
final Judgment of the Sooidaree Udalut —

Case No. VIII 5

The cause of the non-attendance
of the prisoners' witnesses should have been
stated in the Calendar —

Case No. IX 6

The Court of Sooidaree Udalut
having maturely considered all the circumstances
of this case, as they appear in abstract in the
Calendar, resolve, under the authority vested

in

in them by Clause Third, Section III Regulation
I of 1825 to sanction the mitigated punishment
recommended by the Presiding Judge, and
accordingly direct that the prisoners —

1st "Nunjoo,"
and
2d "Chittoo,"

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. XII 7

The Court of Sooidaree Udalut
would have felt it their duty to call for
an English Translation of this case, they
deem it proper however to observe that
unless the first Judge, differed in opinion
from the Law Officer, there is no provision
of the Regulations which could authorize its
reference —

Cases No. 14. 15. 16. 17. 8

The Court of Sooidaree Udalut
are satisfied from the abstract of evidence in
the Calendar, that the prisoners could not
have been convicted: and they consequently
approve of the proceedings of the Presiding Judge

It

It appears to them, however, that the acting Joint Criminal Judge did not exert himself sufficiently to ascertain the truth.—

Suppl. Calendar Case No. 2. 9 In the Calendar appears the following remark by the Presiding Judge:— "the prisonier was not put upon trial in this case, having already been tried and acquitted by the Law Officer in No. 12 of the Calendar, which case will be referred to the Court of Foujdaree Udalut"—

10 The Court of Foujdaree Udalut observe that in case No. 12, the prisoner was charged with having given two contradictory depositions &c. while in this case he is charged with giving a false deposition upon oath on a point material to the issue of a Judicial proceeding.—

11 Under these circumstances the mode adopted by the Presiding Judge of disposing of this case was unauthorized.— Further orders will however be passed upon the subject when the case No. 12 shall be submitted to the Foujdaree Udalut.—

Case No. 4 12 The Presiding Judge will explain in

in what respect the remarks on Case No. 2 are applicable to this case.—

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

(Sent following Precept No. 871)

Read letter dated the 13th Instant from the Third Judge of the Provincial Court of Circuit in the Western Division submitting copies of the Primary and Supplemental Calendars of the Auxiliary Court at Tellicherry for the second Quarter Sessions of 1835.—

(Here enter No. 1266 of 1835.)

The Court of Foujdaree Udalut

Second Appeal Calendar Case No. II observe, that the proceedings of the Presiding Judge in this case, was irregular. The offence of which the prisoner were convicted fell within the provisions of Clause seventh, Section II, Regulation XV of 1803, and no second question should have been put to the Law Officer.—

Moreover

28th July 1835

Moreover, as no fatwa of Mudd was ultimately given, "Section XXI, Regulation XII of 1802," quoted by the Presiding Judge was inapplicable.—

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

(Sent in No. 872)

P. 86.

At a Court of the Soujdaree Udalut—

Present,

Thursday 30th July 1835. Charles Mary Lushington Esqre. 1st Puisne Judge

Cal

John Bird Esqre. 2d Puisne Judge

William Budleston Esqre. 3d Puisne Judge

Read Extract from the Minutes of Consultation under date 21st Instant, containing the observations of Government on the conduct of Mr. J. A. Oakes, 1st Judge of the Provincial Court of Circuit in the Centre Division reported in by the Soujdaree Udalut in their proceedings of the 30th May last—

(Here enter No. 1279 of 1835.)

Ordered, that a copy of the foregoing Extract from the Minutes of Consultation, with a copy of the proceedings of the Soujdaree Udalut, be transmitted to the 1st Judge of the Provincial Court of Circuit

Fr. 11
Fdr
30th July 1835

28th

Read returns and Supplemental Return dated the 2d and 24th instant from the Provincial Court of Circuit in the Northern Division to Precept of the 30th April last, transmitting the observations and orders of the Court of Foujdaree Udalut on the ½ yearly Criminal Statements for the first half year of 1834.-

(Here enter Nos 1211 and 1293)

1 With the Supplemental Return of the 24th Instant, the Provincial Court of Circuit forward copy of the Return of the Magistrate of Rajahmundry, who, after stating that the "Returns of cases tried by the Village Police have been found correct", adds- "It appears that it is not usual in this District for the Village Police to forward to the District Police, reports of cases dismissed by them, a practice which seems consistent with the 2d Clause 10th Section, of XI Regulation of 1816- The case of dismissal entered in the ½ Statements, would appear to form an exception to the general rule."

Write

Fr. 11
Fdr
30th July 1835

2 With this information before them the Court of Foujdaree Udalut perceive in some degree, the difficulty of carrying into execution the instructions of the Government and of the Honorable Court of Directors, that the several ½ yearly Criminal statements should be framed upon the same principles. The Circular Order of the 30th April 1832. specifically directs, that the number of persons dismissed without punishment, as well as the number of persons punished, by the Village Police be entered in the statements under the proper heads"

3rd It is in vain for the Court of Foujdaree Udalut to issue injunctions, if the result here exhibited is to follow; and they accordingly deem it proper to call upon the Provincial Court of Circuit to state, whether or not the Circular Order above alluded to was furnished to the Magistrate of Rajahmundry, and to obtain from that Officer a report, whether or not the records in his office show, that the order was received

on

F. U
F. U.
31th F. U.
30th July 1835

or any measures taken to fulfil the object of it.—

Ordered, that Extract of these proceedings be sent to the Provincial Court of Circuit in the Northern Division by Precept returnable in 15 days, after receipt.—

Ext. Wd. Ext. W. W. (Sent following Precept No. 113)—

F. U.

At a Court of the Foujdaree Adalut—

Present,

Friday 31st July 1835. Charles Ivay Lushington Esqre. 1st Puisne Judge
John Bird Esqre. —— 2d Puisne Judge
William Hudleston Esqre. —— 3d Puisne Judge

Read letter dated the 13th instant, from the 1st Judge on Circuit in the Western Division, forwarding with observations, copy of a letter from the Criminal Judge of Malabar to the Provincial Court of Circuit, and of their reply to it, relative to the alterations at present under execution in the Jail at Calicut—

(Here enter No. 1262.)

In submitting to Government the suggestions of the 1st Judge regarding the new Jail works at Calicut, contained in para 24 of his Circuit Report for the 1st Sessions of 1834, the Court of Foujdaree Adalut stated, that they could not then "offer any decided opinion" upon them, and recommended that any changes "in the present plans" should be made upon the judgment of the Collective Court of Circuit—

On

P.P.
35th July 1835

30th

2 On this recommendation however it was observed in the Minutes of Consultation of the 10th April last, that "Government having ordered that the repairs and alterations to the Jail at Calicut should be made under the direction and superintendence of the Criminal Judge, it is presumed, that the work is accordingly being executed; the Judges will therefore be pleased to communicate the suggestions contained in this para, and in para "24 of the 1st Judge's report to that Officer (if this has not already been done) for his consideration and report."

5th

+ para 8 of P. Pro. proceedings

3 After this expression of the sentiments of Government, the Criminal Judge ought to have waited for sanction previous to proceeding with the alterations in question - but his Report to the Provincial Court of Circuit of the 29th May last appears to the Court of Faujdaree Udalut to be full and sufficient, and unless the alteration suggested by the Provincial Court of Circuit can be done without any extra expence and loss of time,

they

P.P.
35th July 1835

they consider it would be better to allow the works to be carried on -

4 In reference to the 4th para of the letter now under consideration, the Court remark, that it is on the East and West sides that the space is inconveniently narrow not exceeding 23 and 13½ feet respectively - whereas the distance between the cells and the walls, is both to the North & South 35 feet.

5 The Court of Foujdaree Udalut do not concur in the opinion of the 1st Judge conveyed in paras "5 & 6 of his letter - It appears to them that no valid objection exists to the proposition of the Criminal Judge to erect a wall "of a sufficient breadth to admit of a free passage on the top for the sentry with a parapet on each side," and it would certainly give additional security to the Jail -

6. Adverting to the suggestion of the 1st Judge in para 11, "that a pent roof be thrown over the outer Jail walls" it occurs to the Judges, that some expence would attend

the

the execution of it, and that a wall of 12. feet high would suffice.—

Ordered that Extract of these proceedings be sent to the 1st. Judge on Circuit in the Western Division for his information & guidance, and that he be required to furnish the Criminal Judge with Copy of them ordered.—

(Sent in No. 393)

Read Return dated the 6th instant from the Provincial Court of Circuit in the Western Division to Precept of the Foujdaree Udalut dated the 29th Ultimo on the Sixty Criminal Reports for May last.—

(Here enter No. 1215.)

Read letter dated the 8th instant from the Magistrate of Tinnevelly submitting explanation required by the Foujdaree Udalut in their proceedings of the 22d Ultimo on Certain cases of the Criminal Reports for May—

(Here enter No. 1219.)

Read letter dated the 9th instant from the Officiating 2d Judge late on Circuit in the Western Division, forwarding Statements of Monies paid

paid to Prosecutors and Witnesses during the 1st Sessions of 1835.—

(Here enter No. 1226)

Read letter dated the 8th instant from the Magistrate of Coimbatore submitting explanation required by the Foujdaree Udalut on certain cases of the Criminal Reports for May—

(Here enter No. 1228.)

Read letter dated the 10th instant, from the Magistrate of Salem reporting that he has forwarded the Peon Govindoo to the Criminal Court for trial as an accessary to the escape of the prisoner Candegan—

(Here enter No. 1229.)

Read letter dated the 9th instant from the Acting Joint Criminal Judge of Canara forwarding a Statement, shewing the total Number of Prisoners in the Jail at Cananore, specifying the Manner in which the convicts were employed during the Month of June 1835.—

(Here enter No. 1230.)

Read

31st July 1835

30

Read letter dated the 8th instant from the Acting Joint Criminal Judge of Canara forwarding a Report of the Casualties, and of the prisoners released in the Jail at Cananore in the Month of June 1835.

(Here enter No. 1234.)

Read letter dated the 13th instant from the 3d Judge on Circuit in the Centre Division - Reporting the arrival of the Court of Circuit at Cuddapah, the commencement of the Sessions and the state of the Calendar

(Here enter No. 1235.)

Read letter dated the 10th instant from the Provincial Court of Circuit in the Southern Division - submitting papers on the subject of the Criminal Reports of the division for February -

(Here enter No. 1236.)

Read letter dated the 14th instant from the acting Criminal Judge in the Zillah of Madura - forwarding a return of the work performed by the Prisoners in the Jail for the Month of June 1835.

(Here enter No. 1249.)

Read

31st July 1835

Read letter dated the 14th instant from the Criminal Judge of Madura, forwarding a Statement of the Jail disbursement for the 2d Quarter of 1835.

(Here enter No. 1250.)

Read letter dated the 15th instant from the 1st Judge of the Provincial Court of Circuit in the Centre Division - forwarding the additional information required in regard to the execution of the prisoner in Case No. 2. on the Chittoor third Supplemental Calendar, 2d Quarterly Sessions of 1835.

(Here enter No. 1252.)

Read letter dated the 16th instant from the 1st Judge of the Provincial Court of Circuit in the Centre Division - With copy of the Chittoor Calendar for the 3d Quarter Sessions of 1835.

(Here enter No. 1253.)

Read letter dated the 9th instant from the Provincial Court of Circuit in the Northern Division - forwarding copy of a Return from the Magistrate of Rajahmundry

Extains

relative to cases 20. 21. and 22 of 1834; on the file of the Criminal Court of Pondicherry.

(Here enter No. 1260.)

Read letter dated the 13th instant from the Native Criminal Judge of Vizagapatam forwarding an explanation from the Head of Police of the Vapada District of the cause of the delay on his part, in forwarding to the Court the Prisoners in Case No. 26 Criminal Report No. 5 for the Month of May 1835.

(Here enter No. 1277.)

Read letter dated the 15th instant from the Provincial Court of Circuit in the Western Division, forwarding translations of the Native Criminal Judge's Reports for June 1835.

(Here enter No. 1280.)

Read Return dated the 18th instant from the Acting Joint Criminal Judge of Guntoor, to Receipt of Foujdaree Adalut dated the 15th instant, pointing out an error in the Regulation quoted by the Judge Ameen in his sentence in Case No. 58 of 1835,

and

and desiring to know whether the prisoners in Case No. 69 were public servants.

(Here enter No. 1283.)

Read Return dated the 22d instant from the Criminal Judge of Chingleput, to Receipt of Foujdaree Adalut dated the 18th instant on the Criminal Reports for June.

(Here enter No. 1284.)

Read Return dated the 25th instant from the Acting Joint Criminal Judge of Cuddalore to Receipt of Foujdaree Adalut dated the 18th instant, on the Criminal Reports for June.

(Here enter No. 1285.)

Read Return dated the 17th instant from the Acting Joint Criminal Judge of Coimbatore to Receipt of Foujdaree Adalut dated the 13th instant, respecting the offer of a conditional pardon to the prisoners Sambanaury, Maurun and Baulun.

(Here enter No. 1286.)

Read

Read letter dated the 13th inst.
from the Provincial Court in the Northern
Division - forwarding copy of a letter from the
Magistrate of Vizagapatam, reporting that in
his District the crime of Phansegary, or
Thuggism is unknown -

(Here enter No. 1228)

Read Return dated the 11th
instant from the Provincial Court of Circuit
in the Northern Division to Precept of Foujdaree
Udalut dated the 4th instant, relative to
Case No. 12 of the Report No. V of the Criminal
Judge of Chicacole for the Month of February 183

(Here enter No. 1291.)

Read letter dated the 25th inst.
from the Second Judge on Circuit in the
Northern Division, reporting the opening of
the Sessions at Guntoor and the state of
the Calendar -

(Here enter No. 1304.)

Read letter, dated the 30th Ultimo
from the Acting Criminal Judge in the Zillah of
Rajahmundry, reporting that there are no works of the

the nature referred to in the order of the 18th May
1835 -

(Here enter No. 1154.)

Read letter dated the 15th instant
from the Magistrate of Madura - submitting explana-
tion from the Joint Magistrate required by the
Foujdaree Udalut relative to certain cases connected
with the Criminal Reports for May -

(Here enter No. 1265.)

Read Return dated the 20th instant
from the Provincial Court of Circuit in the Western
Division to Precept of Foujdaree Udalut dated the
11th July 1835. on the Sixty Criminal Reports for
April last -

(Here enter No. 1305.)

Read Return dated the 23rd instant
from the Provincial Court of Circuit in the
Northern Division to Precept of Foujdaree Udalut
dated the 4th July 1835, directing them to require
the Magistrate of Vizagapatam to report what he
has done in respect to the improper conduct of the
Head of Police as detailed by the Witnesses in
Case No. 17. of Supplemental Report of Native

Criminal

Criminal Judge of Vizagapatam for April 1835.
(Here enter No. 1313.)

Read Return dated the 23d instant from the Provincial Court of Circuit in the Northern Division to Precept of Foujdaree Udalut dated the 14th July 1835, directing them to call upon the Magistrate of Rajahmundry to communicate the result of the proceedings which may have been held in pursuance of the orders of the Foujdaree Udalut of 14th April 1835 and 12th November 1834.
(Here enter No. 1314.)

Read letter dated the 20th ultimo from the Provincial Court of Circuit in the Northern Division forwarding Statement of Work performed by the Convicts under the Magistrate of Guntoor for the Month of June 1835.
(Here enter No. 1321.)

Read Return dated the 28th instant from the Acting Criminal Judge of Rajahmundry to Precept of Foujdaree Udalut dated the 13th July 1835 transmitting their remarks and observations on the Criminal Reports for June last.
(Here enter No. 1324.)

Read

No. 16.
31st July 1835

Read Return dated the 27th instant from the 1st Judge late on Circuit in the Southern Division to Precept of Foujdaree Udalut dated 17th July 1835, directing him to point out to the Criminal Judge of Salem his irregularity in not examining upon oath the witness Chinnasingaren in Case No. 13 on the Salem Calendar for the 1st Sessions of 1835.
(Here enter No. 1325.)

Read Return dated the 27th instant from the Provincial Court of Circuit in the Centre Division to Precept of Foujdaree Udalut dated the 20th July 1835, directing the immediate release of the prisoners in Case No. 35 Cuddapah Calendar and of those in Cases Nos. 6. 9 and 19 on the Cumbum Calendar for the 2d Sessions of 1833 with the exception of the 3d prisoner in Case No. 6. who is to be detained in confinement for two years longer.
(Here enter No. 1326.)

At a Court of the Foujdaree Udalut—

Present,

Saturday
1st August 1835. Charles May Washington Esqre 1st Puisne Judge

John Bird Esqre — 2d Puisne Judge

William Hudleston Esqre — 3d Puisne Judge

Circular Orders

No. 48—

The Court of Foujdaree Udalut having cause to believe, from proceedings recently laid before them by the 2d Judge of the Provincial Court of Circuit in the Centre Division, that the defence of prisoners, who may be brought before the Criminal Courts, the Magistrates, and the Officers subordinate to them, is not always taken with due care, and consideration, resolve to issue the following instructions for general observance—

1

2 The Court direct, that a prisoner's defence be not recorded, till after the evidence for the prosecution has been gone through; when the presiding Officer will be careful to ascertain, all that a prisoner may have to

to offer in his justification, or in extenuation of the charge—

3. The Criminal Courts will especially enjoin strict attention to this rule upon the Sudr Ameens, in cases referred for their determination: And the several authorities will instruct their subordinate Officers, that under the Circular Orders of the Sunderee Adalut of the 25th May 1829 to which their attention has been lately called [Circular Order No. 43] it is their duty, even in where a confession is made, to call for and take evidence on behalf of the prisoner, whenever it may appear from his statement that the Witnesses named by him, can depose to circumstances which might in part exculpate him, or lessen the criminality of the offence—

47 Ord (Sent following Circular No. 394)

Read Return dated the 27th Ultimo from the Provincial Court of Circuit in the Centre Division to Precept of Sunderee Adalut dated the 20th July 1835 directing the immediate release of the prisoners in

Case No. 35 Cuddapah Calendar and of those in cases No. 6. 8. and 12 on the Cumbum Calendar for the 2d Sessions of 1833. with the exception of the 3 prisoners in Case No. 6 who is to be detained in confinement for two years longer—

(Here enter No. 1326.)

F. Uc.
31st July 1835

F. Uc.
31st July 1835

Criminal Judge of Vizagapatam for April 1835.

(Here enter No. 1313.)

Read Return dated the 23d instant from the Provincial Court of Circuit in the Northern Division to Precept of Foujdaree Udalut dated the 14th July 1835, directing them to call upon the Magistrate of Rajahmundry to communicate the result of the proceedings which may have been held in pursuance of the orders of the Foujdaree Udalut of 14th April 1835 and 12th November 1834.

(Here enter No. 1314.)

Read letter dated the 20th Ultimo from the Provincial Court of Circuit in the Northern Division forwarding Statement of Work performed by the Convicts under the Magistrate of Guntoor for the Month of June 1835.

(Here enter No. 1321.)

Read Return dated the 24th instant from the Acting Criminal Judge of Rajahmundry to Precept of Foujdaree Udalut dated the 18th July 1835 transmitting their remarks and observations on the Criminal Reports for June last.

(Here enter No. 1324.)

Read

F. Uc.
31st July 1835

Read Return dated the 27th instant from the 1st Judge late on Circuit in the Southern Division to Precept of Foujdaree Udalut dated 17th July 1835, directing him to point out to the Criminal Judge of Salem his irregularity in not examining upon oath Chinnasingaren the pentuck in Case No. 13 on the Salem Calendar for the 1st Sessions of 1835.

(Here enter No. 1325.)

Read Return dated the 27th instant from the Provincial Court of Circuit in the Centre Division to Precept of Foujdaree Udalut dated the 20th July 1835, directing the immediate release of the Prisoners in Cases No. 35 Cuddapah Calendar and of those in Cases No. 6. 8 and 12 on the Cumbum Calendar for the 2d Sessions of 1833 with the exception of the 3d Prisoner in Case No. 6. who is to be detained in confinement for two years longer.

(Here enter No. 1326.)

31st July, 1835

F. 46.

At a Court of the Tooydaree Udalut—

Present,

Saturday
1st August 1835. Charles May Lushington Esqre 1st Puisne Judge

John Bird Esqre — 2d Puisne Judge

William Hudleston Esqre — 3d Puisne Judge

Circular Order

No. 48—

The Court of Tooydaree Udalut

having cause to believe, from proceedings
recently laid before them by the 2d Judge of
the Provincial Court of Circuit in the Centre
Division, that the defence of prisoners, who
may be brought before the Criminal Courts,
the Magistrates, and the Officers subordinate
to them, is not always taken with due
care, and consideration, resolve to issue the
following instructions for general observance—

2 The Court direct, that a prisoner's
defence be not recorded, till after the evidence
for the prosecution has been gone through;
when the presiding Officer will be careful
to ascertain, all that a prisoner may have

to

to offer in his justification, or in extenuation of the charge—

3. The Criminal Courts will especially enjoin strict attention to this rule upon the Sudr Ameens, in cases referred for their determination; And the several authorities will instruct their subordinate Officers, that under the Circular Orders of the Sunderee Adalut of the 25th May 1829 to which their attention has been lately called [Circular Order No. 43] it is their duty, even where a confession is made, to call for and take evidence on behalf of the prisoner, whenever it may appear from his statement that the Witnesses named by him, can depose to circumstances which might in part exculpate him, or lessen the criminality of the offence—

Ford (Sent following Circular No. 894)—

Read Return dated the 27th Ultimo from the Provincial Court of Circuit in the Centre Division to Precept of Sunderee Adalut dated the 20th July 1835 directing the immediate release of the prisoners in

Case

Case No. 35 Cuddapah Calendar and of those in cases No. 6. 8. and 12 on the Cumbum Calendar for the 2d Sessions of 1833. with the exception of the 3 prisoners in Case No. 6 who is to be detained in confinement for two years longer—

(Here enter No. 1326.)

J. M.

At a Court of the Foujdaree Udalut

Present,

Monday 3rd August 1835

Charles May Lushington Esqre 1st Puisne Judge

John Bird Esqre ——— 2nd Puisne Judge.

William Mudleston Esqre 3d Puisne Judge.

Read Miscellaneous Petition presented on the 20th July 1835 by D. Rummoah and M. Jogy late Peons on the establishment of the Zillah Court of Chittagong

(Here enter Andr. this Pet. No 100 of 1835)

The Petitioners pray the Court to reconsider their order of the 7th Ultimo declining to direct their reinstatement in their late situations.

2. They are informed that the Court see no grounds for acceding to their request.

Ordered, that the prayer of the petition be rejected, and that Extract from these proceedings be furnished to the Petitioners on their application.

Read Petition presented on the 7th May last by Chaganty Gourmuze.

(Here enter this Pet. No 37 of 1835)

The

Perjury by the Acting 2d Judge of the Provincial Court of Circuit for the Northern Division, and prays, that orders may be passed for his detention in Jail until the termination of the trial of the present case by the Court of Circuit.

It appears to the Court of Zillah Adalut that the above unnecessary Petition does not contain any application which they can entertain under the Regulations, and they direct accordingly that it be rejected.

They further direct, that the Vakeel who presented it be warned of the consequences of again introducing a Petition of the improper description upon the attention of the Court.

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

Read Miscellaneous Petition presented on the 20th Ultimo, by Mootlum inal.

(Vide enter Mis. Pet. No 53 of 1835.)

The Petitioner represents, that her husband Coolly-Andee was forwarded to the Criminal Judge of Chingleput on a charge of perjuring

perjuring a false claim before the Additional Government Commissioner, and committed to take his trial before the Court of Circuit: that he has been acquitted by that Tribunal, but is detained in Custody pending a reference to the Foujdaree Adalut.

She prays that orders may be speedily issued for his release.

The Petitioner is informed, that the case has not yet come before the Foujdaree Adalut, and that such orders as the circumstances may appear to require, will be passed in due course.

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

Read Miscellaneous Petition presented on the 20th Ultimo by Mahommed Mustafa Rowter of the Zillah of Combaconum.

(Vide enter Mis. Pet. No 51 of 1838.)

The Petitioner represents, that his enemies apprehended his Son Cawder Saib, on the charge of being concerned in a Robbery committed in the house of one Narainen at Negapatam; and forwarded him to the Criminal Court

at

at Conjeveram; and that he is in consequence undergoing imprisonment.

He states, that his son was at the time of the commission of the alleged offence confined to his house by sickness, and prays that orders may be issued for his release.

The Petitioner is informed, that if the decision of which he complains be by the Criminal Judge, he should petition the Provincial Court of Circuit.

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

Read Miscellaneous Petition presented on the 20th Ultimo by Bella Padmanhy of the zillah of Cuddalore.

(Here enter this Pet. No 55 of 1835.)

The Petitioner represents, that his brother Sadeen Govindoss, has been furnished by the Court of Circuit on account of a Gang Robbery committed in the houses of one Ramdass Pillay, while Chairman of his brother, who were the chief instigators of and ring-leaders in the affair, have by the means of their wealth and influence, continued to obtain their

acquittal and discharge.

He prays that orders may be issued for the release of his brother.

He is informed that his request is irregular and inadmissible.

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 7th Ultimo by Venkatanarainaroy of Cuddalore.

(Here enter this Pet No 56.)

The Petitioner represents the circumstances under which he alleges, that a sentence of fourteen year's imprisonment has been unjustly passed by the Circuit Court upon his uncle Comaraspanoody, and he prays the Court of Enquiry Established to call for the trial, and order the release of the said Comaraspanoody.

The Petition being irregular and inadmissible is rejected.

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

his application -

Read letter dated the 15th Ulto from the Provincial Court of Circuit in the Southern Division to precept of the 30th June calling for further information, respecting the case No 128 of the Trincomalee Criminal Reports for 1834 -

(Here enter No 1268)

1. It appears from the above letter that the Salt for the illicit weighing of which certain of the Prisoners in the Case No 128 of the Reports have been fined was "seized by the Revenue not for immediate Sale, but to be stored and "reweighed before Selling" and that although no part of it was abstracted, there can be no doubt that their intention was to abstract it when the Sale took place -

2. In order to bring the case of the prisoners in question within the Scope of the provisions of Section XVIII Regulation I of 1825 the words at the commencement of that Section "engaging in any clandestine or fraudulent transaction" must in the judgment of the Court of Judicature Adalut, be taken to apply not only to "Concealments or Frauds" but to the Second Specific

3rd August 1835 - Specific acts afterwards mentioned in the Section -

3. The Court however are not prepared to adopt this construction, as consistent with the plain grammatical Sense of the provision in question, it appears to them (to use the words of the Letter of the Fiscal dated 25th January 1821) that the accused must be convicted of some one of the "illicit acts therein Specified", in order to his legal punishment in virtue of that enactment -

4. And further, the principle that penal enactments must be construed Strictly appears to the Court to oppose the construction Suggested

5. The Court conceive that the final description of offence intended in the Section in question, is the "engaging in any clandestine or fraudulent transaction with respect to Concealments or Frauds" the Second "Smuggling or receiving & the Smuggling of Salt" then the making, purchasing, obtaining, Selling or weighing Salt, in an illicit manner" and as it does not appear that any of the acts therein described was committed the Court of

Judicature

Foujdaree Udalut are of opinion, that the Sent
must be remitted.

6.

The Provincial Court of Circ
will accordingly direct the Joint Criminal Judg
of Jaimeah to return to the 1st 2d 4th and 5
prisoners the fines stated to have been paid
them, and also to the 6th prisoner if he shall
have paid the fine previous to the receipt of
this order - or to release him if still in confi
ement in default

Ordered that Extract of the
proceedings be sent to the Provincial Court of
Circuit in the Southern Division for their inf
& guidance by Precept returnable
three days after receipt.

(Sent following Precepts No. 397)

At a Court of the Foujdaree Udalut -

Present,

Tuesday 4th August 1835. Charles May Lushington Esqre - 1st Puisne Judge,

John Bird Esqre - 2d Puisne Judge,

William Rudleston Esqre - 3d Puisne Judge.

Read letter, dated the 20th Ultimo,

from the 1st Judge late on Circuit in the Southern Division - transmitting the record in Case No. 3. on the Salem Calendar for the - 1st Sessions of 1835, Called for on the 25th June last -

(Here enter No. 1297)

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 -

"Varooperi"

is sufficient to convict him of Housebreaking and Theft, 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

and under the provisions of Clause Second of the latter Section and Regulation requires their Law Officers to declare by a second Futwa to what sentence the prisoner would have been liable under the Mohammedan Law, if he had been convicted by full legal evidence of that crime.—

Answer—

If the crime of theft had been established against the prisoner aforementioned by the evidence of credible witnesses, he would be liable to amputation of the right hand from the wrist—

In commutation of the penalty of Hudd declared in the foregoing Futwa, and in conformity with the provisions of Clause First Section V, Regulation VIII of 1831 and Section XLI, Regulation VII of 1802 and Clause Second, Section VI, Regulation I of 1825 the Court of Foujdaree Adalut sentence the prisoner—

"Carooperen"

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

works for and during the period of five (5) years—

× × ×

The Court of Foujdaree Adalut observe, that the 1st Judge has not conformed to the instructions contained in their Circular Order No. 41 dated the 20th April 1835—

Ordered that Extract of these proceedings be sent to the 1st Judge late on Circuit in the Southern Division for his information—

(Sent following letter No. 900)

Read letter dated the 1st Ultimo from the 1st Judge late on Circuit in the Northern Division transmitting the records in Case No. 83 on the Nellore Calendar for the 2d Sessions of 1834—

(Here enter No. 1283)

Mr. Bird
&
Mr. Sudlestone

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 Cazeerah Cozat and Mooftees of the Foujdaree Adalut, confirm the said Futwa of the Cazeerah Cozat and Mooftees aforesaid acquitting

the

4th August 1835

F. Ms.

At a Court of the Foujdaree Adalut

Present,

Thursday 6th August 1835. Charles May Lushington Esqre 1st Puisne Judge,

John Bird Esqre 2d Puisne Judge,

William Hudleston Esqre 3d Puisne Judge.

Read letter dated the 10th June 1835.

from the 1st Judge late on Circuit in the Northern Division, transmitting the records in Case No. 10. on the Nellore Calendar for the 2d Sessions of 1834—

(Here enter No. 1160.)

The Court of Foujdaree Adalut,

Mr Lushington & 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 Mooftees of the Foujdaree Adalut, confirm the said Futwa of the Cazee-ool-Cozat and Mooftees aforesaid — acquitting the prisoners—

1st Pokalah Beddiah

2d Dassary Dorniah

and

3d Cunan Venkatasaamergaroo—

and

the prisoners—

1st Atla Yarrahalaseddy

2d Changum Pauperaddy

3d — 8c — Yerraseddy

4th — 8c — Pauparaddy

and accordingly direct that they be set at Liberty.—

(Sent following letter No. 901)

Read letter dated 28th Ultimo from the Chief Secretary to Government, communicating the concurrence of the Right Honorable the Governor in Council, in the opinion recorded by the Court of Foujdaree Adalut in their proceedings of the 22d May last, on the conduct of the late Magistrate of Rajahmundry—

(Here enter No. 1320.)

Ordered, that a copy of the letter from Government be sent to the Provincial Court of Circuit in the Northern Division for communication to the late Magistrate of Rajahmundry (Mr Crawley)

(Sent in No. 902)

and accordingly direct that they be set at liberty—

(Sent following letter No. 117)

Read Return dated the 25th Ultimo from the First Judge late on Circuit in the Southern Division, to Receipt of the Court of Foujdaree Udalut under date the 25th June 1835 conveying their observations and orders on the Saleau Calendar for the First Sessions of the present year—

(Here enter No. 1306)

Case No. 14.

Upon a mature consideration of all the circumstances of this case as they appear in abstract on the Calendar and of the documents submitted with the foregoing Return the Court of Foujdaree Udalut resolve under the authority vested in them by Clause third Section III. Regulation I of 1825. to sanction the mitigated punishment proposed by the First Judge, and accordingly direct that the prisoner—

1st. Sutchanna Chetty

be imprisoned and kept to hard labour in

irons on the public roads or other public works for and during the period of (4) four years—

Ordered, that Extract from these proceedings be sent to the First Judge late on Circuit in the Southern Division by Precept returnable within three days from and after its receipt—

(Sent following Precept No. 310)

At a Court of the Foujdaree Udalut.

Present,

Friday,
7th August, 1835. Charles May Lushington Esqre 1st Puisne Judge,
John Bird Esqre 2d Puisne Judge,
William Rudleston Esqre 3d Puisne Judge.

Cuttack
vs

Read again letter dated 1st June 1835 from the 2d Judge on Circuit in the Centre Division transmitting the record in Case No. 15 of the Cuddapah Calendar for the 1st Sessions of 1835.

(Here enter No. 292)

Read also letter dated the 25th June 1835 from the 2d Judge on Circuit in the Centre Division submitting Reply to the Precept of Foujdaree Udalut dated the 17th June 1835. Regarding the discrepancies in the English Translation of the Records of Case No. 15. of the Cuddapah Calendar 1st Sessions of 1835.

(Here enter No. 1065.)

Read also Return dated the 2d Ultimo from the 2d Judge on Circuit in the Centre Division to Precept of Foujdaree Udalut dated the 17th June 1835 respecting

respecting a confusion in the numbering of certain Prisoners in Trial No 15 of Calendar First Sessions of 1835.

(Here enter No 1292)

Mr Bird

The Court of Foujdaree Udalut having maturely considered the proceedings 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 confirm such part of the said Futwa of the Cazee-oolz Cozat and Mooftees aforesaid, as of the prisoner.—

8th J. Gungadon
9th J. Lobhadon

and according[illegible] direct that they be set at liberty

[illegible] being of opinion that the proof against the prisoner

7th Talapotla Chenchoo

is sufficient to convict him of the crime of Gang Robbery by open violence, attended with aggravating circumstances the Court do, with 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 under the provisions of Clauses Second and fifth, Section IV, Regulation XV of 1803 sentence him to be imprisoned and kept to hard labour in irons on the public roads or other public works for and during the period of (14) fourteen years.—

(Sent following letter No 912)

Read letter dated the 22d Ultimo from the 3d Judge on Circuit in the Centre Division transmitting the record in Case No 17 on the Cuddapah Calendar for the 2d Sessions of 1835.—

(Here enter No 1310.)

Mr Bird
&
Mr Huddleston.

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—

"Goontaty Goorravadoo"

F. No.

7th August 1835

of Wilful Murder and awarding Rimas as 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.

Ct. J.

Ct

WS

A.A.G. (Sent following letter No. 913)

F. No.

Saturday 8th August 1835.

At a Court of the Foujdaree Udalut

Present,

Ct

WS

Charles Mary Lushington Esqre. 1st Puisne Judge

John Bird Esqre. ——— 2d Puisne Judge

William Rudleston Esqre. ——— 3d Puisne Judge

Read letter dated the 28th Ultimo from the 1st Judge late on Circuit in the Southern Division transmitting the records in Case No. 11 on the Coimbatore Calendar for the 1st Sessions of 1835.

(Here enter No. 1337)

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

Mr. Bird.

"Cavoppa Gownden"

is not convicted, on presumptive proof, or on the evidence of credible witnesses or on his own confession, of gang robbery, notwithstanding the Futwa of their Law Officers, and

do

do accordingly acquit him thereof, but being of opinion that the proof against him is sufficient to convict him of the crime of receiving stolen property, knowing that such property had been obtained in the perpetration 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 1833 convict him thereof; and under the provisions of Clause Second, Section IV Regulation VI of 1832, sentence him to be imprisoned and kept to hard labour in irons on the public roads or other public works for and during the period of seven years.

(Sent following letter No. 916)

Read again letter dated 12th May last from the acting Joint Criminal Judge of the Auxiliary Court at Coimbatore transmitting the Criminal Reports for April 1835.

Read also again letter dated 16th June last from the Magistrate of Malabar forwarding copy of a Report from the Joint Magistrate with enclosures called

to the Massacre of 58 Corumbers on the Neilgherries—

(Here enter Nos. 739 and 1057)

In their proceedings of the 27th May last reviewing the Coimbatore Criminal Reports for April, the Court of Foujdaree Adalut directed "the acting Joint Criminal Judge to furnish to the 1st Judge of Circuit, about to hold the Sessions at Coimbatore, with copy of this letter in question, and they "required" that officer carefully to inspect the proceedings in these two cases and to state in his Circuit Report the result of his investigation"

† 12th May.

*56 and 72. Report X.

These instructions were issued

2

in consequence of the desire expressed in the letter of the Acting Joint Criminal Judge that his proceedings might be reviewed, in order, with reference to the great interest the cases in question had excited, to ascertain whether his disposal of the prisoners was justified, or if not that a remedy might be provided—

Since the issue of the order in

3

question

In respect to the first case

5.

No. 56 the Magistrate reports in the last para of his letter that no further evidence has been yet obtained, and it appears to the Court that nothing further can be done than to urge a continuance of his exertions to discover the truth, and to express their opinion, grounded upon the reports of the Joint Magistrate and Assistant Magistrate, that there is no reason to doubt that a foul Murder has been perpetrated, and that the case got up by the Prosecutor and Pl. Witness, is entirely erroneous—

It should be intimated to the

6

Magistrate that the Assistant Magistrates' investigation before the Joint Criminal Court, from his having visited the scene of the Murder, evidence will be of importance, on any future

In respect to cases Nos. 72 & 73

7

the Court of Foujdaree Adalut resolve to direct,

with

question the letter of the Magistrate of Mal[illegible] dated the 16th June has been received; and the Court being of opinion that it is not probable that any thing more to further the ends of justice can be suggested by the Pl. Judge of Circuit than is now before them, and as much as considerable delay must necessarily arise before justice can be rendered if they wait for his report of the result of his enquiry into the proceedings of the acting Joint Criminal Judge, they resolve, without further loss of time, to issue the instructions which on this occasion seem to them expedient—

4

The investigation of the cases under consideration viz. Nos. 56-72 and 73, the mention of which last case was inadvertently omitted in the proceedings of the Court of the 27th May, appears to the Court of Foujdaree Adalut to have been most imperfect. The acting Joint Criminal Judge seems to them to have been unfortunately impressed with a notion of the impossibility of these transactions—

In

with reference to the 5th para of the Assistant Magistrates letter, and to the translation of the examinations taken by him on the 11th & 13th of May, that the accused be reapprehended and sent up again with the Witnesses to the Joint Criminal Court, with any other evidence that may be forthcoming, and that trustworthy persons be sent to see that the Witnesses are neither tampered with nor intimidated.

Ordered, that extract from the proceedings together with copy of the letter from the Magistrate of Malabar and of enclosures be forwarded to the Provincial Court of Circuit in the Southern Division to be by them communicated to the acting 3rd Criminal Judge of Coimbatore for his information and guidance.

(Sent in No. 917)

Ordered that Extract from these proceedings be also furnished to the Provincial Court of Circuit in the Western Division to be by them communicated to the Magistrate of Malabar for his information and guidance, and that he may be instructed to report the result of his further

further investigation and what he may do in conformity with these orders.

(Sent in No. 918)

Read Return, dated the 6th Ultimo from the Provincial Court of Circuit in the Southern Division to Receipt of the 30th April last conveying the observations and orders of the Court of Sudder Adalut on the 1/2 Yearly Criminal Statements for the 1st 1/2 of 1834.

(Here enter No. 1197.)

1 The Provincial Court of Circuit forward the returns of the Magistrates of Madura and Tinnevelly having reference to the order contained in para 6 of the proceedings of the 30th April which required explanation, as to the accuracy of the statements of the proceedings of the Village Police, and, as to the principles upon which the said statements had been framed.

2 The return from the Magistrate of Madura conveys no information on either of these points a deficiency which the Provincial

Court

Margin is not clear. The Court of Foujdaree Adalut are of opinion that if the wounding committed during the perpetration of the Robbery the offence amounted to Robbery by open violence.

2

The explanation furnished in para 4. of the return is considered insufficient.

3

The acting Joint Judge will observe from the Circular Order of the 4th September 1820, that the substance of the injunctions of Precepts should be attended in his future returns.

Ordered, that Extract of these proceedings be sent to the acting Joint Criminal Judge at Coimbatore for his information and future guidance.

(Sent in No. 320)

Read return and supplemental return dated the 17th June and 23d Ultimo by the late Acting 3d Judge of the Provincial Court of Circuit in the Northern Division to Precept of the 10th June last calling upon him

him to submit the "Statement of trials" for the last ½ of 1834 required by Circular Order No. 4.

(Here enter No. 1041 & 1343.)

The Statement now submitted being manifestly incorrect, inasmuch as "the shortest delay" is stated to be "8m. Days" the longest delay "months" 11. which do not correspond with the entries in Column 5; and the "average" being likewise erroneous, the Court of Foujdaree Adalut direct that it be returned for correction.

Ordered accordingly. that

Extract of these proceedings be sent to the late Acting 3d Judge of the Provincial Court of Circuit in the Northern Division (together with the above Statement) for his information and guidance by Precept returnable in 3 days after receipt.

(Sent following Precept No. 321)

Read return dated the 28th by the Criminal Judge of Salem to Precept of the 24th Ultimo conveying the orders of the Foujdaree

8th August 1835. F. No.

Tanjore Cudalore Criminal Reports June -

Report Vol. Case 73. 1

(Here enter No. 1350.)

Under the circumstances stated in the above return the Court of Tanjore direct that the order for the acquisition of security from the prisoner in the case noted in the margin, remain undisturbed -

2

The Court of Tanjore Cudalore conclude that the instructions contained in the 4. of their proceedings of the 24th Ultimo, were fulfilled by the Criminal Judge - though no mention is made of the case in the return under consideration -

Ordered, that Extract of these proceedings be sent to the Criminal Judge of Salem for his information and guidance -

(Sent in No. 322)

Read letter dated the 26th Ultimo from the 1st Judge late on Circuit in the Southern Division - submitting Death Warrant Nos. in Cs. No. 13. Salem Calendar Third Sessions of 1835

(Here enter No. 1334)

8th August 1835. F. No.

Read letter dated the 29th Ultimo from the Acting Joint Criminal Judge of Cuddalore Reporting the escape of a prisoner and forwarding translations of depositions taken from the two Peons and two of the prisoners who were present at the time he escaped -

(Here enter No. 1335.)

Read letter dated the 27th Ultimo from the 1st Judge of the Provincial Court of Circuit in the Northern Division - With Copies of the 2d 3d & 4th Supplemental Calendars of the Auxiliary Court Masulipatam for 2d Quarterly Sessions of 1835 -

(Here enter No. 1339.)

Read letter dated the 27th Ultimo from the 2d Judge on Circuit in the Southern Division reporting his intention to open the Second Sessions of 1835 at Combaconum on the 3d September next -

(Here enter No. 1343.)

Read Return dated the 31st Ultimo from the Acting 2d Judge on Circuit in the Centre

Read letter dated the 30th Ultimo from the Magistrate of Madura - forwarding copy of a letter from the Joint Magistrate containing further explanations relative to cases Nos. 57 and 58 of the Criminal Reports for May -

(Here enter No. 1353.)

Read letter dated the 27th Ultimo from the 2d Judge on Circuit in the Southern Division - Reporting the arrival of the Court of Circuit at Tinnevelly, the opening of the Sessions, and the state of the Calendar -

(Here enter No. 1357.)

Read Return dated the 31st Ultimo from the Criminal Judge of Cuddapah to Precept of Foujdaree Udalut dated the 25th July 1835. on the Criminal Reports for June -

(Here enter No. 1360.)

Read Return dated the 31st Ultimo from the Officiating Criminal Judge of Bellary to Precept of Foujdaree Udalut dated the 24th July 1835 on the Criminal Reports for June -

(Here enter No. 1364.)

Read

Centre Division to Precept of Foujdaree dated the 15th June 1835 consigning the Returns and orders on the Bellary Criminal Sessions for the first Sessions of 1835 -

(Here enter No. 1344.)

Read Return dated the 31st Ultimo from the Criminal Judge of Nellore to Precept of Foujdaree Udalut dated the 25th July 1835 on the Criminal Reports for June -

(Here enter No. 1348.)

Read Return dated the 7th Ultimo from the Acting Criminal Judge of Canara at Mangalore to Precept of Foujdaree Udalut dated the 23d July 1835 on the Criminal Reports for June -

(Here enter No. 1349.)

Read letter dated the 31st Ultimo from the Magistrate of Cuddapah submitting explanation required by the Foujdaree Udalut in their proceedings of the 15th July 1835 regarding certain cases of the Criminal Sessions for June -

(Here enter No. 1351.)

Read

8th August 1835 F.C.

8th "

Read Return dated the 30th ult
from the Acting Joint Criminal Judge of the
6 Precept of Foujdaree Adalut dated the 25th July
on the Criminal Reports for Ivory -

(Here enter No. 1365.)

Read Letter dated the 31st ult
from the Magistrate of Bellary, enclosing
explanation called for by the Foujdaree
in three proceedings of the 22nd June last
on the Criminal Reports for Ivory -

(Here enter No. 1366.)

Read Return dated the 3rd inst
from the Acting Criminal Judge of the
to Precept of Foujdaree Adalut dated the 25
July 1835 on the Criminal Reports for
June -

(Here enter No. 1375)

Read order of Government
dated the 5th instant stating that
they Concur in opinion with the Foujdaree
Adalut regarding the circumstances under
which the Sagheerdar of Amee took
cognizance of a case in which the Ryots

per

8th August 1835

were Prisoners adverted to by the late Acting
3d Judge in the 63d Para of his recent
Circuit Report -

(Here enter No. 1377)

Read Statement dated the 4th
instant forwarded by the 2d Judge on Circuit
in the Centre Division as required by Standing
Order No. 4 -

(Here enter No. 1379) -

per

At a Court of the Inquisitorial Tribunal.

Present

Monday, 10th August, 1835. Charles May Washington Esq[re] 1st Puisne Judge

John Bird Esq[re] 2nd Puisne Judge.

And William Craddleston Esq[re] 3rd Puisne Judge

Read Supplemental Return

dated 23rd Ultimo from the 1st Judge of the Provincial Court of Circuit Northern Division, to the precept of the Inquisitorial Tribunal of the 30th April last, directing him to revise the Calendars of the cases of Robbery disposed of by him at the 1st Quarterly Sessions 1833 and 1st and 2nd Quarterly Sessions 1834 at Clarendon respectively

(Here entered No 1323)

With the foregoing return, the 1st Judge submits a list of the prisoners whose release he proposes. But the Court observe, that he has enumerated several instances, which have already come under their consideration in trials referred to them. The orders of the Inquisitorial Tribunal of the 20th November last

8

Endt

Copy Writ returnable in 15 days

Ms

Ss (Sent following Punsha Rigs)

S. M.

At a Court of the Sowjdaree Udalut.

Present,

Friday,
14th August, 1835

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

Ms

Read letter dated the 23d January 1835 from the 1st Judge late on Circuit in the Northern Division transmitting the record in Case No. 12 on the Nellore Calendar 2d Sessions of 1834.

(Here enter No. 1358.)

Mr. Lushington

The Court of Sowjdaree 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 Mosftees of the Sowjdaree Udalut, confirm the said Futwa of the Cazee ool Cozat and Mosftees aforesaid acquitting the prisoners

1st Moroota Bauparnah Raidoo,
2d ——— Surseemha Naiko,
6th Eavaga Venkat[illegible]amy, and
12th Moorata Casava[illegible]

This has long been denounced as an improper course.

The Court of Fouzdaree Adalut direct that a copy of the preceding proceedings be furnished to the Joint Magistrate of Tanjore for his information and future guidance.

Ordered, that Extract of these proceedings be sent to the First Judge late on Circuit in the Southern Division for his information.

(Sent in No. 952)

Read return dated the 31st ult. by the acting Joint Criminal Judge at Kenore to Precept of the 25th ult. conveying the orders and observations of the Court of Fouzdaree Adalut upon the Criminal Reports for June.

(Here enter No. 1400)

Under the circumstances represented in the 4th para. of this return, the Court of Fouzdaree Adalut are of opinion that the acting Joint Criminal Judge

has acted very properly in respect to the distribution of Batta to the parties in cases before his Court, and they direct that this opinion be communicated to him.

Ordered that Extract of these proceedings be furnished to the acting Joint Criminal Judge at Kenore for his information.

(Sent in No. 953)

Read return dated the 7th instant by the Magistrate of Tanjore to Precept of the 25th Ultimo conveying the orders of the Court on the Combaconum Criminal Reports for June.

(Here enter No. 1403)

Report V Case 104.

In the above return the Magistrate states that "the delay of 53 days in forwarding the Prisoners to the Criminal Court is quite unaccountable and the reason assigned by the Head of Police false."

Under these circumstances the Court of Fouzdaree Adalut are of opinion that the conduct of the Police Officer in question deserves

deserves severe censure and that he should be fined. The Magistrate will report for the information of the Sowdaree Adalut what he may do under these orders -

Ordered that Extract of these proceedings be sent to the Magistrate of Tanjore for his information & guidance by Precept returnable in 4 days after receipt -

(Sent following Precept No. 954)

Read the Rajahmundry Criminal Reports prescribed by Section XXXV Regulation X of 1816 for July -

(Here enter No. 1418)

Report V
Case 36

1 The Court observe that the prisoner in this case arrived at the Criminal Court on the 4th, but that "further evidence" required for the disposal of it was not sent for until the 21st of July - The acting Criminal Judge will explain for the information of the Court of Sowdaree Adalut the cause of this delay of 20 days before the additional evidence was applied for -

The

Case 43 2 The conduct of the Police in this case, seems culpable, and the 2d prisoner to have been sent up improperly - The acting Criminal Judge will furnish copy of the case as it stands in the Report and of this para: to the Magistrate for his information -

Ordered that Extract of these proceedings be sent to the acting Criminal Judge at Rajahmundry for his information & guidance by Precept, returnable in 4 days after receipt -

(Sent following Precept No. 955)

Read Return dated the 7th instant from the 1st Judge late on Circuit in the Southern Division, to Precept of the Sowdaree Adalut of the 23d Ultimo, calling for the English translate of the Records in Case No. 27 Combaconum Calendar of 1st Sessions of 1835 -

94 (Here enter No. 1419) -

F. U.

At a Court of the Foujdary Udalut.

Present,

Monday
17th August 1835

Charles May Lushington Esqre 1st Puisne Judge

Wm Cl John Bird Esqre ---------- 2nd Puisne Judge

William Hudleston Esqre ---- 3d Puisne Judge

Read Petition presented on the 3d Instant

by Vuckalungola Naugummah of the Zillah of Cuddapah

(Here enter Mis. Pet. No. 57 of 1835)

The Petitioner, referring to the enclosures in her Petition for an explanation of the circumstances of her case, states that she has been unable to obtain justice and prays the Court to perusa the said enclosures and to institute an enquiry into her case.—

The enclosures being on a matter of a Civil nature, the Petitioner must address the Sudr Udalut and state her case on stampt paper—

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

Read Petition presented on the 3d August

by

by Valen of Tinnevelly -

(Here enter Mis. Pet. No. 58 of 1835)

The Petitioner represents in detail the circumstances connected with the alleged murder of his Father by the Zemindar of Sirpatoor and with his endeavours to bring the said Zemindar to justice - all of which he states to have failed, and he now prays the Court to call for the proceedings upon his complaint in the Tribunals, and to direct the Court of Circuit to examine into the grounds of his petition who he avers, were not duly examined -

The Court of Foujdary Udalut do not see sufficient grounds for their interference - It appears the Petitioner's case has been before the Magistrate and Assistant Magistrate and that so far from there being grounds to support the charge of murder, the Petitioner was sent up for trial for preferring a false charge. He was however acquitted by the Criminal Court - He subsequently laid his complaint before the Judge of Circuit who on examination of the proceedings was of opinion from the contradictory nature of the evidence, the natives were justified in not sending up the case for trial -

Ordered accordingly, that the Petition be rejected.

F. U.
17th August 1835

rejected and that Extract of these proceedings be furnished to the Petitioner upon his application -

Read Petition presented on the 3d Instant

by Chella Mootoo Tauen of Tinnevelly -

(Here enter Mis. Pet. No. 59 of 1835 -)

The Petitioner prays the Court to call for the proceedings in case No. 5 of the Tinnevelly Calendar of Sessions 1835, and to reverse the sentence of 14 years imprisonment, which he alleges, has been unjustly passed upon him by Goodalee Mootoo Tauen, by the Court of Circuit -

There is no Appeal from the sentence of the Court of Circuit - The Calendar moreover has been reviewed and the Court of Foujdary Udalut have found no reason to doubt the propriety of the disposal of the case in question -

The Petition is accordingly rejected -

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

Read Petition presented on the 3d Instant

by Moochopully Narrindo of Masulipatam -

(Here enter Mis. Pet. No. 60 of 1835 -)

The object of the above Petition is to obtain

obtain from the Court an order for the immediate trial of a Case of Perjury on the Calendar of Miscellaneous Quarter Sessions of 1835, or for the prisoners to be admitted to Bail.-

It appears to the Court extraordinary that the case in question has not been already disposed of, and they resolve to call upon the Provincial Court of Circuit on the Northern Division to explain why the trial does not proceed.-

Ordered, that Extract of these proceedings with copy of the translation of the Petition be sent to the Provincial Court of Circuit in the Northern Division for their information and guidance by Receipt returnable in 4 days after receipt.-

(Sent following Receipt No. 956.

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

Read Miscellaneous Petition presented on the 10th instant by Hanoomanton of the Zillah of Chittoor

(Here enter Misc: Pet. No. 62 of 1835.)

The Petitioner prays that orders may be issued for the release from Confinement of Bardy Setty and

F. U.
17th August 1835

and Galy Varadu, prisoners in Case No. 1 on the 14th Supplemental Calendar of the Zillah of Chittoor for the Fourth Quarterly Sessions of 1834, whose sentence by the Court of Circuit to imprisonment for seven years he represents was the result of the machinations of certain evil disposed persons.-

The Petitioner is informed that the sentence of which he complains was passed by the Court of Circuit after a due consideration of all the circumstances of the case and will not be disturbed.-

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

At a Court of the Foujdaree Udalut.

Present,

Wednesday, 19th August, 1835. Charles May Sushington Esqre 1st Puisne Judge
John Bird Esqre —— 2d Puisne Judge
William Budleston Esqre —— 3d Puisne Judge

Read letter dated the 28th Ultimo from the late acting 3d Judge of the Court of Circuit in the Northern Division transmitting the record in Case No. 3 on the 1st Calendar of the Gillah of Masulipatam 4th Quarterly Sessions of 1834.

(Here enter No. 1340.)

The Court of Foujdaree Udalut having maturely considered the proceedings held before the Judge on Circuit, the Futwa of the Provincial Law Officer and the Futwas of the Cazee-ool-Cozat and Mooftees of the Foujdaree Udalut, confirm such part of the said Futwa of the Cazee-ool-Cozat and Mooftees aforesaid, as acquits the prisoners—

1st Woshpoolooy Ramsiah,
2d Cundoola Pompatty,
and
3d Tammesetty Veeroya,

Mr Bird
Mr Budleston

cond

and accordingly direct that they be set at liberty.

But being of opinion that the proof against the prisoners

1st Bustasee poorapoo Mooteyala Naikoor,

2d Paunnurty Koojain,

and

3d Gunganully Raunnik,

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: and

the

the prisoner

1st Bustasee poorapoo Mooteyala Naikoor

in addition, to receive one hundred & ninety five lashes with a cat of nine tails, under the provisions of Clause Third, Section II, Regulation I of 1825.

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

2d Nurgala Rungamah,

is sufficient to convict her of the crime of knowingly receiving plundered property, knowing that such property had been obtained in the perpetration of 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 her thereof, & under the provisions of Clause Second, Section IV, Regulation VI of 1822, sentence her to be imprisoned and kept to labour suitable to her sex, without irons, for and during the period of seven years.

The Court of Foujdaree Udalut

observe

observe that in dispensing with the evidence of the 1st " 2d " 3d " 4th " 7th " and 10th Witnesses in this case, the Presiding Judge dissolved the standing orders of the 15th " July 1830, which rule that the evidence of a Witness capable of speaking to material facts, although other witnesses may have spoken to the same facts, ought never to be dispensed with; and further that he irregularly omitted to cause the confessional declarations of the 1st " 2d " and 3d " prisoners to be read over to them at the trial.

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

(Sent following Letter No. 968)

Read letter dated the 28th Ultimo from the late acting Third Judge late on Circuit in the Northern Division, submitting an English and Persian Translation of the proceedings in Case No. 2 on the Mussulpatam Calendar for the Fourth Quarterly Sessions

Sessions of 1834.

(Here enter No. 1368 of 1835.)

1 It appears to the Court of Foujdaree Adalut that there is in point of fact, no difference between the view taken of this case by the (late) Presiding Judge and that taken by the Mahommedan Law Officer of the Court of Circuit and that the reference of the Trial was consequently irregular.

2 They therefore resolve to direct that the Record be returned to the late acting Third Judge with instructions to that Officer to dispose of the case in conformity with the Provisions of the Regulations.

3 The late acting Third Judge will report what he may have done in pursuance of these instructions.

Ordered, that Extract of these proceedings be sent to the late acting Third Judge late on Circuit in the Northern Division for his information and guidance

by

by Precept, returnable within 10 days from and after its receipt.

(Sent following Precept No. 364)

Read the Gurtoon Criminal Returns prescribed by Section XXXV. Regulation X. 1816 for the month of July

(Here enter No. 1381.)

Supt.'s Report Case 70.

1

With reference to the Extract* of the Proceedings of the Acting 2nd Judge on Circuit upon this case of Cattle stealing, the Court would observe that part of their proceedings of the 14th May involved the construction of Clause 2nd Section II Regulation VII of 1822. with which Clause and Section cases of cattle stealing have no connection.

* accompanying the case and returned as within the Cognizance of the Joint Criminal Court.

Report V Case 74.

2

It is stated in the Report that the decision in this case was delayed by the necessity of sending for and examining the female prisoner who was confined with the prisoner who made his escape and who had already been released. The Court await explanation whether or not they are correct in the inference which may be drawn from this

this statement, that the male and female prisoners are not kept separate at Gurtoon as required by Section XXIX Regulation X 1816.

Case 81. 3

Explanation is also requisite in regard to the allegation of the prisoner in this case, that the prisoners who escaped from him were placed in an open room without any restraint or obstacle in the way of their escape and they ran away when he went to relight the lamp which had been blown out by the strong wind.

4

The attention of the acting Joint Criminal Judge is directed to the Circular Orders No. 11 and 33. respecting the statement of Extra Jail Peons and in conformity with those orders a correct statement for July showing those orders now be furnished by him.

Ordered, that Extract of these proceedings be sent to the acting Joint Criminal Judge at Gurtoon for his information and guidance by Precept, returnable in 5 days after receipt.

(Sent following Precept No. 365)

Read

Read the Chingleput Criminal Reports prescribed by Section XXXV Regulation X 1816 for July -

(Here enter No. 1425.)

The Court direct that the Criminal Judge be instructed to forward his Criminal Reports and Statement, in a combined form. The Supplemental Report being placed first and the statements following Report No. 9 -

Ordered, that Extract of these proceedings be sent to the Criminal Judge of Chingleput, for his information and future guidance. -

(Sent in No. 966)

Read letter, dated the 13th Ultimo from the 3d Judge of the Provincial Court of Circuit for the Western Division - submitting Case No. 1. Additional Pellichery Calendar 2d Quarterly Sessions of 1835.

(Here enter No. 1332 of 1835)

Mr. Lushington & Mr. Huddleston

The Court of Foujdaree Udalut, having materely 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 -

"Tekeddata Achuda Canacapilla"

and accordingly direct that he be set at liberty. -

In the second paragraph of the foregoing letter the 3d Judge thus describes the charge against the prisoner - "it is "that as Defendant in an action "brought against him before the District "Moonsiff of Cavay, he cited as a witness to "prove certain pleas contained in his answer, "one Eddahapravan Coran, who on the day "named in the indictment, deposed on oath, "in the words set forth in the charge, to "having been present at certain interviews "between the parties in that suit, in Dhanoo "(December January) and Magarom (January "February) 1000 (1825), at which certain "conversations and occurrences passed, as detailed

as a witness, and having been duly sworn did depose in words to the following effect—viz (Here recite the words on which the perjury is assigned): Whereas in truth and in fact (Here recite the fact in opposition to the false evidence): And that the said A. B. at the time he suborned the said C. D. falsely and corruptly to sweas as aforesaid, well knew that such his evidence was false, and that it was material to the issue of the said suits or trial to shew that &c.a " — and that the said A. B. did therefore corruptly suborn and procure the said C. D. to commit wilful and corrupt perjury—

Ordered, that Extract of these proceedings be sent to the 4 Provincial Courts of Circuit to be communicated to the Judges on Circuit; and to the Criminal, Joint & Criminal and Native Criminal Judges—

&c.a (Sent following Circular No. 968)—

At a Court of the Foujdaree Adalut

Friday — Present

25th August 1835. Charles May Lushington Esq.re 1st Puisne Judge

John Bird Esq.re —— 2d Puisne Judge

William Budleston Esq.re —— 3d Puisne Judge

Read the Coimbatore Criminal Reports prescribed by Section XXXV Regulation X 1816 for July—

(Here enter No. 1424)

The Acting Joint Criminal Judge will omit in future in the "Memorandum" furnished under the Circular Order 30th December 1833 the two last items. "Jelly Cubic yards 760 3/16 at 2 annas per Cubic yard 95.0.4— Mud Cubic yards 1058 3/4 at 8 piece per Cubic yard 46.1.10. as they do not come within the description of articles produced by the labor of the prisoners.—

Ordered, that Extract of these proceedings be sent to the Acting Joint Criminal Judge for his information & future guidance.—

(Sent in No. 977)

Read Return under date 4th instant from the

Mangalore Calendar the charge being aiding and abetting theft a fatwa of Hud would be found; and the provisions of Clause third Section II Regulation XV. 1803 are therefore strictly applicable. But as under the Mohomedan Law Hud is only provided for the five specific cases of whoredom, 1. Slander of No. 2. Drinking wine 3- Theft 4. and Robbery 5- these provisions did not apply to No. 2 in the second Additional Calendar 2d Quarterly Sessions which was a case of fraud and Embezzlement, and, as observed by the Court in their recent proceedings, "no fatwa of Hud was ultimately given". The case should therefore have been disposed of as already pointed out under Clause Seventh Section II Regulation XV 1803-

Ordered, that Extract of these proceedings be sent to the 3d Judge of the Provincial Court of Circuit Western Division for his information.

(Sent in No. 978)

Read letter dated the 8th instant from

the 3d Judge of the Provincial Court of Circuit Western Division to the Receipt of the Fouzdaree Udalut of the 28th Ultimo conveying their observations on the Calendars for the 2d Quarterly Sessions 1834-

(Here enter No. 1435 of 1835.)

In the foregoing return the 3d Judge referring to the remark of the Court of Fouzdaree Udalut on No. 2 of the second Additional Calendar, that "the second question to the Law Officer in that case was irregularly framed, from the remark of the Fouzdaree Udalut in their proceedings of the 20th December last "on a somewhat similar case", No. 9 Mangalore Calendar 2d Sessions 1834 when the Court observed, that it was competent to the 3d Judge to have remitted one of Justice question, the exception taken by the Law Officer.

The 3d Judge appears to have overlooked an important distinction between the two cases, that in the one No. 9 of the Mangalore

from the Second Judge on Circuit in the Southern Division, submitting) copy of the Tinnevelly Calendar for the Second Sessions of 1835.

(Here enter No. 1440 of 1835.)

Case No. 6

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 Presiding Judge, resolve, under the authority vested in them by Clause Third, Section III, Regulation I of 1825. to sanction the mitigated punishment proposed by that Officer and accordingly) direct that the prisoners

1st Duvvonoogunn
&
2d Lodaly maudun

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. 12.

The Court of Foujdaree Udalut entirely concur in the observations of the Presiding Judge on this case, contained in the extract from his Proceedings of the 3d instant and forming

forming Appendix A.-

Case No. 13

Being) unable to discover any evidence whatever against the 3d, 4th, 5th and 6th prisoners in this case, the Court of Foujdaree Udalut direct that the Joint Criminal Judge be required to report for their information the grounds on which he committed those prisoners for Trial before the Court of Circuit.-

Case No. 15.

It appears to the Court of Foujdaree Udalut that the ends of Justice will be attained by the infliction of a milder punishment than that proposed by the Presiding Judge in this case.-

Under the authority vested in them by Clause Third, Section III Regulation I of 1825. the Court accordingly direct that the prisoner.-

"Pundeyen"

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 of these proceedings

proceedings be sent to the Second Judge on Circuit in the Southern Division by Receipt returnable within ten days from and after its' receipt.

(Sent following Receipt No. 379).

Read letter dated the 13th instant from the Provincial Court of Circuit in the Centre Division Transmitting the Statement No. 4 of the operations of this Court from the 1st of July to the 31st of December 1834.

(Here enter No. 1469.)

In C.

At a Court of the Foujdaree Adalut.

Present,

Saturday 22nd August 1835. Charles May Lushington Esqre. 1st Puisne Judge.

John Bird Esqre. — 2d Puisne Judge.

William Hudleston Esqre. 3d Puisne Judge.

Read letter dated the 5th instant from the 1st Judge on Circuit in the Western Division transmitting the records in Case No. 32 of the Malabar Calendar for the 2d Sessions of 1835.

(Here enter No. 1432.)

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 wol. Cozat and Mooftees of the Foujdaree Adalut, confirm the said Futwa of the Cazee wol. Cozat and Mooftees aforesaid, 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

"Chalaly Konan"

to be transported to such place beyond Sea as the Governor

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

1

It appears from the Records
of this case, that the examination of the
Witnesses for the prosecution was taken
before the Criminal Judge of Malabar in
the absence of the Prisoner.

2

The Court of Sowjdaree Udalut
deem it necessary to denounce this proceed-
-ing as improper and irregular, and to direct
that the Criminal Judge be cautioned against
its adoption on any future occasion.

3

Should similar circumstances
again arise, it will be proper to conduct
the examination of the parties in the
Hospital.

Ordered, that Extract of these
proceedings be sent to the First Judge on
Circuit in the Western Division for the
purpose of being communicated to the
Criminal

Criminal Judge of Malabar.

(Sent in No. 952)

Read again letter dated the 30th
May last from the 3d. Judge of the Provincial
Court of Circuit in the Western Division,
forwarding trial in Case No. 2. on the ad-
-ditional Calendar of the Auxiliary Court
Zillah Malabar 2d. Quarterly Sessions of 1835.

(Here enter No. 963.)

Read also Return dated the 3d.
instant from the 3d. Judge of the Provincial
Court of Circuit in the Western Division to
Precept of Sowjdaree Udalut, dated 26th. June
1835, returning the English and Persian
Records in Case No. 2 on the Additional Calendar
of the Auxiliary Court Zillah Malabar for 2d.
Quarterly Sessions 1835, for further evidence.

(Here enter No. 1434.)

The Court of Sowjdaree Udalut

Mr. Bird
&
Mr. Sudleston

on a deliberate consideration of all the
circumstances of the case in evidence
before them being of opinion that the
proof against the prisoner

"Passuyan Vellichan"

is

is sufficient to convict them of the crime of culpable Homicide, do, under the authority with which they are vested by Clause First Section II Regulation I of 1813, convict him &c 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 prisoner would have been liable under the Mohammudan Law, if he had been convicted by full legal evidence of that crime—

Answer

If the prisoner were convicted by the evidence of credible witnesses of the crime of culpable Homicide, his Aakila would be liable to a Deyut of 10,000 Dirhems to be paid to the heirs of the deceased in three years—

In commutation of the penalty of Deyut declared in the foregoing Futwa, the Court of Foujdaree Adalut sentence the prisoner Bunnyan Vellechan to be imprisoned and kept to hard labour in irons on the public roads or other public works

works for and during the period of (7) Seven years—

(Sent following letter No. 983)

Read agaain Return dated the 28th. Ultimo from the late Acting Third Judge late on Circuit in the Northern Division to the Precept of the Court of Foujdaree Adalut under date the 1st. Ultimo, requiring him to report the cause of the delay in transmitting his referible cases of the Masulipatam Calendar for the 4th. Quarterly Sessions of 1834—

(Here enter No. 1342 of 1835.)

Read also Extract from the Minutes of Consultation under date the 14th. instant

(Here enter No. 1451 of 1835.)

The Right Honorable the Governor in Council having in the above Extract from the Minutes of Consultation, been pleased on the recommendation of the Foujdaree Adalut to "authorize the late Acting Third Judge late on Circuit in the Northern Division to entertain two additional Writers, for one Month, at Fourteen and a half Rupees each per Mensem"—

The

F. U.
24th August 1835

circumstances, 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 her application.—

Read Miscellaneous Petition presented on the 17th instant by Krishnama Naick.—

(Here enter Misc. Pet. No 65 of 1835)

The Petitioner prays to be furnished with copies of various orders passed upon the Petitions presented by him to the Foujdary Udalut at different periods which he enumerates.—

2

He is informed that he will be furnished with copies of all orders passed on petitions which he has presented, upon the production of the requisite stamp papers.

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

Read again letter dated the 22nd January last from the 1st Judge late on Circuit in the Northern Division transmitting the record in case No. 62 on the Nellore Calendar 2d Sessions of 1834.—

(Here enter No. 983)

Read also Return dated 31st Ultimo from the

the 1st Judge late on Circuit in the Northern Division to Precept of Foujdary Udalut dated 29th June last requiring them to issue a Precept to the Criminal Judge of Nellore to take further evidence touching the state of the Prisoners intellects in case No. 62 Nellore Calendar 2d Sessions 1834 and retransmit the English and Persian Translations of the additional evidence so taken for the consideration of the Foujdary Udalut.—

(Here enter No. 1412)

Mr. Lushington
and
Mr. Budleston

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

Abdul Rufoor

is sufficient to convict him of the fact charged against him as, under the authority with which they are vested by Clause First, Section VI, Regulation I of 1818, convict him thereof: but considering that he was in a state of Insanity at the time he committed the fatal acts of violence established by the evidence, the Court of Foujdary Udalut direct that he be placed under charge of the Surgeon of the Zillah of Nellore, in view to his eventual confinement in the Lunatic Asylum at Madras, under the Rules prescribed by

by the Circular orders of the 1st June 1829 and that he be on no account released without the orders of this Court.

(Sent following letter No 961

Read letter dated the 28th ultimo from 2nd Judge on Circuit in the Southern Division submitting for the Madura Calendar for the 2nd Sessions of 1835.

(Here enter No 1361)

Case No 1

1 Under the circumstances represented in the Calendar and agreeably to the recommendation of the 2nd Judge, the Court of Foujdary Udalut, under clause 3d Section III Regulation I of 1825, direct that the second prisoner Ramun in the case noted in the margin be imprisoned and kept to hard labor in irons on the public roads or other public works for the period of (7) seven years.

Case No 7

2 The Court likewise, under the same provision of the Regulations, direct, agreeably to the recommendation of the presiding Judge, that the prisoner in case No 7, Coutta Caroyen, be imprisoned and kept to hard labor in irons on the public roads or other public works for the period of (7) seven years.

Case No 11

3 In this Case (No 11) the Judge who presided at

the trial having recommended a mitigation of punishment, the Court resolve, under the authority vested in them by Clause 3d Section III Regulation I of 1825 to direct that the prisoner, Aneyapermal Mookoonden, 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 15

4 The charge in this case is that the Prisoner swore before the Magistrate that he had not deposed before the Moorgoondar that he gave a bribe of 15 Rupees to the Police Peon Vanah Ekalee when in point of fact he did so depose, the false swearing being on a point material to the issue of the case before the Magistrate, which was that the Peon had received a bribe - It is not clear to the Court in what respect it was a point material to the issue of the said enquiry to shew that the said person did give the said declaration "and they are not satisfied under all the circumstances, that the prisoner is liable to punishment for Perjury -

5 They accordingly resolve to authorize the release of the Prisoner as recommended by the 2nd Judge.

Case 16.

6 In this case also the statement and circumstances represented in the Calendar leave room for doubt as to the fact of the prisoner having rendered himself

Liable

F.W.
24th August 1835

liable to the penalties of Perjury and the Court [illegible]
in authorizing his immediate release as recommended by
2nd Judge.-

Case 17

7

The Court direct that it be pointed out
to both the President Judges & the Officer who laid
Calendar before him that the charge against the pris
in this case is not even a charge of Perjury, for it
not alleged therein that in truth and fact the prisone
did not see the prisoners Brandon Mark [illegible] Letter
stamp the deceased and thereby receive his wages but
that others [illegible] that he did not.-

8

Adverting to the following entry in the
Calendar, after the order of the 2nd Judge for the Prison
to "be set at liberty" the prisoner refused with much in
=dence before the Court, and ultimately refused to sign the re
=amination taken from him, although repeatedly advised to
do.- The 2nd Judge remanded him to Jail until the retur
of the Court of Circuit from Jaffna, when he is again
to be brought up and asked whether he chuse to sign his
examination.- The Court of Foujdary Adalut have to direct
that they are not aware of any legal warrant for this
proceeding; and they direct that the prisoner, if not previo
ly discharged, be immediately released on the receipt of
these orders.-

F.W.
24th August 1835
Case 18

9

In this case it is stated the Law officer
acquitted the prisoner of the crime of Perjury but stated
that under the evidence of the 11th 12th 13th and 14th Witnesses
who depose that the prisoners name is Veeren shetty and
that of his Father is Coolen shetty, he was convicted of
having fraudulently affirmed before the Criminal Court
the name of the 10th Tondy shetty, son of Achen shetty
and declared him liable to punishment. The 2nd Judge
concurred in the finding and under Clause 7th Section 11
Regulation XI of 1803 sentenced the prisoner to be imprison
=ed in Jail for 6 months.-

10

The Court of Foujdary Adalut are not
satisfied of the correctness of the proceeding of the Court
of Circuit in respect to the above case; and they accord
=ingly resolve to call for an English translation of the
record.-

Ordered that Extract of these proceedings
be sent to the 2nd Judge on Circuit in the Southern Division for
his information and guidance by Precept returnable in 8 days after receipt

(Sent following Precept No 7)

Read return dated the 7th Instant by
the Criminal Judge of Madura to Precept of the 25th
Ultimo

F. 86.

24th August 1835

Utters conveying the observations and orders of the Court of
Foujdary Udalut on the Calicut Criminal Reports for J
(Here enter No 1445)

With reference to the 4th Para of Lette
return, in which the Criminal Judge states "that No
is invariably paid to all witnesses on attendance bef
the Circuit Court this charge would at the Calicut Co
be greatly higher than it is were the full Amount of
annas granted, one tenth of a Rupee
only being paid reduces the amount" the
Court direct that it be pointed out
to him, that there is no authority for paying Batta
indiscriminately, and that it is only payable, under the provi
of Section XXXIII Regulation X of 1816, to those who are actu
in need of it.

Ordered that Extract of this proceeding
be furnished to the Criminal Judge at Calicut for his
information and future guidance.

(Sent on No 988)

F. 86.

At a Court of the Foujdaree Udalut

Present,

Tuesday
25th August 1835. Charles May Lushington Esqre 1st Puisne Judge.
John Bird Esqre 2d Puisne Judge.
William Hudleston Esqre 3d Puisne Judge.

Read the Cuddalore Criminal
Reports prescribed by Section XXXV Regulation X
1816 for the month of July.

(Here enter No 1445)

Report V
Case 63.

With reference to the entry in the
Column of Remarks "The Head of Police states
that the prisoner and Witnesses were produced
before him on the 2d of June at 5 o'Clock in
the Evening. That he examined them on the
3d and 4th and reported the case to the
Joint Magistrate on the 25th June, that having
received the Magistrates order, he sent up the
prisoner to the Court on the 3d July" the Court
of Foujdaree Udalut await an explanation of
the delay until the 25th of June on the part of
the Police Officer in reporting the case to the
Magistracy

24

magistracy. If by error of the copyist the 25th has been put in the Report instead of the 5th of June, an explanation will be required of the delay on the part of the Magistrate in replying to the reference from the Police.

2 The acting Joint Criminal Judge will accordingly furnish copy of the case as it stands in the Report, and of the former and of this paragraph to the Magistrate, who will make return direct to this Court in 8 days after receipt of this order.

65 & 67.

3 The acting Joint Criminal Judge will proceed in the same way with respect to these two cases - in both of which "time occupied in searching for the stolen property" has been the assigned cause for the delay of the cases eleven days before the Village Monsiff. The impropriety of the proceeding is specially adverted to in the Circular Order 24th January 1822.

4 In regard to case 67 - if the acting Joint Criminal Judge has not, under the Circular Order 25th May 1823 communicated the circumstance "of the 2d & 3d prisoners" having been sent up to Court merely because they lived in the 1st prisoner's house" and were his relations, the communication should be made to the Magistrate on the receipt of this order. The Magistrate should caution the Police officer in question against sending up persons on such insufficient grounds.

5 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 4 days after receipt.

(Sent following Precept No. 991)

Read the Cuddapa Criminal Reports prescribed by Section ~~XXXV~~ Regulation X 1816 for the Month of July.

(Here enter No. 11467)

The Criminal Judge will furnish

Report V Cases 123 & 125.

1 copies of these cases as they stand in the Report to the Magistrate, and of this and the following paragraphs referring to them, and the Magistrate will make return direct to this Court in 8 days after receipt of the order.

The

2 The Court of Foujdaree Udalut
direct that the date of apprehension of the
prisoners in case 123 be ascertained & reported
The Magistrate will point out to the Police
Officer who detained the prisoners in case
125 "in the Village for discovering other offenders
and booty" from the 4th & 6th till the 12th July,
that it is laid down in the Circular Order of
the 24th January 1822 that "the reasons ordinarily
assigned for the detention of persons in custody,
such as the time occupied in search for stolen
property, the illness of Witnesses or the non
apprehension of other suspected persons, will not
be admitted as valid grounds for the infringe-
ment of Clause 4th Section XXVII Regulation
XI 1816.

Ordered, that Extract of these
proceedings be sent to the Criminal Judge of
Cuddapah for his information and guidance
by Receipt returnable in 3 days after receipt.

(Sent following Receipt No. 992)

Read the Cuttacanum Criminal
Reports prescribed by Section XXXV Regulation X

1816

1816 for Judge

(Here enters No. 1457)

The excuse assigned for the
Report V 1
Case 140. detention of the prisoner in this case from
the 18th June to the 6th July is inadmissible
under the Circular Order 24th January 1822; and
1 no account is given of the prisoner from the 11th, 35
the date of his apprehension, to the 18th June.

The object of the reference by the
Case 141. 2
Police Officer in this case is not apparent.

The Magistrate will ascertain and
Case 148. 3
report the cause of the detention of this case
from the 27th June to the 13th July before
the Assistant Magistrate, whose attention
should be directed to the Circular Order of
the 8th February 1830.

The Court of Foujdaree Udalut
Cases 146 4
149. desire that the Magistrate will take measures
151 to obviate delays of the nature specified in the
cases noted in the Margin.

The 3rd prisoner in this case
Case 154. 5
having been before sentenced to 7 years
imprisonment for theft and in the present
instance

instance apparently convicted of Housebreaking, has rendered himself liable to commitment for trial, and the acting Criminal Judge, cancelling his sentence recorded in the Report, will proceed according to Clause 6th Section II Regulation VI 1822 & commit the said 1st prisoner for trial before the Court of Circuit. If the charge of Housebreaking has not been proved, the Acting Criminal Judge will submit an explanation respecting the facts established against the prisoner—

Case 156 6

An explanation should be furnished by the Magistrate of the cause of the delay in procuring the attendance of the Witnesses required by the Head of Police.

Report Y Cases 140 141 146 149 151 156. 7.

The acting Criminal Judge will transmit to the Magistrate copies of the cases noted in the margin and of the paragraphs of these proceedings referring to them, and the Magistrate will make return direct to this Court in 10 days after receipt of these orders—

Ordered that Extract of these proceedings

proceedings be sent to the Acting Criminal Judge at Combaconum by Receipt returnable in 6 days after receipt—

(Sent following Receipt No. 993)

Read the Mangalore Criminal Reports prescribed by Section XXXV Regulation X 1816 for July 1835.

(Here enter No. 1453.)

In this case the prisoner has been detained from the 16th April till the end of July, and the only explanation given of the delay in its disposal, is that the Criminal Court is "waiting for more evidence". It should have been also stated why the evidence could not be procured, and the Court of Foujdaree Adalut deem it proper now to require explanation on this point—

Suppl. Report Case 64

Ordered that Extract of these Proceedings be sent to the acting Criminal Judge at Mangalore for his information and guidance by Receipt returnable in 4 days after receipt—

(Sent following Receipt No. 994)

Read

F. R.
25th August 1835

Read the Masulipatam Criminal Reports prescribed by Section XXXV. Regulation ~~X~~ 1816 for July 1835.

(Here enter No. 1460.)

Report VIII.

In the abstract attached to Report No. 8 appear 18 cases including 34 prisoners - of these, 15 cases in which 20 prisoners were concerned were "committed" in the previous month; and it becomes therefore requisite for the information of the Court of Foujdaree Udalut that an explanation should be afforded why all these cases have not been submitted to the Court of Circuit -

2 The Acting Joint Criminal Judge will in future annex his Statement + to the Criminal Reports placing them after Report No. 9 -

+ of "Labor of prisoners" of "Extra Jail Rents" of "Batta".

Ordered, that Extract of these proceedings be sent to the Acting Joint Criminal Judge at Masulipatam for his information & guidance by Precept returnable in 3 days after receipt -

(Sent following Precept No. 795) -

F. R.

J. R.

At a Court of the Foujdaree Udalut.

Present,

Wednesday 26th August 1835. Charles May Lushington Esqre 1st Puisne Judge
John Bird Esqre — 2d Puisne Judge
William Rudleston Esqre — 3d Puisne Judge

Read letter dated the 2d February 1835 from the 1st Judge of the Provincial Court of Circuit in the Northern Division transmitting the records in the Nellore Calendar for the 2d Sessions Case No. 71 on the Nellore Calendar for the 2d Sessions of 1834 -

(Here enter No. 1378)

The Court of Foujdaree Udalut,

Mr. Lushington.

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, acquitting the prisoners -

3d Eapony Pursoo
4th Daga Pursoo
5th Aurola Ramaniah
6th Poattaty Veeruppa

and

and accordingly direct that they be set at liberty.—

(Sent following letter No. 998)

Read letter dated the 1st instant from the 2d Judge on Circuit in the Southern Division, transmitting the records in Case No. 10 on the Tinnevelly Calendar for the 2d Sessions of 1835.

(Here enter No. 1392)

The Court of Foujdaree Udalut

Mr. Bird

Mr. Budleston having maturely considered the proceedings held before the Judge on Circuit, the Acting Sudder Moofty of the Provincial Court of Appeal and Circuit for the Southern Division, 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 "Mohammud Causim" of the crime of Wilful Murder on strong Presumptive Proof and awarding Tazeer-i-Shudeed.— 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

place of execution.—

(Sent following letter No. 999)

Read letter dated the 3d instant from the 1st Judge late on Circuit in the Southern Division, transmitting the records in Case No. 10 on the Coimbatore Calendar for the 1st Sessions of 1835.—

(Here enter No. 1393)

The Court of Foujdaree Udalut, having maturely considered the proceedings held before the Judge on Circuit the Futwa of the Provincial Law Officer and the Futwa of the Cazee-ool-Cozat and Mooftees of the Foujdaree Udalut, confirm such part of the said Futwa of the Cazee-ool-Cozat and Mooftees aforesaid as convicts the prisoners

Mr. Bird.

1st Syed Coolly

and such part as acquits the prisoners.—

4th Mummoocoolly

5th Goodoo

6th Moideen

7th Vemoon

8th Coonjoo

9th

9th " Aundy
&
10th " Raumon

and under the provisions of Clause Furst, Section V, Regulation VIII of 1831 and Clause Third Section IV and Clause Third Section VIII Regulation XV of 1803, sentence the prisonies

11th " Syed Cotty

to be banished to the zillah of Bellaree, there to be imprisoned and kept to hard labours in irons on the public roads or other public works for and during the period of (14) fourteen years—

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

4th " Mummucotty
5th " Goodoo
6th " Moideen
7th " Vencon
8th " Conjon
9th " Aundy
and
10th " Raumen

the

the Court direct under the provisions of 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 (100) one hundred Rupees each surety for their good behaviours and appearance when required within (3) three years, and that in default thereof, they be detained for three years in confinement—

And further being of opinion that the prosf against the prisoners—

1st " Conjomayor
&
3d " Silamon

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 1813 convict them thereof, and under the provisions of Clause Third, Section IV, and Clause Third, Section VIII Regulation XV of 1803, sentence them to be banished to the zillah of Bellaree, there to be imprisoned and kept to hard labours in

works on the public roads or other
works for and during the period of
fourteen years.

And further being of opinion
that the prisoner

2d Aulecoolly

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 the provisions of
Clause First Section V. Regulation VIII of 1831
and Clause Sixth, Section II Regulation XV
of 1803 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.

(Sent following letter No. 1000)

Regd

Read letter dated the 10th instant
from the 2d Judge on Circuit in the Centre
Division transmitting the records in Case No. 2.
of the Bellary Calendar for the 1st Sessions
of 1835.

(Here enter No. 1430.)

The Court of Sudder Adalut, on

Mr. Reid.

a deliberate consideration of all the circumstances
of the case in evidence before them, being of
opinion that the proof against the prisoner
"Moosalegaudoo"
is sufficient to convict him of the crime
charged, do, under the authority with which
they are vested by Clause First Section V. of
Regulation VIII of 1831. and Clause First Section
II Regulation I of 1818, convict him thereof,
and in conformity with the provisions of
Clause Second of the latter Section and of
Regulation, direct their Law Officers to declare
by a second Futwa to what sentence the
prisoner would have been liable under the
Mohammedan law, if he had been convicted
by full legal evidence.

Answer

Answer

In the event of the prisoner in question being convicted by full legal evidence of the crime charged, he would be liable to Ookobut-

Under the sentence of Ookobut declared in the foregoing Tuttwa and in conformity with the provisions of Clause First, Section V Regulation VIII of 1831 and Clause Third Section VII Regulation XV of 1803 the Court of Foujdaree Udalut adjudge the prisoner-

"Moosaleegaudoo"

to be imprisoned and kept to hard labours in irons on the public roads or other public works for and during the period of (7) Seven years-

(Sent following letter No. 1001)

Read Extract from the Minutes of Consultation under date 4th instant, conveying the orders of the Right Honorable the Governor in Council on review of the Report of the late acting 3d Judge on Circuit Southern

F. 26.
26th August 1835

Southern Division and of the proceedings of the Foujdaree Udalut thereon of the 15th Ultimo

(Were enter No. 1367 of 1835)

The Court of Foujdaree Udalut direct that a copy of para 1 of the Minutes of Consultation and of para 7 of the Report of the late acting 3d Judge, be transmitted to the Provincial Court of Circuit Southern Division, who will communicate with the Officers in charge of the Convicts at Ootacamund, and furnish the report required by Government-

Ordered also, that a copy of para 5 of the Minutes of Government and of the observations of the late 3d Judge and of the Foujdaree Udalut referred to, be forwarded to the Provincial Court of Circuit Southern Division, to be communicated to the several Magistrates for their serious attention and consideration and that a copy of the first clause of para 18 of the late 3d Judge's report be also furnished by the Provincial Court to the same Officers, for their information and guidance-

Para 15 of the late 3d Judge's report and para 12 of Foujdaree Udalut Proceedings-

P.S.

Ordered

26th August 1735 T.L.

26

Ordered, that Extract of these
proceedings be sent to the Provincial Court of
Circuit in the Southern Division by Precept
returnable in 6 weeks.

Eq. D. Lud

JB GP (Sent following Precept No. 1002) m

E. M.

At a Court of the Eastern Adaulut.

Present,

Thursday 27th August 1835. Charles Mayo Lushington Esqre 1st Puisne Judge,
John Bird Esqre 2d Puisne Judge,
William Huddleston Esqre 3d Puisne Judge,

Read the Madura Criminal Return prescribed by Section XXXV Regulation X 1816 for July.

(Here enter No. 1475)

The Acting Criminal Judge has omitted

Report V
Cases 75 79 80
Case 84

1. in these cases to specify the grounds of commitment.

The grounds for the detention of the

2. prisoners in the Calook in this case are quite unsatisfac-
tory and the Magistrate will point out to the Police
officer the impropriety of the proceedings. The Criminal
Judge will accordingly furnish the Magistrate with
Copy of the case 84 and of this paragraph for his
information and guidance and the Magistrate will
make return direct to this Court in 5 days after
receipt of this order.—

Ordered, that Extract of these
proceedings be sent to the Criminal Judge of
Madura for his information and guidance by
Precept.

Criminal Judge and for his guidance in future similar cases, that the charge and evidence ought not to have been discredited merely on account of its improbability.

Report V
Case 92

The Magistrate will make a report of the cause of the detention of the prisoner in this case by the Police Officer from the 7th June to the 6th July.

Case 98.

An explanation is also requisite of the transmission of the Prosecutor and prisoner in this case by the Daramporey Taluka to Doncanee Cottah which is in a direction contrary to the Court

There being only 92 prisoners in the Jail for whom a standing guard of 31 Rows is entertained, the Criminal Judge it would seem ought not to require any extra Guard.

Report V
Cases 92
98

The Criminal Judge will furnish copies of the cases noted in the margin and of the proceedings referring to them, to the Magistrate who will make return direct to this Court in 8 days after receipt of these orders.

The Statement of labor should in future be annexed to the Reports.

Ordered, that Extract of these proceedings

Sd/ Pa Report
Case 128.

27th August 1835.

proceedings be sent to the Criminal Judge at Cuttack for his information and guidance by Receipt returnable in 5 days after receipt.

(Sent following Receipt No. 1887)

Read the Chittoor Criminal Reports prescribed by Section XXXV Regulation X 1816 for July.

(Here enter No. 1455)

In this case the prisoner was charged

1.

"with having on the 11th May 1835 given false evidence on oath before the District Moonsiff of Bedore;"

but did not leave the Cutcherry till the 25th June — For this delay the reason assigned by the District Moonsiff is "that in the first instance he forwarded the prisoner with an Urzee to the Sudder Court of Chittoor; that he was returned to him with the Diary order No. 32 which directs him to act as prescribed by Section III Regulation VIII of 1829 and that he accordingly forwarded him again to the Criminal Court with an Urzee."

It appears to the Court of Enquiry

2.

Sudder that this was an unnecessary proceeding.

If a communication of the circumstances

3.

of this case has not been already made to the Magistrate under the Circular Order of the 31st May 1822

Report V
Case 128.

*"There is not on the Note of proof against the prisoner; the Petty pore says he was seized with the cattle, but that the prisoner before the Court has been sent up to the Court now before it from some charge."

it should be made on the receipt of this order.

Case 129. 4. The citation of Clause 1st Section IX Regulation X 1816 is inapplicable to the case noted in the margin in which it would seem that the Commissioner committed the prisonir, but that the period of confinement undergone by the prisonir was considered by that Officer sufficient punishment for the offence

Case 135. 5. The Court await an explanation of the purpose for which the prisonir in this case was sent by the Head of Police of Seraghur to the Magistrate.

Case 136. 6. This case of escape falling under Circuit Order No 29 should be disposed of by the Criminal Court: the sentence however should not be recorded till the result of the trial of the prisonir before the Court of Circuit is known. As the prisonir stands committed only in the preceding case, explanation would be satisfactory of the charge being made in this number for escape whilst confined under sentence of the Court of Circuit.

The Criminal Judge will transmit copy of case 135 as it stands in the Report and of para 5 of these proceedings to the Magistrate who will make return to this Court direct in 6 days after receipt

receipt of this order.

Ordered, that Extract of these proceedings be sent to the Criminal Judge at Chittoor for his information and guidance by precept returnable in 4 days after receipt.

(Sent following Precept No 1008

Read the Criminally Criminal Returns prescribed by Section XXXV Regulation X 1816 for July.

(Here enter No 1459)

Report V Case 53. The Court of Enquiry and Magistrate request to be informed of the reason and the place of the detention of the 1st prisonir in this case from the 17th to the 24th July.

Case 56. 2. The Magistrate should caution the Police Officer not to send up to the Court Criminal Court, cases of this description. The charge in the case noted in the margin is laid for preferring two false complaints before the Magistrate of "Criminally" which obviously does not fall under Regulation IX 1832.

Case 57. 3. In this case, the reason of the delay in the Clerk ought to have been assigned.

Cases 58. 59. 4. The grounds for the detention of the Prisonir

Prisoners in these cases in the Calcutk are not satisfied.

The Joint Criminal Judge will furnish the Magistrate with copies of the cases above noted, and of this and the other paras referring to them and the Magistrate will make return direct to the Court in 6 days after receipt of these orders.—

Ordered, that extract of these proceedings be sent to the Joint Criminal Judge at Jumeralla for his information and guidance, by Precept returnable in 3 days after receipt.—

(Sent following Precept No. 1009

Read the Lying a Patam Criminal Reports prescribed by Section XXXV Regulation X 1816 for July.—

(Here enter No. 1461)

Report V
Case 35.

In this case, the explanation of the delay of 10 days viz. that certain of the witnesses required were "sent for through the Magistrate" is not satisfactory.—

Case 37.

The Court of Sunjaore deduct as to persons how this case, in which the prisoner (on a charge "that being at the Prosecutors house" she "had stolen at night articles to the value of 8 Rupees") has been sentenced to ten months imprisonment and

to work on the public roads but without irons, fails within Clause 4th Section III Regulation VI. 1822. The Native Criminal Judge should call the attention of the Sessions Judge to the Circular Order 13th August 1823 which requires him in all cases of Thefts punished under Clause 4th Section III Regulation VI of 1822 with imprisonment exceeding six months, invariably to specify in the Report submitted agreeably to Section XXXV Regulation X 1816, the particular circumstances of aggravation which may have brought the case within those provisions.—

In the present instance if there were no circumstances of aggravation, the Native Criminal Judge will reduce the sentence to 6 months, which will be legal in that case, under Section VII Regulation X 1816; but if the case is not fully represented in the report, he will submit for the Court's decision the circumstances of aggravation which authorize in his opinion the present sentence.—

Case 39.

On this case the Court have to observe that a reference should have been made to the Mahomedan Law as to the liability of the prisoner to punishment under it for the offence preferred against him.—

Suppl. Report
Case 31.

The charge against the prisoner in this case was for beating the Prosecutor who had gone to

to procure provisions for troops, with a shot, and causing a slight wound on his head by throwing him down" and the prisoner was sentenced under Section VII Regulation X 1816 to be imprisoned six mos for 6 weeks from this date and made to labor.

The sentence appears to the Court of Sunjaree decidedly much too severe and that a moderate fine would have been more proper. They resolve, under the circumstances of the case, to direct that the prisoner be released immediately on receipt of these orders.—

Report 9. It is stated that the sentence in the only case entered in this Report "was rescind on the 27th July" such cases should not be included in future in the Report, as it refers only to cases in which the sentences may not have reached the Criminal Court before the expiration of the month for which it is prepared.

The Native Criminal Judge will furnish the Magistrate with copy of this and of the 1st paragraph of these proceedings for his information, together with copy of the case No. 35 as it stands in the Report.—

Ordered, that extract of these proceedings be sent to the Native Criminal Judge

at Tellicherry for his information and guidance by Precept returnable within 14 days after receipt.—

(Sent following Precept No. 1010)

Read report prescribed by section XXXVII Regulation VII of 1832 submitted by the Officiating Judge in the Eastern Division for the 1st Sessions 1835.—

(Here enter No. 1398 of 1835)

The Court deem it unnecessary to offer any opinion on the observation of the Officiating 2d Judge in the 4th Para. of his Report, that the prevalence of Culpable Homicide in Malabar is to the attributed to the custom of wearing the Knife as the subject has undergone at different times such full discussion.—

2. Referring to the remarks in the 7th Para, the Court observe that the number of cases brought before a Court of Circuit affords no safe criterion of the state of crime in a District.—The increase of cases at the Sessions at Malabar, which has attracted the attention of the Officiating 2d Judge may it is probable, be more justly ascribed to the greater efficiency of the Police, than to any other cause and this conclusion is borne out by the late report of the 3d Judge for the 2d Sessions 1834.—

The

F.R.
A.G. 1082.

7th August 1830.

3.

The Court of Enjoaru Kolaut with satisfaction, the statements contained in the 3d para "that there was not a single complaint made "to the officiating 2d Judge against the magisterial & "authorities of Malabar."

4.

In the 5th para, the officiating 2d Judge refers to a case of peculiar atrocity, where there was reason to fear that a prisoner in a post poned case before the Honora Court had been murdered "by persons supposed to be in league with the "prisoners". The fact of the murder was; it appears from the Criminal report for June last, established & which it is satisfactory to the Court to report that evidence was found sufficient to warrant the commitment of four persons for trial for the offence

5.

The subsequent paragraphs and the statements forwarded with the report do not call for any remark from the Enjoaru Addalut.—

Ordered, that extract of these proceedings together with a copy of the Report thereon referred to be sent to the Chief Secretary to Govern = ment to be laid before the Right Honorable the Governor in Council.—

(Sent in A.C. 1011

Ordered

F.R.

27th August 1830.

Ordered also, that extract from these proceedings be sent to the officiating 2d Judge in the Western Division for his information.—

(Sent in A.C. 1012)

Clerk

930

At a Court of the Foujdaree Udalut

Present

Friday 28th August 1835. Charles May Lushington Esqre. 1st Puisne Judge,
John Bird Esqre. 2d Puisne Judge,
William Rudleston Esqre. 3d Puisne Judge,

Read the Calicut Criminal Reports prescribed by Section XXXV. Regulation X 1816 for July.-

(Here enter No. 1154-)

Report Vol. Case 226

The Court of Foujdaree Udalut do not understand the application of Clause 6th Section II. Regulation VII 1822 to the case noted in the margin, in which the prisoner is charged with having "stolen 12 Rupees and 3 annas' worth of Metal pots which the Prosecutor had hidden under ground in his house, while the prisoner was living with his wife there," and the Criminal Judge will therefore explain the circumstances which, in his opinion, bring the case within the provision of the Law cited.-

An explanation of the delay

2

Cases 242 243 244.

in

23th August 1835 F.Ct.

in the Talook of the 2.; 4.; 5.; 6.; and 8. prisoners in number 242 — of the 1st, 2d, 4th & 5th prisoners Number 243 and of the 8th prisoner in Number 244. is required from the Magistrate of Malabar to whom the Criminal Judge will accordingly furnish copies of the cases and of this paragraph. The Magistrate will make return direct to this Court in 10. days after receipt of this order —

Ordered, that Extract of these Proceedings be sent to the Criminal Judge at Calicut for his information & guidance by Precept returnable in 4 days after receipt —

(Sent following Precept No. 107)

Read the Chiracole Criminal Reports prescribed by Section XXXV Regulation X 1816 for July —

(Here enter No. 1690.)

Report V Case 4.

1 In this case, the prisoners are represented in the Report to have left the Talook on the 2d July — but in the column of remarks it is stated that the 2d prisoner was again brought before the Police officer on the

28th August 1835 F.Ct.

the evening of the 10th July — This discrepancy requires explanation —

Case 52 2. An explanation is also necessary regarding the delay of the case in the Talooke no mention is made as to where the prisoners were from the 26th June — the date of their apprehension — till the 1st July the day of their appearance before the Head of Police nor is any satisfactory account given of the cause of the non attendance of the Witnesses before the Police till the 11th of July —

Cases 53 & 54 3 The delay in the Talook, of the cases noted in the margin, should be further explained than it has been in the supplemental Report — for the satisfaction of the Court of Foujdaree Adalut —

Case 55. 4 And in the case 55, no reason having been given for the detention of the prisoners from the 30th June till the 16th July, the Magistrate will supply the omission —

5 The Criminal Judge will furnish the Magistrate with copies of the cases

cases above noticed as they stand in the Report and of the paragraphs referring to them, the Magistrate will make return direct to the Court in 10 days after receipt of this order—

Ordered, that Extract of these proceedings be sent to the Acting Criminal Judge at Chittoor for his information and guidance by Precept returnable in 4 days after receipt—

(Sent following Receipt No. 1016)

Read the Cumbum Criminal Reports prescribed by Section XXXV Regulation X. 1816 for July—

(Here enter No. 1500.)

With reference to the Blank Supplemental Report forwarded both in original & translation, the Court of Sooydaroo Udaliar direct the attention of the Criminal and of the Native Criminal Judge of Cuddapah be requested to the Circular Order of the 4th September 1820—

Ordered, that Extract of these proceedings be sent to the Native Criminal Judge at Cumbum that the Criminal Court of Cuddapah for his information & future guidance—

(Sent in No. 1019)—

Read letter dated the 12th instant from the late Acting 3d Judge late on Circuit in the Northern Division— forwarding Statement of Batta to Prosecutors and Witnesses at Nellore and Guntoor for the 1st Sessions of 1835—

(Here enter No. 1492.)

Read letter dated the 16th instant from the Magistrate of Madura, submitting explanation required by the Sooydaroo Udaliar in their proceedings of the 25th Ultimo on certain cases of the Criminal Reports for June—

(Here enter No. 1494.)

Read letter dated the 14th instant from the Provincial Court of Circuit in the Western Division— forwarding translations of the Criminal Reports of the Native Criminal Judge of Canara for July 1835—

(Here enter No. 1495.)

Read letter dated the 17th instant from the 3d Judge on Circuit in the Centre Division transmitting original Death Warrant Vo. Vr. in Case No. 17 on the Cuddapah Calendar for the Second Sessions

Sessions of 1835.-

(Here enter No. 1507.)

Read letter dated the 19th inst. from the 2d Judge on Circuit in the Southern Division forwarding Statement of Bottu to Prosecutors and Witnesses at Tinnevelly for the Second Sessions of 1835.-

(Here enter No. 1515.)

Read further Return dated 31st Ultimo - from the Judges of the Provincial Court of Circuit in the Northern Division to Precept of Tongdaree Udalut dated the 16th July 1835 on the subject of the Misconduct of the Head of Police of Amlapoor in Case No. 57. of the Rajahmundry Supplemental Criminal Report for August 1835.-

(Here enter No. 1525.)

Read Return dated the 20th instant from the Acting Criminal Judge in the Zillah of Rajahmundry to Precept of Tongdaree dated the 15th August 1835 on the Criminal Reports for July

(Here enter No. 1527.)

Read further Return dated the 17th instant

F. Us.
28th August 1835.

instant from the Provincial Court of Circuit in the Northern Division to Precept of Tongdaree Udalut dated the 4th instant requiring a Report from the Magistrate of Vizagapatam of what has been done in respect to the Conduct of the Head of Police in Case No. 17. of the Supplemental Report of the Native Criminal Judge of Vizagapatam for April 1835.-

(Here enter No. 1538.)-

F. C.

At a Court of the Zoujdarie Udalut.

Present,

Saturday,
29th August, 1835.

The Honorable William Oliver, Esqre. Chief Judge,
William Rudleston Esqre. 3d. Puisne Judge,

A. L

Read letter, dated the 19th February,
1834, from the 3d. Judge of the Provincial Court
of Circuit in the Western Division transmitting
English translation of the proceedings in Case
No. 1 Sixth additional Malabar Calendar
4th Quarterly Sessions of 1833 with the copy of
a communication, dated 8th of that month,
from the Joint Criminal Judge of Malabar
and of its accompaniment.

(Here enter No. 320. of 1834.)

Read also letter, dated the 19th
February 1834, from the 3d Judge of the
Provincial Court of Circuit in the Western Division,
forwarding copies of a communication from
the Joint Criminal Judge of Malabar,
dated 13th February 1834, and of its accompani-
ment being the paper of remarks alluded
to in the 6th para of that Officers address,
transmitted

transmitted with his communication of the
of that month—

(Here enter No. 324 of 1834)

Read also Ltr. dated the
11th March 1834, from the 3d Judge of the
Provincial Court of Circuit in the Western
Division, transmitting English translation of
the proceedings held in Case No. 1 of the
Calendar 2d Quarterly Sessions of 1833—

(Here enter No. 340 of 1834.)

1. With reference to the period of
time, which has elapsed since the receipt
of the foregoing communications it is deemed
proper to observe, that upon the first examin
tion of these papers the Court of Foujdaree
Udalut were satisfied, that no sufficient
grounds existed for the adoption of the
measures, suggested in the Joint Criminal
Judge's "paper of remarks", dated the 13th
February 1834; there was consequently no
urgent motive for placing at an early
period on record the views taken by the Court
of Foujdaree Udalut, of this matter, and the

pressing

pressing avocations of the Court, in the
discharge of their ordinary functions, —
sufficiently account for the postponement
of a discussion of the subject to a convenient
opportunity—

2. The Court of Foujdaree Udalut
deem it proper, in the first place, to record
their unqualified concurrence in the views
taken by the 3d Judge of the Provincial Court
of Circuit in the Western Division of the evidence,
bearing immediately on the charge, which
formed the subject of Case No. 1 of the
additional Calendar 4th Quarterly Sessions
of 1833; and after the most mature consider
tion of the proceedings, held in that case,
the Court of Foujdaree Udalut deem the
evidence for the prosecution, throughout, to be
tainted with perjury, and utterly undeserv
ing of consideration—

3. With respect to the comparisons,
instituted by the Joint Criminal Judge in
his remarks of the 13th February 1834, between
the alleged facts, in the cases No. 1 additional
Calendar

Calendar 2d Quarterly Sessions of 1832
and No. 1. Malabar Calendar 2d Quarterly
Sessions of 1833 — the Court of Foujdaree Udalut
observe, that, even admitting the correspondence
between those facts to be as minute, and
peculiar, as is represented, no legitimate inference
is thence deducible in disparagement of
the evidences in the former of the two
cases; let it, for the sake of argument be
supposed, that the latter case was founded
on a conspiracy; and that the evidence
given in that trial, was false, and fabricated for the occasion — no conclusion can
thence be drawn, affecting the evidence of
other witnesses in a preceding case, to disprove
whose statements, in that case, no credible
evidence has been brought forwards.

4. The Court of Foujdaree Udalut,
in reference to the observations of the Zeyd
Criminal Judge in the 3d and succeeding
paras of this proceedings, observe that the
imputations against Cattala Pechee, and
his elder brother, Mayen, are based altogether
upon

29th August 1835. F. H.

upon assumptions, in respect to the credibility
of certain evidence, and the falsehood
of evidence, inconsistent therewith, which
do not appear to the Court of Foujdaree Udalut
to rest upon any sound foundation —

5 Upon the fullest consideration
of all, that has been advanced, and all
the proceedings, submitted for their examination,
the Court of Foujdaree Udalut can discover
nothing to invalidate the conviction of the
prisoners in Case No. 1. of the Additional
Calendar 2d Quarterly Sessions of 1832 —

6. With respect to the testimony
of the 1st 2d 3d and 4th witnesses in Case
No. 1 of the Sixth Additional Calendar 4th
Quarterly Sessions of 1833, who depose that
each of them, with Seven other persons,
including Vaman Conjambon, the 2d
prisoner in Case No. 1. Additional Calendar
2d Quarterly Sessions of 1832, were, during
the afternoon and the night of the 1st
April 1832, in the House of the said Vaman
Conjambon's mother, it is to be observed, that

he

he, upon his defence on his trial, stated that two persons besides himself named his witnesses "Vannan Cannan," and "Pottan only, were there: and that he added, "as "three persons were near my mother and "ten Nariqhas of the night, after that "Pottan went to his house, but Cannan "and myself sat for about one Nariqha, after "which having spread a mat, we both "laid down together inside; about half a "Nariqha before day break some Kolkars "came from the talook, seized me, and my "witness Cannan, and carried us thither."

7. The Statement of the 4 witnesses above mentioned in Case No. 1 Sixth additional Calendar 4th Quarterly Sessions of 1833, that the eight persons whom they designate passed the night in question in the house, and were there all seized next morning, cannot under these circumstances, were there no other objections to their testimony, be allowed the smallest consideration—

The

8. The two witnesses, called by Vannan Conjamboo to prove the alibi, set up by him on his trial, differed from him, as to the persons, who were present that night in the house, which was one ground for discrediting their testimony; and it is scarcely necessary to add, that their evidence on this point differs entirely from that given by Vannan Cannan (one of them) as fourth witness in No. 1. of the 6th additional Calendar and by the 1st 2d and 3d witnesses in that case—

The Court of Foujdaree Adalut

9. do not deem it necessary to record any further observation upon the papers under consideration—

Ordered, that Extract from these proceedings be sent to the 3d Judge of the Provincial Court of Circuit in the Western Division to be by him communicated to the acting Joint Criminal Judge of Malabar— Sent in No. 3073

Read

Read letter dated the 5th " instant
from the 3d " Judge on Circuit in the Centre Divi
Reporting that the 2d " Sessions of 1835 will be
opened at Bellary on the 7th " proximo -

(Here enter No. 1385.)

Read letter dated 1st " instant f
the Acting Joint Principal Judge of Masulipata
requesting to substitute the month of April
for March under the Heads " Number of cases,
leaving Calcah and arrival " in Case 26. of
Supplemental Report for June last -

(Here enter No. 1390.)

Read letter dated the 5th " instant
from the Magistrate of Trichinopoly submitting
explanation regarding the Criminal Reports
for June -

(Here enter No. 1402)

Read letter dated the 3d " instant
from the Magistrate of Malabar submitting
explanation required by the Tuj dare Adalut
in their proceedings of the 25th " Ultimo on the
Criminal Reports for June -

(Here enter No. 1404)

Read

Read letter dated the 5th " instant
from the Acting Criminal Judge of
Rajahmundry transmitting several account
particulars and Statements &c " for the month
of July last on account of the Prisoners placed
under the Officer Commanding Samulcottah -

(Here enter No. 1420.)

Read letter dated the 7th " instant
from the 1st " Judge of the Court of Circuit
in the Centre Division transmitting Copy of the
Chittoor 3d " Supplemental Calendar for the
3d " Quarter Sessions of 1835 -

(Here enter No. 1433)

Read Return dated the 12th " instant
from the Late acting 1st " Judge of the Provincial
Court of Circuit in the Centre Division to Receipt
of Tuj dare Adalut dated the 24th " February 1835
requiring him to call upon Vullee Mahomed
Mooftee of the Zillah Court of Chittoor for an
explanation regarding an error in one of his
Futwas -

(Here enter No. 1442.)

Read Return dated the 6th " instant
from

from the Provincial Court of Circuit in the Southern Division to Precept of Tanjore dated the 3d August 1835 regarding No 123 the Criminal Reports of Tinnevelly for the

(Here enter No 1443)

Read letter dated the 6th inst from the acting Joint Criminal Judge of the Auxiliary Court at Honore forwarding Criminal Reports for the Month of July 183

(Here enter No 1546)

Read letter dated the 13th inst from the Criminal Judge in the Zillah of Nellore - forwarding the Criminal Reports for the Month of July 1835 -

(Here enter No 1656)

Read letter dated the 12th instant from the Acting 2d Judge on Circuit in the Northern Division reporting his intention to open the 2d Sessions of 1835 at Rajahmundry on the 26th instant -

(Here enter No 1466)

Read letter dated the 12th instant from the Magistrate of Trichinopoly submitting explanation

explanation regarding a Case on the Criminal Reports for May -

(Here enter No 1473.)

Read letter dated the 12th instant from the additional Judge late on Circuit in the Northern Division transmitting original Death Warrant & in Case No 5 on the Vizagapatam Calendar for the 1st Sessions of 1835 -

(Here enter No 1474)

Read letter dated the 14th instant from the 1st Judge of the Provincial Court of Circuit in the Centre Division transmitting Copy of the Chittoor fourth Supplemental Calendar for the 3d Quarter Sessions of 1835 -

(Here enter No 1477)

Read Statement dated the 13th instant - from the Magistrate of Tanjore of the Labor of the Prisoners at Myaveram Jail under charge of the Joint Magistrate for the Month of July 1835 -

(Here enter No 1479)

Read Return dated the 17th instant from

29th August 1835.

from the 2d Judge on Circuit in the Centre Division to Precept of Foujdaree Udalut dated 14th August 1835 sanctioning a mitigated sentence of Sasheer and 2 years imprisonment with hard labor in irons in Case No. 7 of the Shingleput Calendar for the 1st Sessions of 1835.

(Here enter No. 1482)

F. 86.

At a Court of the Foujdaree Udalut.

Present,

Monday 31st August 1835.

The Honble W. Oliver Esqre. Chief Judge

Charles May Lushington Esqre. 1st Puisne Judge

John Bird Esqre. ——— 2nd Puisne Judge

William Hudleston Esqre. 3d Puisne Judge

Read again Miscellaneous Petition presented on the 7th Ultimo by Nursummah Atchaya and Bandoochetty Dos, praying for the release from confinement of the 1st 2nd and 3d prisoners in Case No. 53 on the Cuddapah Calendar for the First Sessions of 1834—

(Here enter Mis. Petn. No. 4650 of 1835.)

Read also Return dated the 10th Instant from the Provincial Court of Circuit in the Centre Division to the Precept of the Foujdaree Udalut under date the 27th July 1835. directing them to prepare and submit an English Translation of the proceedings held in the above case—

(Here enter F. No. No. 496 of 1835)

In this case the prisoners

1st Jondem Chinnavadoo

2nd Goreenee Neeranjah

3d Do Sinnanah

4th Gurrapoolaty Ramasawmy

5th

31 31st August 1835

"Cunnopayee" resolve notwithstanding the sent
of the Cazee-ool-Cozat and Mooftees afore
to direct that the said prisoner be set

The Court of Foujdaree Adalut
having disposed of the above trial direct the
the 2nd Judge on Circuit be instructed the Cir
Judge to carry into effect the order for the
of the prisoner "Coopsamy" as soon as he is
charged from the Hospital, if he should be
there.

Ordered that Extract from the
proceedings be sent to the 2nd Judge on Circ
in the Southern Division for his inform
and guidance.

(Sent following letter No. 1030

Read letter dated the 10th Instant
from the 2nd Judge on Circuit in the Centre Divis
transmitting the record in Case No. 34 on the
Cuddapah Calendar 1st Sessions of 1835.

(Here enter No. 1429)

Mr. Bird
and
Mr. Hudleston

The Court of Foujdaree Adalut
having maturely considered the proceedings held
before the Judge on Circuit the Fetwa of the
Provincial Law Officer and the Fetwa of the

F. 86.

31st August 1835. the Cazee-ool-Cozat and Mooftees of the
Foujdaree Adalut, confirm the said Fetwa of
the Cazee-ool-Cozat and Mooftees aforesaid
acquitting the prisoners

1st. Caumenddygary Rosereddy
2nd ——— Do. ——— Chinna Baulereddy
4th ——— Do. ——— Lungeevooreddy
5th Tola Chennoogada
and
6th Meesala Condados

and accordingly direct that they be set at
liberty.

(Sent following letter No. 1031

Read letter dated the 6th Instant
from the late Acting Third Judge of the Provincial
Court of Circuit in the Northern Division submitting
an English and Persian Translation of Case No. 16
on the Masulipatam Calendar for the Fourth
Quarter Sessions of 1834.

(Here enter F. Cs. No. 1436 of 1835)

Mr. Lushington
and
Mr. Hudleston

The Court of Foujdaree Adalut having
maturely considered the proceedings held before the
Judge on Circuit the Fetwa of the Provincial Law
Officer and the Fetwa of the Cazee-ool-Cozat and
Mooftees of the Foujdaree Adalut are of opinion
that

31st August 1835.

that the prisoners

1st Candla Seebbaroydoo

2nd Latchmeraddy Swamy

and

3rd Goondapanany Venkatachellum

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 in conformity with the provisions of Clause 6th Section III. Regulation XX of 1803, direct that they be set at liberty.

As it appears to the Court of Zoujdaree Udalut that the Late Jemadar of the Auxiliary Court, Syed Boorauddeen, is not free from blame on account of the share which he took in the transaction which gave rise to this Prosecution, they deem it proper to direct that the Acting Joint Criminal Judge of Masulipatam be called upon to report for their information what has been the general conduct and character of that individual.

Ordered that Extract from these proceedings be sent to the late Acting Third Judge of the Provincial Court of Circuit in the

31st August 1835.

the Northern Division by Precept returnable within ten days from and after its receipt.

(Sent following Precept No. 1032

Read letter dated the 8th Instant from the late Acting 3rd Judge of the Provincial Court of Circuit in the Northern Division transmitting the record in Case No. 14 on the Masulipatam Calendar 4th Quarterly Sessions of 1834.

(There enter J. Ec. No. 1462 of 1835)

The Court of Zoujdaree Udalut, having

Mr. Bird
and
Mr. Thedleston

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 such part of the said Futwa of the Cazee-ool-Cozat and Mooftees aforesaid as acquits the prisoners

2nd Pauvoloory Chintadoo

3rd Chittoory Veerados

4th Boddoo Cantoya

and

5th Colavaty Panacaloo

and accordingly direct that they be set at liberty.

But being of opinion that the proof against the prisoner

1st Corrapauty Mootadoo

is sufficient to correct him of the crime of Gr
Robbery by open violence, the Court do, under t
authority with which they are vested by Clau
First Section II. Regulation I. of 1818 commit 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 labour in irons on the public roads or
public works for and during the period of Two
Years.

Sent following letter No. 1033

Read letter dated 15th Instant
from the Criminal Judge at Chittoor forwarding
the explanation of the Magistrate relative to the
detention of the prisoner in the Taluk in Case
No. 107 of the Supplemental Report for June last

(Here enter No. 1471)

With reference to the remarks in
the letter of the Acting Joint Magistrate ac-
companying the above return, at the time of
the Jummabundy it is next to impossible for a
Tahsildar to devote that strict attention to his
duties as Head of Police which is expected by the
authorities who are interested in the due

responsibility

Case No. 5.

responsibility. the Court of Zoujdaree Adalut direct
that it be pointed out to the Magistrate for his &
that it be pointed out to the Magistrate for his
information, and for that of the Joint Magistrate,
that when the Tahsildar is otherwise occupied
some temporary provision for the discharge of
his duties should be made.

The Criminal Judge will com-
2.
-municate the above observation to the Magistrate

Ordered that Extract of these pro-
-ceedings be sent to the Criminal Judge for his
information and guidance by Precept returnable
in 3 days after receipt.

(Sent following Precept No. 1034

Read letter dated the 19th Instant
from the 2nd Judge on Circuit Southern Division
transmitting copy of the Madura Supplemental
Calendar for the 2nd Sessions of 1835.

(Here enter No. 1512)

With reference to the circumstances
represented by the 2nd Judge in the Calendar, the
Court of Zoujdaree Adalut resolve to direct, agreeably
to his recommendation, that the prisoner in this
case Vailen convicted of Perjury "be strongly &
admonished to be more careful in future, &

and

and released.

Ordered that Extract of these proceedings be sent to the 2nd Judge on Circuit in the Southern Division for his information and guidance by Precept returnable in 5 days after receipt.

(Sent following Precept No. 1035

Read Return dated the 24th Ultimo from the Provincial Court of Circuit in the Western Division to precept of Tondiarpet Adalut dated the 16th July 1835 directing that the Joint Magistrate in charge of Canara be informed that he is right in his Construction of Clause First, Section V. Regulation XIII of 1832.

(Here enter No. 1330)

Read letter dated the 29th Ultimo from the 1st Judge of the Provincial Court of Circuit in the Centre Division with copies of the Chittoor first and second Supplemental Calendars for the 3rd Quarterly Sessions of 1835.

(Here enter No. 1331)

Read letter dated the 3rd Instant from the Provincial Court of Circuit in the Southern Division forwarding an original letter from the Acting Sessions Criminal Judge of Coimbatore reporting the escape of two prisoners charged with murder and the re-apprehension of one of them.

(Here enter No. 1370)

Read

Read Return dated the 4th Instant from the Provincial Court of Circuit in the Northern Division to Precept of Tondiarpet Adalut dated the 9th July 1835 requiring explanation regarding the difference in dates as inserted in the Criminal Report and that mentioned in a Return of the Magistrate of Masulipatam of summons issued by the Auxiliary Court for certain witnesses in Case No. 154 of 1835 Masulipatam Supplemental Report.

(Here enter No. 1417)

Read Order dated the 7th Instant from the Chief Secretary to Government, granting sanction for the continuance of the pension of the widow of the late Moosty of the Sudr Adalut referred to in the 2nd para of this Court's Proceedings of the 27th Ultimo pending the receipt of further orders from the Honorable Court of Directors on the subject.

(Here enter No. 1423)

Read letter dated the 8th Instant from the Native Criminal Judge of Cuddapah, reporting that a security Prisoner named Moochecoontla of Ramoodee in Case No. 26 of 1835 had made his escape.

(Here enter No. 1431)

Read Return dated the 11th Instant from the 1st Judge of the Provincial Court of Circuit in the Northern Division to Precept of Tondiarpet Adalut

31st. August 1835.

Udalut dated the 10th. August 1835 directing the release of certain prisoners tried and sentenced in the 1st Quarterly Sessions of 1833 and the 1st. and 2nd. Quarterly Sessions of 1834.

(Here enter No. 1498)

Read letter dated the 19th Instant from the Additional Judge of the Provincial Court of Circuit in the Northern Division reporting that his time is fully occupied in the trial of the Rajah Case, and requesting sanction for the measure suggested in the Acting Third Judge's letter of the same date.

(Here enter No. 1518)

Read Return dated the 22nd Instant from the 1st. Judge late on Circuit in the Southern Division in pursuance of the Joydaree Udalut of 28th July 1835 conveying their observations on the Summary and Supplemental Calendars of Cumbatoor for the 1st Sessions of 1835.

(Here enter No. 1533)

Read letter dated the 24th Instant from the Acting Joint Criminal Judge at Guntoor furnishing explanation called for in proceedings of Joydaree Udalut on Criminal Report for July.

(Here enter No. 1549)

Read letter dated the 26th Instant from the Criminal Judge in the Zillah of Chittoor submitting the explanation called for in proceedings of

No. 80.

31st. August 1835

of Joydaree Udalut of 14th Instant in No. 118 Criminal Report.

(Here enter No. 1550)

Read letter dated the 24th Instant from the Criminal Judge in the Zillah of Salem furnishing explanation required in the proceedings of the Joydaree Udalut on Salem Criminal Reports for June.

(Here enter No. 1552)

Read letter dated the 22nd Instant from the Acting Criminal Judge in the Zillah of Rajahmundry furnishing further explanation called for in proceedings of Joydaree Udalut on Criminal Report for July last.

(Here enter No. 1553)

Read letter dated the 22nd Instant from the Magistrate of Rajahmundry furnishing an explanation called for by this Court in their Proceedings of the 15th Instant on case No. 43 Rajahmundry Criminal Report for July last.

(Here enter No. 1562) &c

At a Court of the Foujdaree Udalut.

Present,

Thursday 3d. September 1835. Charles May Sushington Esqre. 1st. Puisne Judge.

John Bird Esqre. 2d. Puisne Judge.

William Hudleston Esqre. 3d. Puisne Judge.

Read letter dated the 17th. Ultimo from the 2d. Judge on Circuit in the Centre Division - transmitting the record in Case No. 9. on the Bellaree Calendar 1st. Sessions of 1835.-

(Here enter No. 1488.)

The Court of Foujdaree Udalut,

Mr. Sushington
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: Coyat and Mooftees of the Foujdaree Udalut, confirm the said Futwa of the Cazee: ool: Coyat and Mooftees aforesaid, convicting the prisoner -

"Pedda Nauruppa"

of Wilful Murder and awarding Kissas, and, in conformity with the provisions of Section X. Regulation VIII of 1802, sentence him

to

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

(Sent following letter No. 639)

Read letter dated the 20th Inst. from the 2d. Judge on Circuit in the Carnatic Division - transmitting the record in Case No. 5. of the Bellary Calendar for the 1st. Sessions of 1835.

(Here enter No. 1520)

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

1st. Nagapa Naid
2d. Punmah Naik
and
3d. Yeddull Siffrogaudu

and accordingly direct that they be set at liberty -

(Sent following letter No. 1040)

Read

Read return from the Magistrate of Salem dated the 15th. Ultimo to Precept of the 24th July last (conveyed thro' the Criminal Court) requiring him to explain what Notice he had taken of the proceedings of the Police Officer in Criminal case No. 84 -

(Here enter No. 1439 -)

The explanation of the Assistant Magistrate respecting this case forwarded in the above return closes with the following passage. "the amount also being large, the detention of the prisoners satisfactorily accounted for, and the proof against them appearing to me amply sufficient, and not being aware of any order of the Foujdaree Adalut at variance with the proceedings of the Dhesmaputi Head of Police in the present case, I have not hitherto considered it necessary to make any remark to that authority upon the subject."

The order upon which the observation of the Foujdaree Adalut of the 24th Ultimo was founded the Assistant Magistrate will find was circulated under date the 26th January

January 1822 and is expressed in these terms
"the reasons ordinarily assigned for the detention
of persons in custody such as time occupied in
search for stolen property, the illness of witness
or the non-apprehension of other suspected person
will not be admitted as valid grounds for the
infringement of Clause 4th. Section XXVII Regln
XI of 1816" but "on such occasions the prisoners
should be forwarded with the evidence obtained
and the deficiencies supplied as soon as possible"

The Magistrate will also point out
to the Assistant Magistrate the Circular Order No. 32
shewing that the detention of prisoners may in
some cases be justifiable and will explain
to them, and to the Police officer who forwarded
the case in question, that a full explanation alone
of the cause of the detention can enable the
Court to review the proceedings in the Palaks
as free from blame where any unusual delay
is represented in the Criminal Report.

Ordered, that Extract of these proceedings
be sent to the Magistrate of Salem for his information
and guidance by Precept returnable in 3 days after
receipt.

(Sent following Precept No. 1041).

F. 46.

At a Court of the Fouzdaree Udalut.

Present,

Monday,
7th. September, 1835.

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

Read again Miscellaneous Petition
presented on the 3d. Ultimo by Valun residing at
Soolieporum in the Zamindaree of Sapatoor, in the
District of Tinnevelly.

(Here enter Mis. Pet. No. 53 of 1835.)

Read also Petition presented on the
24th. Ultimo by the same individual.

(Here enter Miss Pet. No. 66 of 1835)

The Petitioner reiterates his complaint
against the Zamindar of Sapatoor, whom he charges
with the murder of his father and prays that the
proper authorities may be instructed to investigate
the case.

The Court of Fouzdaree Udalut
considered the circumstances set forth in these petitions
and adverting to the observations of the Circuit and
Criminal Judges, are impressed with the belief
that the complaints of the Petitioner are not
without foundation.

The

3

They in consequence resolve to direct that transcripts of the translated Petitions Nos. 58 and be sent to the Provincial Court of Circuit in the Southern Division, with instructions to furnish Copies of the same to the Magistrate of Tenmerachy and to direct that officer to investigate the matter and report through the Provincial Court for the information of the Sawdanee Adalut, the result of his inquiry.-

Ordered that Extract from these proceedings be sent, with the copies of the translated petitions above referred to, to the Provincial Court of Circuit in the Southern Division, by Receipt returnable within one Month from the date and of its receipt.-

(Sent following Receipt No. 1052

Ordered further that Extract from these proceedings be furnished to the Petitioner upon his application.-

Read Petition presented on the 24th Ultimo by Soobrammania Moodely of the Jaffna District of Wanderoe

(Here enter Mis. Pet. No. 68)

1. The object of this Petition is to obtain from the Court an order for the release of the Petitioner's Brother Ponnambalam Moodely and another from the prison at Mootoor Pillay

Pillay who the Petitioner alleges have been sentenced unjustly by the Court of Circuit in the Southern Division to be imprisoned with hard labour in irons for 5 and 8 Years respectively.-

2. Petitioner further prays for orders to be issued for the restoration of a sum of 50 Rupees stated by him to have been paid as a Bribe to the Talsildar of Maudoocoolum Talook.

3. The Court, upon review of the cases in the Calendar in which the parties alluded to by the Petitioner were concerned, did not see cause for their interference.- They have again referred to the Calendar and they approve of the sentences passed and from which there is no appeal.-

Ordered accordingly that the Petition be rejected and that Extract of these proceedings be furnished to the Petitioner upon his application.-

Read Miscellaneous Petition presented on the 31st August 1835 by Chella Mootteo

(Here enter Mis. Pet. No. 69 of 1835)

1. The prayer of this petition is the same as that of No. 59, on which an order of rejection was passed by the Sawdanee Adalut under date the

7th September 1835

the 7th Ultimo.

2

That order is final, and the Petn is accordingly rejected.

3

The Court deem it proper to observe that in No. 59 it is stated that three witnesses were examined before the Court of Circuit on behalf of the prisoner while in the Petition just disposed of the assertion that they were not examined.

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

Read Miscellaneous Petition presented on the 31st Ultimo by Gourrayya.

(Here enter Misc. Petn No. 70 of 1835)

1

The Petitioner prays to be furnished with attested copies of Miscellaneous Petition No. 52 presented to the Sunjdaree Adalut by Lyagaroy Tummy and eleven others, and of the order of that Court thereon that he may lay them before the additional Judge of the Provincial Court of Circuit in the Northern Division who, he represents, is at present engaged in the trial of Case No. 1 on the Mountgatum Calendar for the 1st Quarter Sessions of 1835 in which the Petitioner Brother is charged with Perjury.

J. H.

7th September 1835.

2

No sufficient grounds are shewn for compliance with the prayer of this Petition which is accordingly rejected.

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

Read Miscellaneous Petition presented on the 31st Ultimo by Yelly of the Zillah of Chingleput.

(Here enter Misc. Petn No. 71 of 1835)

1

The Petitioner solicits a reconsideration of the order passed by the Sunjdaree Adalut under date the 24th Ultimo on her Petition No. 61 of 1835.

2

The request is altogether inadmissible and the Petition is accordingly rejected.

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

Read letter dated the 18th Ultimo, from the 2nd Judge on Circuit in the Centre Division transmitting the record in Case No. 6 Bellary Calendar for the 1st Sessions of 1835.

(Here enter No. 1522.)

Mr. Bird
and
Mr. Bradleston.

The Court of Sunjdaree Adalut, on a deliberate consideration of all the circumstances

7th September 1835.

of the case in evidence before them, being of opinion that the proof against the prisoner,

"Lingadoo"

is sufficient to convict him of the crime of Murder under the authority with which they are vested by Clause First Section II, Regulation I of 1817 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 on the public roads or other public works for and during the period of his natural life.

(Sent following letter No. 1053

Read letter dated the 22nd Ultimo from the 3rd Judge on Circuit on the Central Division transmitting the record in Case No. 12 of the Criminal Calendar for 2nd Sessions of 1835.

(Here enter No. 1535)

Mr Lushington, The Court of Zillah Madura Adalut after deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the proof against the prisoners,

1st "Dora Nauygadoo"
2nd "Dora Venkatagadoo"

7th September 1835.

3rd "Panoomala Naugadoo"

and

4th "Panoobala Gungadoo"

is sufficient to convict them of the crime of Gang Robbery by open violence, do, under the authority with which they are vested by Clause 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 severally to be imprisoned and kept to hard labour on the public roads or other public works for and during the period of [5] five years.

(Sent following letter No. 1054

Read return by the Criminal Judge of Madura dated the 3rd Ultimo to Precept of the 25th July last conveying the orders of the Zillah Adalut on the Madura Criminal Reports for June.

(Here enter No. 1399)

In these proceedings accompanying the above Precept the Court of Zillah Adalut recorded the following order: If there are no other grounds for demanding security from the 1st 2nd 3rd and 4th prisoners than the mere crimination of them by the others they should be discharged if no bail,

Suppl. Report Case 162

"said

7th September 1835

"Bail bonds cancelled if they have been entered into
"the Court await the explanation of the Acting Circuit
"Judge on this point"

2.

From the explanation given in the above return the Court perceive that there are no sufficient grounds for the requisition of security from the said prisoners, the bail bonds therefore shall be cancelled of the 6th and 7th if they have been entered into, (the parties according to the return having been released) and the 1st and 2nd prisoners shall be released immediately on receipt of these orders, if they have not already found security, or if they have furnished security their bail bonds also shall be cancelled.

Ordered, that Extract of these proceedings be sent to the Criminal Judge of Thadeo for his information and guidance by Precept returnable in 8 days after receipt.

(Sent following Precept No. 1055

Read letter dated the 4th Ultimo from the late Acting Third Judge late on Circuit in the Northern Division submitting copy of the last portion of the Gaoler Calendar for the Sessions of 1835, with copy of the Superintendents Calendars of the same Gaols and Sessions.

(Here enter J. Co. No. 1477 of 1835)

J. Co.

7th September 1835.

Read also Return dated the 11th Ultimo from the late Acting Third Judge late on Circuit in the Northern Division to the Precept of the Faujdaree Adalut under date the 11th July 1835 conveying their observations and orders on the First portion of the Gaoler Calendar for the First Sessions of 1835.

(Here enter J. Co. No. 1501 of 1835)

Case No. 38.

1.

The Court of Faujdaree Adalut are averse from mitigation in a case of this nature, and do not therefore sanction any alteration of the sentence.

Case No. 42.

2.

The Court of Faujdaree Adalut are of opinion that the Presiding Judge erred in entering upon this case. He would appear to have overlooked their standing orders of the 24th August 1826, circulated under date the 23rd June 1827 which require that the "Circuit Judge before commencing the trial should satisfy himself by considering the proceedings before "the Criminal Judge and other inferior tribunals whether there is reasonable ground to believe that "the trial can be brought to a close on the testimony "of the witnesses present" and that "if there is not, "the trial be not commenced" and the Court see no grounds for classing this among those cases

J.

of rare occurrence in which the testimony of an
"witness, thought immaterial, may prove in the
"of the trial to be indispensable."

3 The same remark applies to
Nos 46 - 54 - 61 - 62 and 64

Cases Nos 30 - 51 - 52 - 56 - 60 - 71 on the Primary Calendar: Case No 5 on the Supplemental & above quoted makes the following observation
Calendar and Case No 15 on the First portion of the Calendar.

With reference to case No 15 on the (First Part) the late Acting Third Judge in his "printed list of crimes which are specially pointed "for, includes housebreaking, and quotes Clause 5th "and Fifth, Section II, Regulation VII of 1822 - Clause "Section X Regulation XV of 1803 - Section XXI Regn "XII of 1202 Section II Regulation XI of 1827 and Sec "IV Regulation I of 1825 as the authority."

5 The Court of Foujdaree Adalut observe, that if it was intended to refer to Clauses and fifth, Section II Regulation VII of 1822 as providing for the punishment of simple housebreaking with their repeated decisions from the promulgation of that Regulation to the present time, those Clauses provide no punishment at all, and Section XXII Regulation XII of 1802 provides merely the commitment for trial. Sections II, Regulation VII of 1827 and Sec I Regulation I of 1825 are in the manner referred to the question of whether or not the case falls

the provisions of Clause Third, Section II Regulation XV of 1803.

6. Adopting this erroneous view however, the Presiding Judge, who it is obvious has therefore the printed Abstract as obviating all necessity for reference to the Code of Regulations, has passed illegal sentences in the several cases noted in the margin, which he must now revise, taking Second Futwahs from the Mahommedan Law Officer, and thence proceeding in the mode prescribed by the general provisions of the Regulations; and wherever he may deem mitigation of the punishment necessary, he is at liberty to submit an application on the subject to the Foujdaree Adalut.

7. Case 71 it is observed falls under Clause Fourth, Section II Regulation XV of 1803. In Case 50, the Mahommedan Law Officer himself delivered an improper Futwa, setting aside the personal objections without waiting for the second question as required by Clause Third, Section II, Regulation XV of 1803. In case No 52 it is stated that "under the connection in No 51, sentence of 7 years labour in irons was passed:" but the Futwah in Case No 51 is a Futwa of "Tohmut" or suspicion only, which, as has been repeatedly observed

observed by the Foujdaree Adalut with fact and

Case No. 43.

8.

In this Case, in which the offence charged was committed by a single unarmed individual, and does not consequently amount to Robbery, the provisions of Clause Third Section I Regulation XV of 1803 granted by the Presiding Officer convicts the prisoner of Kilaut Zunbee bars Buds. A second question must therefore taken under Clause Third, Section II, Regulation of 1803. In the event of the prisoner being declared liable to amputation of two limbs, sentence of fourteen years imprisonment may be passed under the provisions of Section XXI Regulation XII of 1802, conditionally however appears to the Court of Foujdaree Adalut that evidence as it is given in the Calendar, offers no ground whatever for "supposing" that the accused "acted in concert with the Banjetta Gr or that the ends of justice will not be attained the infliction of a less severe penalty than that proposed by the Presiding Judge.

9.

The Court therefore suggest to the officer the expediency of submitting for a mitigation of the punishment to seven years, but should view of the case remain unchanged, they see no

J. Ec.

7th September 1835.

that an English Translation of the Proceedings be prepared and submitted for their consideration without delay.

Case No. 44.

10.

In the second question on this case it is among other things asked "what sentence would lie if the second witness had deposed before the Court of Circuit to the same effect as before the Criminal Court".

The Court of Circuit having no power to overrule such an objection as this, the sentence is illegal, and the case must be referred unless the Law Officer in a further Futwa convict without that condition. The Court of Foujdaree Adalut will pass their orders regarding the proposed mitigation of punishment in this case, on the receipt of the Presiding Judge's report relative to the above point.

Case No. 47.

12.

Not being satisfied that the conviction of the prisoner in this case rests upon sufficient grounds, the Court of Foujdaree Adalut direct that an English Translation of the proceedings be prepared and submitted for their consideration without delay.

Case No. 55.

13.

In this case also the conviction is declared in the Futwa on the assumption that the 4th witness had deposed before the Court of Circuit

7th September 1835.

Clause Third. Section III. Regulation I of 1825 the mitigated punishment recommended by Second Judge and accordingly sentence the pris "Naugen"

to be imprisoned and kept to hard labour on the public roads or other public works for during the period of (7) Seven years

Case No. 10.

2

The Court of Foujdaree Adaulut see no objection to the mode of proceeding laid down in the Precept issued by the Second Judge acting Joint Criminal Judge of Chittagong for the committal of the 1st and 2nd witnesses for departure from the course prescribed by the Circular Order of the 6th August 1832 in the trial of two or more persons jointly for "crime of perjury" is declared to be irregular highly objectionable.

Case No. 17

3

In this case also the Court of Foujdaree Adaulut resolve to sanction the mode of punishment proposed by the Presiding Judge and accordingly direct that the prisoner "Carolhan"

be exposed in the mode denominated Takteer for

7th September 1835.

further be imprisoned and kept to hard labour in irons on the public roads or other public works for and during the period of (2) two years.

Ordered, that Extract from these proceedings be sent to the 2nd Judge late on Circuit in the Centre Division by Precept returnable within five days from and after its receipt.

(Sent following Precept No. 1057) -

Ed 2d.

At a Court of the Foujdaree Udalut—

Present,

Wednesday
9th. September 1835. Charles Mayy Lushington Esqre. 1st. Puisne Judge,

John Bird Esqre. —— 2d. Puisne Judge,

William Rudleston Esqre. —— 3d. Puisne Judge

No Return having been, yet, received from the late acting Third Judge late on Circuit in the Centre Division to the Precept of the Foujdaree Udalut under date the 10th. July 1835 communicating their resolution to abstain from ordering the dismissal of "Teroomaniengar" Tahseeldar of Cuddalore, & late 4th. prisoner in Case No. 12 on the Calendar of that Zillah for the second Sessions of 1834, and directing that the Magistrate of South Arcot be required to intimate to that individual that no future dereliction of duty will be pardoned, and that, in the present instance, Clemency has been extended to him solely in consideration of his previous good Character and conduct and of the urgent recommendation of the Magistrate in his behalf.

Resolved

Resolved that, that Officer be
called upon to report immediately what he
has done in pursuance of those instructions, and
to explain his omission to conform to the
exigency of the Precept.—

Ordered, that Extract from these
proceedings be sent to the late acting Third
Judge late on Circuit in the Northern Division
by Precept returnable within Seven days from and
after its receipt.—

(Sent following Precept No. 1063)

No Return having been yet
received from the late acting Third Judge late
on Circuit in the Centre Division to the —
Precept of the Foujdaree Udalut under date the
10th July 1835, directing him to furnish copies
of the documents therewith forwarded, to
the Magistrate of Bellaree with instructions to
confer publicly upon Khistnapa Naik of the
33rd Regiment Native Infantry the reward of
100 Rupees conferred by Government for his
exertions in the case of Sutta, noticed in the
Circuit Report of that Officer for the Second Sessions

Mr. Bellasis

Resolved that, that Officer be
called upon to submit the required Return immediately
and to report the cause of delay.—

Ordered, that Extract of these proceed-
-ings be sent to the late acting Third Judge
on Circuit in the Centre Division by Precept
returnable within 5 days from and after its
receipt.—

(Sent following Precept No. 1062)

No Return having been yet
received from the late acting Third Judge
late on Circuit in the Northern Division to
Precept of the Foujdaree Udalut under date the
April 1835, directing him to review the Cases
of persons tried by him at the several Stations
in the Northern Division during the First
Sessions of 1833 and at Masulipatam during
the 2d Quarter Sessions of 1834, with the view
proposing a mitigation or remission of the
punishment in cases which affords ground
for believing that the offences charged against
the parties originated in the pressure of
famine.—

Mr. E. B. Greys

of 1834.

Resolved, that his attention
called to the subject, and that he be req
to report without further delay the result of
the abovementioned instructions, and to expl
his omission to conform to the exigency of
precept.

Ordered, that Extract from the
proceedings be sent to the late acting Third
late on Circuit in the Centre Division for
returnable within five days from and after
receipt.

(Sent following) Receipt No. 1054

Tursday 10th September 1835.

At a Court of the Foujdaree Udalut

Present

Charles Mayo Lushington Esqre 1st Puisne Judge,
John Bird Esqre —— 2d Puisne Judge,
William Hudleston Esqre —— 3d Puisne Judge

Read letter dated the 22d Ultimo from the First Judge
late on Circuit in the Southern Division submitting an English &
Persian Translation of the Proceedings in
Case No. 5. on the Coimbatore Calendar for the
First Sessions of 1835.

(Here enter P. Un. No. 1534 of 1835.)

A reference to the proceedings held
before the Police officer in this case, has strongly
impressed the Court of Foujdaree Udalut with a
belief, that the prosecutor was grievously
wounded by the 1st and 2d prisoners, and
robbed by all three; and they are unable to
comprehend on what grounds the Presiding
Judge omitted to call evidence to prove the
confessions of those prisoners in the Talook,
and the truth or falsehood, of the allegation,
that the prosecutor was wounded in the manner

therein

of 1834–

Resolved, that his attention
called to the subject, and that he be req
to report without further delay the result
the abovementioned instructions, and to ex
his omission to conform to the exigency
foregoing receipt–

Ordered, that Extract from
proceedings be sent to the late acting Sub
late on Circuit in the Centre Division for
returnable within five days from and after
receipt–

(Sent following) Receipt No. 1064

F. Vo.

At a Court of the Coimbatore Udalut

Present

Tuesday 10th. September 1835. Charles May Lushington Esqre. 1st. Puisne Judge;
John Bird Esqre. ——— 2d. Puisne Judge;
William Hudleston Esqre. ——— 3d. Puisne Judge

Read letter dated the 22d. Ultimo from the First Judge
late on Circuit in the Southern Division submitting an English &
Persian Translation of the Proceedings in
Case No. 5. on the Coimbatore Calendar for the
First Sessions of 1835–

(Here enter F. Vo. No. 1534 of 1835.)

a reference to the proceedings held
before the Police Officer in this case, has strongly
impressed the Court of Foujdaree Udalut with a
belief, that the prosecutor was grievously
wounded by the 1st. and 2d. prisoners, and
robbed by all three; and they are unable to
comprehend on what grounds the Presiding
Judge omitted to call evidence to prove the
confessions of those prisoners in the Talook;
and the truth or falsehood, of the allegation,
that the prosecutor was wounded in the manner
therein

10th September 1835

Read Report dated 15th Ulto
prescribed by Section XXXII Regulation XII 18
submitted by the Additional Judge late on
in the Northern Division, for the 2d Sessions of
at Vizagapatam and Chicacole, and for
1st Sessions 1835 at Vizagapatam and Rajahmundry

(Here enter A. Regr)

In the concluding para
4th paragraph, the additional Judge states
the crowded state of the Chicacole Jail at the
2d Sessions of 1834. The circumstance having
already before the Government, and that
given under date the 10th Septr last for
expence incurred in affording relief to the
by the hire of additional accommodation
of Tarpaulins Mallet mats &c. &c.
the late Returns shew that the number of
Prisoners now in the Jail does not exceed
2 the subject of para 11th of
the Report the Court of Sessions Resolved
worthy of further consideration
competent to award fees at any
the trial and the fixation thereof

10th September 1835.

Court "on being applied to, to admit further
evidence than that of the witnesses named
in the first instance (or again when the
arrival of the Court of Circuit" may be expected")
refusing to send for them, but referring) the Petitioners
to the Court of Circuit, appears highly
objectionable. The Court accordingly resolve to
direct that a copy of this paragraph and of
the paragraphs of the Report under considera-
tion, from 11 to 14, be furnished to the
Provincial Courts of Circuit, with the views
that the Judges proceeding next on Circuit
may direct their attention to the point. Upon
receipt of their reports the Court will be
enabled to judge of the expediency of issuing
Circular instructions on the subject, for the
guidance of the several Criminal Judges.

With reference to the subsequent
3 paras of the Report of the Additional Judge,
and to the Urzees of the Mooftees Sudr Ameens
at Rajahmundry and Chicacole, the Court
submit to the favorable consideration of
Government their application for an extra
allowance

allowance, during the time they were employ
in attendance on the Court of Circuit; and
suggest, that in the present, as in the fo
instance of the Moofsa of the zillah bu
Nellore, such allowance should be fixed
rate of 30 Pagodas per Mensem

4 The Report does not appear
for further observation from the Cou

Ordered, that Extract from
proceedings be sent to the Chief Secretary
Government, with copy of the Report and
the documents that accompanied it, for the
purpose of being laid before the Right Hon
the Governor in Council

(Sent in No. 1066)

Ordered also, that from 2 of the
proceedings, together with copy of pages 11 to 14
of the Circuit Judge's Report be sent to the
4 Provincial Courts of Circuit for their inform
and guidance

(Sent in No. 1067)

Ordered also, that Extract of
these proceedings be sent to the Additional Judge

Ed

* Sanction by Government dated 8th Sept. 1833.

late on Circuit in the Northern Division for his
informations

(Sent in No. 1068)

Ma Court of the Foujdaree Udalut

Present,

Saturday 12th. September 1835 — Charles Hay Lushington Esqre. 1st. Puisne Judge.

John Bird Esqre. — 2d. Puisne Judge.

William Hudleston Esqre. — 3d. Puisne Judge.

Read letter dated the 26th. Ultimo from the Third Judge on Circuit in the Centre Division, submitting copies of the Primary and Supplemental Calendars for the Zillah of Cuddapah with copy of the Cumbum Calendar for the Second Sessions of 1835—

(Here enter No. 1563 of 1835)

As in this case the Court of Circuit "approved" of the final Fetwah which convicts the prisoner "on strong presumptive proof of having intended to commit Gang Robbery" not as it is incorrectly rendered in the Calendar "on strong suspicion of having entered a dwelling house with intent to steal," the sentence should have been passed under Clause Seventh Section II Regulation XV of 1803—

The provisions of Clause Fourth Section

Cuddapah Primary Calendar Case No. 1

Section IV. of that enactment quoted by the Shiestadar do not apply to cases in which the attempt to commit robbery may have been completed —

Case Nos 4. and No. 7 in the Cuttack Calendar

3 On each of these cases appears the following remark by the Presiding Judge. "The first witness who is quite a boy and about "ten years old does not know the nature of an "oath and (of) the consequences of Perjury, whose "examination is therefore dispensed with —

4 But as the Abstract of evidence in the Calendar shows that certain facts were "deposed" to by the Witnesses, the one before the Criminal Judge of Cuddapah, the other before the Native Judge of Cuttack, the Court of Sudder Adalut direct that those officers be respectively called upon to state whether they conformed to the Circular order of the 12th July 1825, which declares that "whenever "the evidence of a person of tender age shall "appear to a Criminal Judge to be material "it will be his duty, prior to recording such "evidence, to ascertain by personal examination whether

"whether the child has any notion of the "obligation of an oath"

Should their reply be in the

5. affirmative, the Shiestadar Judge will report the circumstances on which he grounds the above declaration of incompetency —

The presiding Judge remarks

Case No. 6. 6 that "the only evidence against him (the prisoner) "is that he was in Company with those who "gave the Prosecutor and his first and second "Witnesses some meat of a fowl which deprived "them of their senses" —

But it appears from the

7 abstract of evidence in the Calendar that the Prosecutor and the 1st and 2d Witnesses all concur in swearing before the Criminal Court that "three persons who were halting at the same place, gave him some Fowl's Curry" (Vide 4th 5th) and that "the prisoner was one of the said persons," and to their testimony on this point, no objection is raised by the Mahommedan Law Officer of the Court of Circuit — Indeed if the Fatwa be correct, the evidence bears still

more

more directly against the prisoner: "The prisoner
"sets forth that the prisoner gave him the meat
"of a fowl" &c. "The first and second witness
"state that the prisoner and two others (not pre-
"who came with him gave them the fowl meat"

8 Under these circumstances, the
Presiding Judge will submit an explanation
respecting the above remark—

Case No. 16 9 On a mature consideration of
all the circumstances of this case, and of the
representation of the Presiding Judge, the Court of
Fouzdaree Adalut, resolve, under the authority vested
in them by Clause third, Section III. Regulation I
of 1825, to sanction the mitigation of punishment
recommended by that Officer; and accordingly
direct that the prisoners—

1st. Banawat Ranjee
2d. & 3d. Lutchmah

be imprisoned and kept to hard labour
in irons on the public roads or other public
works for and during the period of (1) one
year and then be released—

Case No. 18 - 10 The Mahomedan Law Officer
declared

declared in his Futwah that "the evidence of
"the first witness established no crime against
the prisoner, and that of the two Complainants
"entitled to credit;" objections which it was
not competent to the Court of Circuit to
overrule—

The sentence passed by the
11 Presiding Judge being in consequence illegal,
must be cancelled, and an english and
Persian translation of the proceedings be
submitted, in due course, for the consideration
and final Judgment of the Fouzdaree
Adalut—

It would have been well if
Case No. 23. 12 the Presiding Judge, who very properly "called
"the attention of the Criminal Judge to the
"proceedings of the Court of Fouzdaree Adalut
"under date the 6th August 1832" had not
"himself acted in direct contravention of the
"Circular Order of that date, in which the
"trial by the Court of Circuit of two persons
"jointly for the crime of Perjury is denounced
"as a proceeding" irregular and highly objectionable.

The

Case No. 24. 13

The Court of Foujdaree Udalut are of opinion that the evidence for the prosecution as it is given in abstract in the Calendar is altogether insufficient and afforded no ground for the committal of the prisoner, and they direct that the Criminal Judge be required to report the date of the "orders of the Court of Foujdaree Udalut" "in conformity" to which he states that the accused was committed for trial before the Court of Circuit.

Case No. 26. 14.

It appears to the Court that either the sentence in this case a fine of twenty Rupees or detention in confinement for six Months - is inadequate; or that the prisoner was committed upon insufficient grounds. He was charged with striking the prosecutor on the head with a bamboo stick and thereby occasioning a "severe wound" to severe indeed that if the evidence as given in abstract in the Calendar be correct "the felt sensible and remained so for some time". Nevertheless the Presiding Judge remarks that "neither was the "wound inflicted on the prosecutor's head severe

"nor is it proved that the prisoner struck "her with a bad design".

It will be satisfactory if the

Case No. 27. 15

Criminal Judge in future specify the dates of the "orders of the Foujdaree Udalut" to which he may think it necessary to allude. Before passing any order respecting the proposed remission of punishment, the Court of Foujdaree Udalut direct that the precise age of the prisoner be reported to them - It appears extraordinary that the Mahommedan Law officer has in his Futwa passed by unnoticed "the extreme youth" of the accused.

Case No. 30. 16

The Court of Foujdaree Udalut deem it proper to direct that the Presiding Judge do certify whether, or not, it was proved before the Court of Circuit that the sword No. 1. identified by the prosecutor and the 1st Witness as the property of the former was found in the possession of the prisoner, a fact sworn to by the 3d. 4th & 5th witnesses before the Criminal Judge but unnoticed by the Presiding Judge in his remarks on the Calendar.

In

Cuddapah Criminal Calendar. Case No. 3

17 In the opinion of the Foujdaree Udalut the circumstances of this case afford no ground sufficient for the requisition of security and if under that requisition the prisoner be still in confinement, they direct that, immediately on the receipt of these orders, he be set at Liberty; or, if he be at large, that his bail bonds be cancelled.

Case No. 4

18. Having maturely considered all the circumstances of this case, the Court of Foujdaree Udalut, resolve under the authority vested in them by Clause Third Section III Regulation I of 1825, to sanction the Mitigated punishment proposed by the Presiding Judge and accordingly direct that the prisoners—

1st. Kopparty Gungaroo
2d. Moodapally Mantayaroo
3d. Mandapally Venatayaroo

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—

Cuddapah Cal. Case No. 1

19. Upon a deliberate consideration

of all the circumstances of this case as they appear in abstract in the Calendar, the Court of Foujdaree Udalut, in exercise of the authority vested in them by Clause Third, Section III Regulation I of 1825, sanction the mitigated punishment proposed by the Presiding Judge, and direct that the prisoner—

"Dhakarapoo Chedum"

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. 7

20. The Court of Foujdaree Udalut observe that the evidence of the Prosecutor in this case who swore to the recognition of the prisoner at the time of the Robbery, is noticed neither in the Futwah of the Mahommedan Law Officer nor in the Remarks of the Presiding Judge, and they direct that the cause of the omission be reported for their information.—

Case No. 12

21. The Presiding Judge remarks that "the stolen property also was found on the prisoners. It is necessary that he explain by

by whom it was found as no reference to the fact is made in the abstract of the evidence

Cases Nos. 13 & 14 – 22

It appears to the Court that in case No. 13 the evidence for the prosecution does not affect any other than the 1st. prisoner & moreover in both the cases noted in the margin, and also in case No. 12 they deem the evidence so unsatisfactory, that they resolve to direct that an English translation of each of them be submitted for their consideration without delay –

Ordered, that Extract from the proceedings be sent to the Third Judge on Circuit in the Central Division by Precept returnable within fifteen days from and after its receipt

(Sent following Precept No. 1073)

Read return dated the 2nd instant from the Criminal Judge of Salem to Precept of the 27th Ultimo conveying the orders of the Poygdarce Udalut on the Criminal Reports of July –

(Here enter No. 1592)

The Court of Poygdarce Udalut

do not perceive in the above return sufficient grounds for keeping up at present the Jail Establishment at Salem in its full strength, and they accordingly resolve to direct the Criminal Judge, at his discretion, either to reduce the standing guard to 25, or, as long as there are so few prisoners in the Jail under his charge, to cease entertaining any Extra Peons –

Ordered, that Extract of these proceedings be sent to the Criminal Judge at Salem for his information and guidance by Precept returnable in 15 days after receipt –

(Sent following Precept No. 1074)

Read return dated the 2nd instant from the Officiating Criminal Judge at Bellare to Precept of the 27th Ultimo conveying the orders of the Court of Poygdarce Udalut on the Criminal Reports of July –

(Here enter No. 1595 –)

In the first para of the above return the officiating Criminal Judge with reference to the first para of the proceedings of the

the 24th Ultimo (wherein case 141 was erroneously entered for case 101) states that "the bail bond
At. 104 (not 141) has been cancelled."

2.

The Court of Foujdaree Udalut did not intend to overrule the order for the sequestration of security from the prisoner in Case 104: the case to which the first para of their proceedings referred was number 101 and the officiating Criminal Judge will accordingly rectify the error into which he has fallen in the said proceedings.

Ordered, that Extract of these proceedings be sent to the officiating Criminal Judge of Bellaree for his information and guidance by Receipt returnable in 3 days after receipt.

(Sent following Receipt No 3075)

Although by the Circular Order of the Sudr Udalut No. 14 dated the 10th June 1835, the several Provincial Courts were required to "take immediate measures in communication with the Subordinate Officers for furnishing both the Civil and Criminal Statements for the

"the first six Months of 1835 to the Court of
"Sudr and Foujdaree Udalut by the 35th July"
and the expectation was at the same time
expressed that "due means will be employed
"by the Provincial Courts for securing at all
"times the punctual transmission of the half
"yearly Statements within one Month from the
"close of the half year" the Provincial Courts of
Circuit in the Centre and Southern Divisions
have nevertheless, as it regards the Criminal
Statements, failed to comply with the terms
of the requisition.

The Court of Foujdaree Udalut

2

resolve, in consequence, to direct that Receipts be
issued to those Courts desiring them immediately
to send up the half yearly Criminal
Statements in question, and, at the same time,
to submit a full report of the circumstances
which have prevented their transmission within
the period specified in the above instructions.

Ordered that extract from these
proceedings be sent to the Provincial Courts of
Circuit in the Centre and Southern Divisions
by

F. Us.
12th September 1835

Cash by Receipt returnable within three days from date after its receipt.

Stamp Rs 1

Gr. (Sent following Receipt No. 1078 & 1079)

F. Us.

At a Court of the Fouzdaree Udalut

Present,

Monday 11th September 1835. Charles May Lushington Esqr. 1st Puisne Judge
Cash John Bird Esqre. ..... 2nd Puisne Judge
Stamp Rs William Huddleston Esqre. 3rd Puisne Judge

Read Miscellaneous Petition presented on the 31st August 1835 by Philip Doddridge late Jail Dussadar attached to the Zillah Court of Chittoor.

(Here enter Misc. Pt. No. 92 of 1835.)

The petitioner represents that he has served in the above Zillah for 15 Years; that on the morning of the 7th July 1835 he was placed in charge of sixty prisoners to be employed on the public roads; that at about 4 P.M. the weather wore a threatening appearance, which induced him to take the Convicts back to the Jail, because among them were several men of desperate character who had on previous similar occasions made their escape by the hills in the neighbourhood (and been subsequently reapprehended) and former Judges had in consequence directed that when the weather was unfavorable, the working parties should be taken to their quarters early; and further because on the present occasion the

the Petitioner imagined that he saw symptoms among the prisoners of an intention to effect their escape: that in passing a bungalow he was descried by the Acting Judge who asked him what was the hour; that he replied that it was about 4 o'clock; but that the wind was too high to allow his hearing the Gharry: that the Acting Judge then fell upon him, and gave him four or five blows in the face, so severe as to cause him to fall and that when he afterwards remonstrated, the officer dismissed him from his situation.

2.

He now prays that having failed to obtain redress from the Provincial Court, the Court of Zeyladee Udalut will call for and examine his Witnesses, 21 in Number, and issue order for his reinstatement in office.

3.

The Court of Zeyladee Udalut on consider the proceedings of the Provincial Court in this case to be unsatisfactory. In them, it is merely stated that "the reason adduced by the Zillah Judge for removing the petitioner from employment is satisfactory" and no mention whatever is made of the averment of the Petitioner that he was beaten and ill-used by the Acting Judge, on of his alleged grounds for bringing the prisoners back to Jaffnapatam earlier hour than usual.

The Court in consequence resolve to

4.

direct that an English Translation of the Petition be sent to the Provincial Court of Circuit in the Centre Division with instructions to summon such witnesses as the Petitioner may be able or willing to adduce, to institute a full inquiry into the complaint, and to report the result (forwarding at the same time copies of all examinations &c.) for the information of the Zeyladee Udalut.

Ordered, that Extract from these proceedings be sent to the Provincial Court of Circuit in the Centre Division by Precept returnable within 15 days.

(Sent following Precept No. 1082

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

Read Petition presented on the 7th. Instant by Bungaurummah.

(Here enter M. P. No. 74.)

The Petitioner represents the circumstances under which, she alleges, her son has been improperly sentenced to 7 Years' imprisonment by the Court of Circuit at Jaffnapatam and prays for his release.

There is no appeal from the sentence

1.

2.

of

14th September 1835.

of a Court of Circuit and moreover the Calendar has been reviewed and the sentence in the case in question approved by the Court of Sudder Udalut.

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

The Chalaneedar Sangunmah of the Zillah of Cuddapah moves the Court to direct the enclosures in her Miscellaneous Petition No. (53) of 1835.

Ordered accordingly.

Ent'd

T. U.

At a Court of the Sudder Udalut.

Present,

Tuesday 15th September 1835. Charles May Lushington Esq.re 1st Puisne Judge.
John Bird Esq.re —— 2d Puisne Judge.
William Rudleston Esq.re —— 3d Puisne Judge.

Read letter dated the 17th Ultimo from the late acting 3d Judge late on Circuit in the Northern Division - transmitting the Records in Case No. 5. on the Guntoor Calendar for the 1st Sessions of 1835.

(Here enter No. 1536.)

The Court of Sudder Udalut,

Mr. Lushington & Mr. Rudleston having maturely considered the proceedings held before the Judge on Circuit, the Futwa of the Provincial Law Officers, and the Futwa of the Cazee-ool-Cozat and Mooftees of the Sudder Udalut, confirm the said Futwa of the Cazee-ool-Cozat and Mooftees aforesaid, acquitting the prisoner -

"Mungala Yalovchary Ramoodoo"

and accordingly direct that he be set at liberty -

(Sent following letter No. 1086.)

Read

15th September 1835.

Read letter dated the 18th Ultimo from the late Acting 3d Judge late on Circuit in the Northern Division, transmitting the record in No. 33. on the Guntoor Calendar for the 1st Sessions

(Here enter No. 1537.)

Mr. Lushington
vs
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 confirming the said Futwa of the Cazee-ool-Cozat and Mooftees aforesaid acquitting the prisoners

1st Gorrumoochoo Chenchuiah
2d — do — Balaiah
and
3d Nundum Venkatah

and accordingly direct that they be set at liberty

(Sent following letter No. 1087)

Read letter dated the 26th Ultimo from the 3d Judge on Circuit in the Centre Division transmitting the records in Case No. 21. of the Cuddapah Calendar for the 2d Sessions of 1835.

(Here enter No. 1564.)

15th September 1835

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 "Allum Naugdoo" is sufficient to convict him of the crime of Perjury, &c, under the authority with which they are vested by Clause First Section V Regulation VIII of 1818 and Clause First Section II Regulation I of 1818 convict him thereof and, in conformity with the provisions of Clause third, Section III Regulation VI of 1811, sentence him to be publicly exposed in the mode commonly denominated Tushree, 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 (4) four years—

(Sent following letter No. 1088)

Read again Report prescribed by Section XXXVII Regulation VII. 1802 submitted by the late officiating 2d Judge in the Western Division for the 1st Sessions 1835—

Read also order of Government dated the

the 8th Instant intimating the concurrence of Government in the observations of the Foujdaree Udalut recorded in their proceedings of the 29th Ultimo on the above Report, and noticing the favorable mention made by the late officiating 2d Judge of the Magisterial Authorities of Malabar—

(Here enter Nos. 1393 & 1614.)

The Court direct that copy of the above order of Government be furnished to the officiating 2d Judge of the Court of Circuit in the Western Division, who will communicate to the Magisterial Authorities in Malabar the satisfaction with which the Government have noticed the favorable mention made of them by him in his Report—

Ordered, that Extract of these proceedings be sent to the late officiating 2d Judge of the Court of Circuit Western Division for his information and guidance by Receipt returnable in 4 days after receipt—

(Sent following Receipt No. 1089)

At a Court of the Foujdaree Udalut—

Present,

Wednesday 16th September 1835 Charles May Lushington Esqre — 1st Puisne Judge
John Bird Esqre — 2d Puisne Judge
William Rudleston Esqre — 3d Puisne Judge,

Read letters dated respectively the 28th and 29th Ultimo from the late acting Third Judge late on Circuit in the Northern Division submitting copies of the Primary Calendars and Supplemental Calendars for the 1st and 2d Sessions of the Zillah of Nellore for the First Sessions of 1835—

(Here enter Dbs. Nos. 1583 & 1584.)

It would appear that the Presiding Judge did not himself enter into the investigation required by the Circular Order of the Foujdaree Udalut of the 1st June 1829. with the view of ascertaining whether the insanity of the prisoner—

Primary Calendar Case No. 1—

Mahommed Yaacoob

was absolute and whether the crime charged was committed by him under such absolute deprivation

of reason.

2 After perusing however the several reports on the subject, submitted by the Assistant Surgeon, and the abstract of the evidence to the same point in the Calendar the Court of Foujdaree Udalut are unable to believe that he is other than a confirmed lunatic.

3 They in consequence resolve to direct that the said prisoner be forwarded without delay by the Criminal Judge under proper custody, to the Superintendent of Police at Madras in order that he may be lodged in the Lunatick Hospital.

4 The Criminal Judge will bear in mind that the Lunatic must be accompanied by the certificate of the European Medical officer on his case.

Case No. 2.

5 Under all the circumstances of this case the Court of Foujdaree Udalut do consider the amount of the Security (100 Rupees) required by the Court of Circuit from the 2d prisoner to be excessive and accordingly resolve

resolve to direct that it be reduced to (10) ten Rupees.

Case No. 3.

It is considered to be a matter of very great regret that instead of prosecuting to an immediate conclusion his inquiry respecting this case, as required by the Circular order of the Foujdaree Udalut of the 24th August 1826, the Presiding Judge had resourse to measures from which little or no advantage could be derived, while they ensured the protracted imprisonment of persons against whom the very questionable nature of the charge preferred elicited the remark that "an "examination of the record excited a very "strong suspicion that the charge of Gang "Robbery or of any robbery at all, was a false "one, growing out of a dispute;" and who at the Jail Delivery for the Second Sessions of the current year were released without trial; the acting Second Judge on Circuit recording his opinion that they should not have been committed, and his regret that they should have been subjected to an imprisonment of

Seateen

Sixteen Months: in which sentiments this Court fully concur.-

Case No. 4. 7. 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 representation of the Presiding Judge, resolve, under the authority vested in them by Clause Third Section III Regulation I of 1825, to sanction the mitigation of punishment recommended by that officer and accordingly direct that the prisoners-

1st. Valoogaty Venkatasaganoor
2d. Molacan Pauladoor

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. 5. 8 The sentence in this case is illegal - a second Futwa must be taken as it regards the 1st. prisoner under Clause Fourth to as it regards the 2d. and 3d. prisoners under Clause Third, Section II Regulation XV of 1803

9 The Court observe that the erroneous impression

impression under which the Presiding Judge omitted to take a second Futwa, has been fully exposed in their recent proceedings on the last portion of the Guntoor Calendar for the First Session of the current year.-

The Presiding Judge remarks

Case No. 6. 10 that in this case the "Futwa convicts and "subjects all the prisoners to punishment "by Sookoobut."-

11 The Futwa does not convict:- but declares the prisoners "not free from "blame" on suspicion, which as has been repeatedly observed by this Court is tantamount to a Futwa of acquittal.

The sentence is illegal, and the

12 Record both English and Persian must be referred for the consideration and final Judgment of the Foujdaree Udalut.-

As it appears from the abstract

Case No. 7. 13 of the evidence in this case that the robbers exercised considerable violence towards the objects of their attack, the Court of Foujdaree Udalut deem the punishment proposed by the

the Presiding Judge insufficient for the ends of Justice; and direct that the prisoners

1st " Boodela Gungadoo

2d " Yelumpully Singadoo

3d " Yalaroo Uchoolooyandoo

4th " Potta Pologaudoo

&

5th " Gunthavilla Ramoodoo

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—

14

The Court of Fouzdaree Udalut review the conduct of the 1st " Witness in this case in the same light as the Presiding Judge has done; and considering him guilty of gross wilful and corrupt perjury they direct that Officer to issue the necessary instructions to the Criminal Judge of Nellore, for the immediate committal of the individual in question to take his trial at the next ensuing Sessions of Gaol Delivery—

Cases Nos. 8-9-13- 15
18- 24- and 26.

The Court of Fouzdaree Udalut having maturely considered all the circumstances

the cases noted in the margin, and the representations of the Presiding Judge, resolve, under the authority vested in them by Clause Third, Section III. Regulation I of 1825, to sanction the mitigated sentences recommended by that Officer and accordingly direct that the prisoners concerned be imprisoned and kept to hard labour in irons on the public roads or other public works for and during the periods hereunder specified:— in Case No. 8. the prisoner—

"Moopasamy Ramaswamy"

for two years: in case No. 18. the prisoner—

"Gollapully Naugadoo"

for five years:— in case No. 9 the prisoners—

1st " Talospoola Boochena

2d " Alasamy Pauperumah

3d " Ayoola Ramoodoo

&

5th " Mauvecala Pologaudoo

in case No. 13 the prisoners

1st " Sumpala Catapah

2d " Mondla Vobooloo

and

3d " Shaikh Cassim

in

in case No. 24:- the prisoners-

1st Unnum Basavaboo
&
2d Auvvola Timmaboo

and in case No. 26: the prisoners-

1st Raunoory Venkatasamoodoo
&
2d Valumpulla Soobbaroo

all for (7) Seven years-

16 Of these cases the sentences passed by the Presiding Judge in No. 9 & 15 are irregular in as much as that officer took upon himself to overrule exceptions taken by the Law officer without previously taking a second Futwa from the Mahommedan Law Officer-

Cases No. 10 & 11. 17 The Court of Foujdaree Udalut not deeming themselves warranted in sanctioning a mitigation of the prescribed punishment to the extent proposed by the Presiding Judge in the case of delinquents convicted of two highway Robberies, direct that the prisoners-

1st Saudum Rayjegaroo
2d Perroumanilla yeswaroo
&
3d Shaikh Hussain

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-

Case No. 14- 18 The Court of Foujdaree Udalut on consider that in a case like this in which the Cikar money has formed the object of attack by a numerous and armed Gang, lenity would be misplaced: and accordingly decline to sanction any mitigation of the penalty prescribed by the Regulations-

Case No. 23 19 The Court sanction the sentence proposed to be passed on the 7th prisoner in this case-

"Pasoopoolaty Gorroovappa"

and accordingly direct that he be imprisoned and kept to hard labour in irons on the public roads or other public works for and during the period of (3) three years-

20 But considering that the offence of which the remaining prisoners are convicted is deserving of more severe punishment than that recommended by the Presiding Judge, the Court direct that they, to wit, the

1st Edama Nauseegaudoo
2d Dundoo Nauseegaudoo

3d

3d. Natalooy Paupaoon
4th. Pasoopoolaty Potty
5th. Mulla Vencataguroon
and
6th. Pasoopoolaty Obooloo

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—

Case No. 25. 21

The Court disapprove of the proceedings of the Presiding Judge in this case. That the prosecutrix when examined before the Criminal Court gave her evidence unwillingly & sufficiently clear: but still her testimony added to that of the other witnesses for the prosecution would appear to be amply sufficient to establish the fact that she was subjected to most inhuman treatment—

22

Holding this opinion the Court of Soujdaree Udalut deem it their duty to direct that the (late) Presiding Judge do institute the Criminal Judge of Nellore to cause the immediate recapture —sion of the 1st prisoner—

"Poonnalagenta Narsaiah"

and commit him for trial before the Court of Circuit

at the next ensuing Sessions: when the prosecutrix and the Witnesses must be bound over to appear—

The evidence against the 2d. Prisoner

23

is considered defective—

In both cases the same prisoners

Case No. 30 24.
&
Case No. 2. on the First Supplemt. Calendar. are concerned, and the Court of Soujdaree Udalut see no sufficient grounds for relieving them from any part of the penalty prescribed by the Regulations—

In this case the Presiding Judge

First Supplt. Calendr. 25.
Case No. 1. incorrectly states that "the Futwa convicts and declares prisoner liable to Dohoolut"— The Futwa is one of "Tohmut" or suspicion, and the trial must be referred for the consideration and final Judgment of the Soujdaree Udalut—

The Court of Soujdaree Udalut,

Cases Nos. 3-4-6-7-8-10-11-and 14- 26

resolve under the authority vested in them by Clause third, Section III, Regulation I of 1825. to sanction the passing of the proposed mitigated sentences in the several cases noted in the margin, and accordingly direct that in case No. 3. the prisoner—

"Chalacolooso Soobbiah"—

in

in case No. 4 — the prisoner

"Yanady Paupaboo"

in case No. 6 — the prisoners.

1st "Sautoorboory Ramayaudoo"
and
2d "Poleady Vingaiah

in case No. 7 — the prisoners —

1st "Puntagary Venkalegaudoo
and
3d "Teroomalasetty Kichadoo

in case No. 8 — the prisoners.

1st "Raupony Paupaboo
and
2d — 6th — Naugaboo

in case No. 10 — the prisoner

"Allaudy Paraboo"

and in Case No. 14 — the prisoners

1st "Alloory Bungaregaudoo
2d "Poloocola Ramadoo
3d "Condareddy Ramoo.
and
4th "Hoosparadoo Mullem Cadoo

be severally 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 that in Case No. 11. the prisoner

"Saravanapoony Venkateegaudoo"

be imprisoned and kept to hard labour in irons on the public roads or other public works for and during the period of (2) two years —

Being of opinion that the ends of

Case No. 16. 27 Justice will be attained by the infliction of a milder punishment than that proposed by the Presiding Judge in this case, the Court of Foujdaree Adalut direct that the prisoner

"Siddhavarapoo Pariah"

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 —

The offence charged in these cases

Second Suppl. Calr. Cases Nos. 2. 3 & 6. 28 under the Futwa of the Law officer comes within the scope of Clause Seventh Section II Regulation XV of 1803 and sentence should be passed accordingly: — The presiding Judge will be pleased to alter his sentence to 7 years imprisonment with hard labour in irons —

In his first Futwa on this Case

Case No. 3. 29. the Mahommedan Law Officer of the Court of Circuit pronounced the evidence of the 1st and 2d Witnesses of no avail to the prosecution, as they did

in case No. 4 — the prisoner
"Yanady Paupaboo"
in case No. 6 — the prisoners —
1st "Santoorloory Ramasyandoo"
and
2d "Polerady Ningarah"
in case No. 7 — the prisoners —
1st "Puntagary Venkatayandoo"
and
3d "Peroomalasetty Kichadoo"
in case No. 8 — the prisoners —
1st "Ranpoory Paupatoo"
2d — 6th — Naugatoo
in case No. 10 — the prisoner
"Allandy Paradoo"
and in Case No. 14 — the prisoners
1st "Ulloory Bungaregandoo"
2d "Polroocola Ramasdoo"
3d "Condeereddy Narsoo"
and
4th "Hoosparandoo Mullem Condoo"
be severally 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 that in Case No. 11 the prisoner
"Savanapoory Venkatayandoo"

be imprisoned and kept to hard labour in irons on the public roads or other public works for and during the period of (2) two years —

Being of opinion that the ends of

Case No. 16. 27

Justice will be attained by the infliction of a milder punishment than that proposed by the Presiding Judge in this case, the Court of Foujdaree Adalut direct that the prisoner
"Siddhavarapoo Pariah"
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 —

The offence charged in these cases,

Second Suppl. Calr. Cases Nos. 2. & 6. 28

under the Futwa of the Law officer comes within the scope of clause Seventh Section II Regulation XV of 1803 and sentence should be passed accordingly. The presiding Judge will be pleased to alter his sentence to 7 years imprisonment with hard labour in irons.

In his first Futwa on this Case

Case No. 3. 29.

the Mahommedan Law Officer of the Court of Circuit pronounced the evidence of the 1st and 2d Witnesses of no avail to the prosecution, as they did

did not recognize the prisoners during the Robbery, an objection, which the Residing Judge erroneously characterizes as "technical" it was not Competent to the Court of Circuit to overrule—

30 The sentence is consequently illegal and an English and Persian Translation of the case must be submitted in due course—

Cases Nos. 4 & 7. 31 The Court of Foujdaree Udalut, resolve under the authority vested in them by Clause third, Section III Regulation I of 1825 to sanction the proposed mitigated sentences in the cases noted in the margin and accordingly direct that in case No. 4.— the prisoners—

1st Bundla Causeegandoo
and
2d Dausara Nauseegandoo

and in case No. 7. the prisoners—

1st Indala Goravadoo
2d do Lutcheegandoo
3d Allony (and) Anchadoo

be severally 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—

Ordered

Ordered that Extract from these proceedings be sent to the late acting Third Judge late on Circuit in the Northern Division by Receipt returnable within fifteen days from and after its receipt—

(Sent following Receipt No. 1094)

Read Returnedated the 7th instant from the 2d Judge on Circuit in the Southern Division to the Receipt of the Court of Foujdaree Udalut under date the 25th August 1835, conveying their observations and orders on the Madura Calendar for the Second Sessions of 1835, and requiring the transmission of an English translation of the Proceedings in Case No. 18. on that Calendar—

(Here enter F. Ub. No. 1611 of 1835.)

In case No. 18. the prisoner "Veerumshetty" was charged before the Court of Circuit with committing Perjury in having on the 13th June 1835, after being duly sworn before the acting Criminal Judge, to depose truely to all matters of fact within his knowledge touching Case No. 67 of 1835 in which certain persons were charged with murder

murder, wilfully and deliberately deposed on oath that he was, Toondeshetty son of Atchen Shetty, whereas his name was Veerumshetty son of Coollumshetty as proved by Witnesses and by his deposition in Criminal Case No. 44 of 1833; Toondeshetty, whose name he falsely assumed, having been entered as a witness material to the issue of the Trial.—

He pleaded "Not Guilty."—

The Mahommedan Law officer of the Court of Circuit in his Futwah delivered the following opinion:— "It appears that the "prisoner fraudulently, mentioned before the Criminal "Court the name of the 10th Witness Toondeshetty "the son of Achenshetty to be his, the prisoners "name. This is an act of criminality, and it "is therefore optional with the Judge to award "Taudeer against him."

The Presiding Judge concurred in this finding and under the provisions of Clause Seventh, Section II Regulation XV of 1803, sentenced the prisoner to be imprisoned in Jail for six Months.—

The

The case being marked by some peculiarities, the Court of Foujdaree Adalut deemed it proper to call for an English translation of the Record.—

The Court are of opinion that the prisoner having been acquitted by the Court of Circuit of the charge of Perjury, could not be convicted of, and was not liable to punishment for an offence of a nature entirely dissimilar, and considering the sentence passed by the Presiding Judge to be illegal, they direct that the prisoner abovenamed be immediately and unconditionally set at liberty.—

Ordered, that Extract from these proceedings be sent to the 2d Judge on Circuit in the Southern Division by Precept returnable within seven days from and after its receipt.—

(Sent following) Precept No. 1095

Read letter, dated the 27th Ultimo from the 2d Judge on Circuit in the Southern Division submitting the records of proceedings held in Case No. 3 Madura Supplemental Calendar 2d Sessions of 1835. (Here enter No. 1565.

In

In para: 21 of the foregoing letter the 2d Judge, in giving his opinion upon the result of the trial, relies upon the fact of the "prisoner having been seen a short time after "the deceased had been with him to come from "the same bushes where the body was found, with "his hair in a dishevelled state: respecting which there is only the evidence of Cupen, the 6th " witness.

Before the Head of Police this witness stated, that the prisoner "came with his "hair loose from the Caracullan trees which "were in the channel in which the said "Coomaricca was murdered," speaking to the same point in his deposition before the Criminal Court he used the following words. "I saw the prisoner come out from the bushes in the said rivulet and run with dishevelled hair towards me;" and on both occasions this witness stated, that on his search, next day, he found the body in the said rivulet, or channel.

The 2d Judge in the 11th para: of his letter observes, that the deposition of this witness

witness before the Court of Circuit was very "carelessly committed to writing. The witness "stated, that he saw the prisoner come from "some bushes near a Nullah, but mention of "the Nullah, has been omitted in the deposition "That the witness did speak of the Nullah "is, however, evident from his subsequently "saying that when he went in search of the deceased, "he went and looked for her in the above "Nullah"

The Court of Foujdaree Udalut observe that the words "the above Nullah" contained in the foregoing quotation from the 2d Judge's letter, are not to be found in the English translation of the record as transmitted to them; and this circumstance coupled with the 2d Judge's remark upon the manner in which this witness's deposition was "committed to writing" leads the Court to distrust the fidelity of the record—

The Court of Foujdaree Udalut are embarrassed also by observing that the fact deposed to uniformly by the witness "Cupen" that

that he and "Calooyoomalayen" the 4th witness went "the next day and looked for the deceased Comarahaul, and found the body, lying under a Carakuttan bush,- is no where mentioned in the depositions of the said 4th witness, who states that he was sent by the Moniegar, after the murder was known, to the Nullah.

The Court of Foujdaree Adawlut deem it, therefore, proper to direct that the record of this trial be returned to the 2d Judge of Circuit in the Southern Division with instructions to cause the Criminal Judge to examine in the presence of the prisoner, the said witnesses "Calooyoomalayen" and "Curpen",- the latter as to the exact spot, from which the prisoner was seen by him, on the evening of the last day on which the deceased was seen alive,- coming with dishevelled hair; and the former in respect to the circumstance deposed to by the said "Curpen,"- that he and the said "Calooyoomalayen" went together, the next day, to look for, and found the deceased.

The 2d Judge will direct the Criminal Judge to permit the prisoner to put to the two persons any questions he may think proper at the close of their examinations, and to state any thing that he may wish to represent on his own behalf:- and in returning to this Court the record with English & Persian Translations of the additional evidence hereby directed to be obtained, the 2d Judge will explain the discrepancy between the statement in para: 11 of his letter and the record of the evidence of the 3d witness before the Court of Circuit.-

Ordered, that Extract from these proceedings, together with the record of the trial be sent to the 2d Judge on Circuit in the Southern Division by Receipt returnable in 14 days.-

(Sent following Receipt No. 1996)

Read letter, dated the 20th Ultimo from the 2d Judge late on Circuit in the Centre Division, submitting the records of proceedings in Case No. 44 Bellary Calendar 1st Sessions of 1835.

(Herewith No. 1521 of 1835)

Mr. Lushington
&
Mr. Budleston

The Court of Fouzdaree 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 Fouzdaree Udalut are of opinion that the prisoner "Gowragaudoo" is not convicted on presumptive proof on the evidence of credible witnesses nor 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.

In the 4th para: of the letter accompanying this trial, the 2d Judge observes that "the prosecutrix could speak to nothing "but the facts of the robbery, and the proceedings "before the Court being held;" and in para: 10 it is stated that "there has been an omission in this trial to take evidence from the prosecutrix to the facts of the wounding and death of her husband; and with reference to

"the present state of the record" the opinion of the 2d Judge is expressed that the prisoner can "be sentenced only to 14 years imprisonment "with hard labor in irons, unless the deficiency "be supplied from the record of a former "trial."

The Court of Fouzdaree Udalut observe that in the evidence of the prosecutrix before the Court of Circuit she does not speak to the fact and circumstances of the robbery, to which she had deposed before the assistant Criminal Judge; and that consequently the proof as to that fact, as well as to the fact of the murder is altogether defective.

The proposition of supplying a defect in the evidence from the record of a different case appears to the Court of Fouzdaree Udalut to be not only at variance with the provisions of the Regulations, but opposed to the plainest fundamental principles of judicial investigation.

Under the circumstances the Court of Fouzdaree Udalut are unable to convict the prisoner

of any part of the charge, upon which however, it appears that a conviction might have been had, if the trial had been conducted with common attention.-

The Court of Foujdaree Udalut urged to notice another circumstance in these proceedings of a highly objectionable description.

At the close of the case for the prosecution instead of calling on the prisoner, in the manner usual on such occasions, to state what he might have to offer in his defence, with reference to the evidence adduced against him, he was thus addressed by the Court of Circuit:- "you are fully convicted, you will be "transported to Bencoolen, or sentenced to 14 years imprisonment, Have you any thing to urge in your defence?"

It might have occured to the 2d Judge that until the defence of the prisoner has been taken, he cannot be said to be "fully convicted"- but the tone and spirit of this address to a fellow creature, standing his trial for his life are such as demand the grave

grave reprehension of the Court of Foujdaree Udalut-

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

(Sent following letter No. 1097)

Read return dated the 7th instant from the 2d Judge, on Circuit in the Southern Division, to Precept of the 23d Ultimo, conveying the orders of the Court of Foujdaree Udalut on the Tinnevelly Calendar for the 2d Sessions of 1835.

(Here enter No. 1612.)

The 2d Judge forwards, with the above, the return of the Joint Criminal Judge shewing the grounds upon which he committed the 3d, 4th, 5th and 6th prisoners in case 13. of the Calendar Vizt. "the fact of their having produced the Jewels of the deceased "connected with other circumstances- The Court of Foujdaree Udalut have to observe that their order of the 23d Ultimo was founded upon the representation of the case in the Calendar wherein the Abstract of the evidence does

16th September 1835

does not seem to support the fact noticed in the above return of the Joint Criminal Judge-

2.

The 2d Judge will communicate this remark to the Joint Criminal Judge-

Ordered that Extract of these proceedings be sent to the 2d Judge on Circuit in the Southern Division for his information and guidance by Precept returnable in 3 days after receipt-

(Sent following Precept No. 1895)

J. 86.

At a Court of the Foujdaree Udalut.

Present,

Thursday, 17th September 1835. Charles May Lushington Esqre 1st Puisne Judge.

John Bird Esqre — 2nd Puisne Judge.

William Hudleston Esqre 3rd Puisne Judge.

Read letter dated the 24th Ultimo. from the First Judge on Circuit in the Western Division submitting an English and Persian Translation of the Proceedings in Case No. 24 on the Calicut Calendar for the Second Sessions of 1835.

(Here enter J. 86. No. 1566 of 1835)

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

Mr. Lushington and Mr. Hudleston

1st Pottenvittil Shangaren Nair

of Gang Robbery and the prisoner

2nd Kanishen Mooragan Potiker

of counselling the perpetration of that crime: and in conformity with the provisions of Clause Second Section IX Regulation XV of 1803 sentence the prisoners aforesaid to be transported to such place beyond sea as

17th September 1835

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.-

1. In this case the Presiding Judge irregularly admitted a written statement by the Medical Officer in evidence of the nature of the injuries sustained by the Fourth witness Putkasha Goler Ramen

2. The Court of Zuijdaree Adalut deem it proper to direct that in all future cases strict attention be paid to their Circular Order of the 14th April 1828 in which a similar proceeding was described as "unfair to the prisoner at the bar "in as much as it deprived him of his right to "cross examine the witness to this important part "of the charge against him" and it was ordered that "whenever the testimony of a Medical man "is required on the trial of a prisoner, it shall "only be received when given orally on oath before the "Court, in the presence of the prisoner"

Ordered that Extract from these proceedings be sent to the First Judge on Circuit in the Western Division for his information

(Sent following Letter No 2

Read

17th September 1835.

Read return dated the 24th Ultimo from the Provincial Court of Circuit in the Northern Division to Precept of Zuijdaree Adalut dated the 17th August 1835 requiring them to report the cause of delay in the Trial of the Perjury case on the Irasulie Jatam Calendar for the Third Quarter Sessions of 1835

(Here enter No. 1577)

Read letter dated the 25th Ultimo from the Provincial Court of Circuit in the Northern Division forwarding Statement of prisoners furnished by the Magistrate of Guntoor for July 1835.-

(Here enter No. 1592)

Read Return dated the 29th Ultimo from the Criminal Judge in the Zillah of Cuddapah to Precept of Zuijdaree Adalut dated the 25th August 1835 on the Criminal Reports for July.-

(Here enter No. 1572)

Read Return dated the 31st Ultimo from the Acting Joint Criminal Judge at Cuddalore to Precept of Zuijdaree Adalut dated the 25th August 1835 on the Criminal Reports for July.-

(Here enter No. 1574)

Read Return dated the 31st Ultimo from the Criminal Judge in the Zillah of Chittoor

to

17th September 1835.

to Precept of Sarjdaree Adalut dated the 27th August last on the Criminal Reports for July.

(Here enter No. 1575)

Read Return dated the 29th Ultimo from the late Acting 3rd Judge of the Court of Circuit in the Northern Division to Precept of Sarjdaree Adalut dated the 19th August 1835 returning the Record of Case No. 2 Masulipatam Calendar Fourth Quarter Sessions of 1834, and directing him to report the mode in which he may dispose of it.

(Here enter No. 1579)

Read Return dated the 3rd Instant from the Criminal Judge in the Zillah of Chittoor to Precept of Sarjdaree Adalut dated the 31st August 1835 directing him to communicate their observations to the Magistrate on Case No. 107 of the Supplemental Report for June.

(Here enter No. 1587)

Read Return dated the 1st Instant from the Criminal Judge of Madura to Precept of Sarjdaree Adalut dated the 27th August 1835 on the Criminal Reports for July.

(Here enter No. 1588)

Read Return dated the 3rd Instant from

J. Ebo.

17th September 1835.

from the Second Judge on Circuit in the Southern Division to precept of the Sarjdaree Adalut of the 31st Ultimo directing the release of the Prisoner Vailen committed for Perjury in Case No. 5 Madura Supplemental Calendar 2nd Sessions 1835.

(Here enter No. 1589)

Read Return dated the 3rd Instant from the Acting Criminal Judge of Combaconum to Precept of Sarjdaree Adalut dated the 25th August 1835 conveying their observations in the Criminal Reports for July last.

(Here enter No. 1594)

Read letter dated the 4th Instant from the 1st Judge of the Provincial Court of Circuit in the Centre Division with copy of the Chittoor Jeffte Supplemental Calendar for the 3rd Quarter Sessions of 1835.

(Here enter No. 1597)

Read Return dated the 1st Instant from the Joint Criminal Judge of Tinnevelly to Precept of Sarjdaree Adalut dated the 27th August 1835 on the Criminal Reports for July.

(Here enter No. 1605)

Read letter dated the 15th Instant from the Acting Joint Magistrate of Cuddapah submitting

17th September 1835.

submitting an explanation required by the Zuydaree Adalut in their proceedings of the 25th August relative to certain cases in the Criminal Reports of July.

(Here enter No. 1606)

F. Ue.

At a Court of the Zuydaree Adalut.

Present,

Saturday 19th September 1835. Charles Mary Lushington Esqre. 1st Puisne Judge.

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

William Hudleston Esqre. 3d Puisne Judge.

Read the Circular Criminal Reports prescribed by Section XXXI Regulation X. 1816 for the month of August.

(Here enter No. 1633.)

The Court observe the omission of the provisions of the Regulations under which the Acting Joint Criminal Judge directs the commitment of the Prisoners in the cases noted in the margin. The statement inserted in the Criminal Reports is no authority for the commitment of Prisoners, and the Acting Joint Criminal Judge will in future enter the clause, Section and Regulation in support of his disposal of each case.

Ordered, that Extract of these proceedings be sent to the Acting Joint Criminal Judge at Cuttack for his information and future guidance.

(Sent following letter No. 1109)

Circular Order

No. 31.

The standing orders of the Zuydaree Adalut

Reports Cases 87 & 89.

F.C.
19th Septr 1835.

Act dated 11th July 1809 require that "warrants
"be always signed by the person presiding at the
"Sessions in the case, though he no longer retain
"the situation, wherever his signature can be
"obtained."

This mode of proceeding having in numerous instances been attended with inconvenience, and for a considerable period unpersued in practice, the Court of Vujarat Sudr was resolved to modify the order above quoted and to direct that in future their sentences in all referrible cases not finally disposed of previously to the removal whether temporary or permanent from his Judicial situation of the officer who may have tried them, be transmitted to the Provincial Court of Circuit unless only it will be to issue the usual warrants for carrying them into execution.

Ordered, that Extract of these proceedings be sent to the four Provincial Courts of Circuit for their information and future guidance, with instructions to furnish copies of such of the Sentences as may now be on Circuit in their respective Divisions by precept returnable within five days, from and after its receipt

Sent following precept No. 1110 to

Read letter dated the 31st Ultimo from the Provincial Court of Circuit in the Northern

F.C.
19th September 1835. Northern Division transmitting copy of a Return from the Magistrate of Sangor having reference to the Printed statements for the second half of 1834.
Hereunto No. 1617.

At a Court of the Supreme Exalted

Present

Monday
21st September 1835. Charles Gray Lushington Esqre 1st Puisne Judge,
John Reid Esqre 2d Puisne Judge,
William Rudleston Esqre 3d Puisne Judge,

Read Miscellaneous Petition dated=
=entered on the 9th instant by Petitioner and Prosecutor=
=Index of the Clerk of Chittoor.=
(Vide entry Misc. Pet. No. 93 of 1835)

The petitioner represent themselves to
be the petitioners named Thomas Duncan, convicted in Case
No. 1 of the Chittoor Third Supplemental Calendar
for the 1st Quarter Sessions of 1835 of Robbery and
sentenced to imprisonment with hard labour in
irons for the period of seven years.=

They assert in general terms the
falsity of the charge preferred against them and
pray that order may be issued for their release
from confinement.=

From the sentence of a Court of
Circuit there is no appeal. The Court of Sudder
Adawlut having moreover reviewed the Calendar
see no grounds for doubting the propriety of the
sentence

sentence in question.—

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

Read return dated the 5th Instant of the Criminal Judge at Calicut to Precepts of the Court of Sanjarie Adalut of the 28th August last, enquiring into the Report of the Court of Sanjarie Adalut on the Criminal Reports for July.—

(Here enter No. 1622)

Report V
Case 226.

In the above return the Criminal explains that the sentence in the case noted in the margin appears to have been passed by the Moorsiff under Clause 5th Section II Regulation VI 1822 "because the premises dug up the property which "was secured under grounds in the house of the "prosecutor; deeming the offence to be a breaking "into a place used for the custody of property in "which case the Criminal Judge considers himself "borne out by the wording of Clause 1st Section II "Regulation VI of 1822 when the offence of Housebreaking "is described. The prisoner and his wife were permitted

"permitted by the Prosecutor to lodge in the house "in question where the Prosecutor and his family were "also residing at the time."

The Court of Sanjarie Adalut consider

2.

this construction as incorrect, inasmuch as the offence does not amount to "breaking into any warehouse, "store house, or other building or place" and they accordingly direct the sentence to be cancelled and a fresh sentence passed under Section VII Regulation X 1816 awarding 6 months' imprisonment with hard labor in irons the remaining sentence taking effect from the date of the one hereby cancelled viz. the 20th July last.—

Ordered, that extract of these Proceedings be sent to the Criminal Judge at Calicut for his information and guidance by Precept returnable in 4 days after receipt.—

(Sent following Precept No. 1114

Read letter dated 5th Instant from the Acting 2d Judge on Circuit in the Northern Division—Reporting his arrival on the 31st Ultimo at Rajahmundry and the state of the Calendar

(Here enter No. 1619)

Read

sentences in question.—

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

Read return dated the 5th Instant of the Criminal Judge at Calicut to Precept of the Court of Enquiry dated of the 28th August last, enquiring the note of the Court of Enquiry Enclosed on the Criminal Reports for July.—

(Here enter No. 1622)

In the above return the Criminal Judge explains that the sentence in the case noted in the margin appears to have been passed by the prior Amaan under Clause 6th Section II Regulation VI 1822 "because the prisoners dug up the property which "was secured under ground in the house of the "prosecutor; deeming the offence to be a breaking "into a place used for the custody of property in the "which view the Criminal Judge considers himself "borne out by the wording of Clause 7th Section II "Regulation VI of 1822 where the offence of Housebreaking "is described. The prisoner and his wife were permitted

Report V
Case 226.

"permitted by the Prosecutor to lodge in the house in "question where the Prosecutor and his family were "also residing at the time."

2. The Court of Enquiry are not at present disposed to consider this construction as incorrect, inasmuch as the offence does not amount to "breaking into any warehouse, "store house, or other building or place" and they accordingly direct the sentence to be cancelled and a fresh sentence passed under Section VII Regulation X 1816 awarding 6 months imprisonment with hard labor in irons the revised sentence taking effect from the date of the one hereby cancelled viz. the 20th July last.—

Ordered, that extract of these Proceedings be sent to the Criminal Judge at Calicut for his information and guidance by Precept returnable in 14 days after receipt.—

(Sent following Precept No. 1114

Read letter dated 5th Instant from the Acting 2d Judge on Circuit in the Northern Division = reporting his arrival on the 31st Ultimo at Rajahmundry and the state of the Calendar

(Here enter No. 1619)

Read

7th September 1835.

Read further return dated 4th Instant from the Judges of the Provincial Court of Circuit in the Western Division to Precept of Conjeeram Vedahu dated the 9th July last, requiring a clear explanation with reference to a difference between the dates as inserted in the Criminal Report and that mentioned in a Return of the Magistrate of Mauliputam of Summons issued by the Auxiliary Court for certain witnesses in case No. 154 of 1835 Mauliputam Supplemental Report for February 1835.

(Here enter No. 1627)

Read letter dated 7th Instant from the 3d Judge on Circuit in the Western Division reporting the opening of the Sessions at Bellary on the 7th instant, and the state of the Calendar.

(Here enter No. 1629.)

Read return dated 10th Instant from the Criminal Judge of Madura to Precept of Conjeeram Vedahu dated the 7th September 1835 having reference to the Criminal Reports for June.

(Here enter No. 1644)

Read letter dated 12th Instant from the 2d Judge on Circuit in the Southern Division, transmitting original Death Warrant in Case No. 10 on the

7th September 1835.

Read letter dated 7th Instant from the Officiating 2d Judge late on Circuit in the Western Division forwarding copy of a letter from the Assistant Criminal Judge of Canara explaining the grounds on which he committed the female Lingoo Maria to take her trial for Perjury.

(Here enter No. 1626)

Read letter dated 7th Instant from the 1st Judge on Circuit in the Western Division reporting that the Sessions of 1835 will be opened at Mangalore on Tuesday the 15th Instant.

(Here enter No. 1628)

Read letter dated 10th Instant from the 1st Judge of the Provincial Court of Circuit in the Southern Division with copy of the Return to Supplemental Calendar for the 3d Quarterly Sessions of 1835.

(Here enter No. 1630)

Read letter dated 4th Instant from the Acting Joint Criminal Judge at Rajamundry transmitting the Criminal Reports for the Months of August 1835.

(Here enter No. 1631.)

Read

the Eminently Calendar for the 2d Sessions of 1835 with
letter from the Joint Criminal Judge &c.-

(Here enter No. 1648)

Read return dated 5th Instant from
the Magistrate of Salem to Receipt of Conjeeveram Circuit
dated the 3d instant, directing that the attention of the
Assistant Magistrate and the Police officer be called
to C. C. No. 22 showing that the detention of the
prisoners in the Calaboose may in some instances be
justifiable.-

(Here enter No. 1649)

Read letter dated 9th Instant from
the Magistrate of Malabar, submitting explanation
required by the Conjeeveram Circuit in their proceedings
of the 28th Ultimo, relative to certain cases of the Criminal
Reports for July last.-

(Here enter No. 1650)

Read return dated 9th Instant from
Mr. Boileau late Acting 3d Judge late on Circuit in
the Centre Division now at Chingleput to Receipt
of Conjeeveram Circuit dated the 10th July 1835 requiring
him to instruct the Magistrate of Billeree to cause
publicly upon Kistnama Naick of the 3d N. J.
the remand of 100 Rupees bestowed by Government
upon

upon him for his conduct in the case of Cutter.-

(Here enter No. 1662)

Read return dated 8th Instant from
Mr. Boileau late Acting 3d Judge late on Circuit in
the Centre Division now at Chingleput to Receipt
of the Conjeeveram Circuit dated the 15th July 1835, directing
him to communicate to the Magistrate of South Arcot
their resolution not to assign the Calaculam
of Cuddalore from his Office in consideration of the
high character given him by the Magistrate.-

(Here enter No. 1663)

Read return dated 5th Instant from
the Acting Criminal Judge of Chingleput dated the 28th August 1835
to Receipt of Conjeeveram Circuit dated the 28th August 1835
on the Criminal Reports for July.-

(Here enter No. 1664)

Read return dated 8th Instant from
the Acting Joint Criminal Judge at Chingleput
to Receipt of Conjeeveram Circuit dated the 25th August
1835 on the Criminal Reports for July last.-

(Here enter No. 1665)

Read letter dated 12th Instant from
the Magistrate of Salem, submitting explanation
required by the Conjeeveram Circuit in their proceedings
of the 27th Ultimo, relative to certain cases of the
Criminal

21st September 1835

Criminal Reports for July.—

(Here enter No. 1677)

Read letter dated 15th Instant from Lieutenant P. C. Cotton Civil Engineer, forwarding an abstract of the list of Duffadars and Peons in charge of the convicts now confined at Guindy.—

(Here enter No. 1682)

Read return dated 15th Instant from the 2d Judge late on Circuit in the Centre Division now at Poongumbaukum, to Precept of Conjeeveram dated the 7th September 1835, conveying their observations and orders on the Cumbum Calendar for the 1st Sessions of 1835.—

(Here enter No. 1684)

Read return, dated 15th Instant from the 2d Judge late on Circuit in the Centre Division at Poongumbaukum to Precept of Conjeeveram dated the 8th June 1835, conveying their remarks on the Cumbum Calendar for the 1st Sessions 1835.—

(Here enter No. 1655)

Ord.

J. No.

At a Court of the Foujdaree Udalut.

Present,

Tuesday, 22nd September, 1835.

Charles May Lushington Esqr 1st Puisne Judge.
John Bird Esqr 2nd Puisne Judge.
William Maudleston Esqr 3d Puisne Judge.

Read letter, dated the 25th Ultimo from the late Acting 3d Judge of Circuit in the Northern Division, submitting the record of proceedings held in case No. 18 Masulipatam Calendar 4th Quarterly Sessions of 1834.

(Here enter No. 1581 of 1835.)

Also read again letter, dated the 3rd April last from the Acting 2nd Judge of Circuit in the Northern Division, submitting copy of the Masulipatam Calendar for the 1st Quarterly Sessions of 1835.

(Here enter No. 1581 of 1835.)

The Court of Foujdaree Udalut having maturely considered the proceedings held before the Judge on Circuit, the Letwa of the Provincial Law Officer and the Letwa of the Sudder Court and the Moofties of the Foujdaree Udalut, are of opinion that the prisoner Nallapatla Pedda Lenadoo is not convicted on positive proof or on the evidence of

Mr Bird and Mr Maudleston

22nd do

Chicacole Calendar 2nd Sessions of 1834: and the trial has terminated in the acquittal of the prisoner, the evidence for the prosecution being in the opinion of the Court of Foujdaree Udalut, altogether insufficient for his conviction.

6

But under the circumstances above stated, the Court have deemed it proper to direct that the said prisoner be not released, until the pleasure of the Right Honorable the Governor in Council shall have been signified as to his disposal.

Ordered, that Extract from these proceedings be sent to the Chief Secretary to Government for the purpose of being laid before the Right Honorable the Governor in Council

(Sent in No. 1117

Read the Tellicherry Criminal Reports prescribed by Section XXXV Regulation X 1816 for August.

(Here enter No. 1636)

Report X Case 75

In this case the prisoners having been detained in the Jaluk from the 25th July to the 18th August in consequence of the non-attendance of the Witnesses, the Court of Foujdaree Udalut deem it proper to call for an explanation for

the Magistrate of the reason why so many days were required to procure their attendance.

The Acting Joint Criminal Judge

2

will furnish to the Magistrate copy of the case as it stands in the Report and of this and the preceding paragraph and the Magistrate will make return direct to the Court of Foujdaree Udalut within 8 days after receipt of this order.

Ordered that Extract from these proceedings be sent to the Acting Joint Criminal Judge at Tellicherry by Precept returnable in 3 days.

(Sent following Precept No. 1118

Read the Mangalore Criminal Reports prescribed by Section XXXV Regulation X 1816 for the month of August.

(Here enter No. 1634)

Report X. Case 96
Suff. & Rep. Cases 64-72-78 &c.

In the cases noted in the margin the Acting Criminal Judge merely states as the grounds of the commitment of the several prisoners, that they have been "committed on the evidence of the witnesses" A concise but distinct note of the grounds should, in future, specify the nature of the charge, which does not afford to the Court of Foujdaree Udalut sufficient information to enable them to judge correctly as to the propriety of the manner in which the cases may have been disposed of.—

The

22nd September 1835

Report 6

2 The Court regret to observe that so many as 9 deaths occurred among the prisoners in the Jail at Mangalore during the last month.

Ordered that Extract of these proceedings be sent to the Acting Criminal Judge at Mangalore for his information and future guidance.-

(Sent in No. 1119

Read the Cuddalore Criminal Reports prescribed by Section XXXV Regulation X 1816 for August.

(Here enter No. 1635)

Report VI 1 The Court observe that the names of the prisoners forwarded for the purpose of being employed under the orders of the Breakwater Committee has not been noticed in this Report and also that no mention of the extra Duffadars is made in the "statement of Extra Peons," although the Acting Joint Criminal Judge has made a note thereon that "of these 77 Peons 20 were sent to Madras on the 21st August 1835 in charge of 80 prisoners".

2 The Acting Joint Criminal Judge will in future enter the number of Duffadars in the statement agreeably to the form in the Circular Order No. 11 of 1835.-

Ordered

22nd September 1835

Ordered that Extract of these proceedings be sent to the Acting Joint Criminal Judge at Cuddalore for his information and guidance.-

(Sent in No. 1120

Read the Chittoor Criminal Reports prescribed by Section XXXV Regulation X 1816 for August.

(Here enter No. 1647)

Report V. Case 149. 1 In this case the prisoner has been sentenced to 4 months imprisonment under Clause 1st Section XI Regulation XIII of 1832 "having confessed before the Court that he let the prisoner mentioned in the charge, escape, but pleaded in his examination that he was unaccustomed to take care of prisoners and that he put trust in the prisoner, who escaped being of the same Village.

The Court of Faujdaree Udalut are 2 being of opinion that the sentence already undergone by the prisoner, is, under the circumstances of the case, a sufficient punishment for his offence, resolve to direct that he be released immediately upon receipt of these orders.-

The Magistrate will point out Case 158. 3 to the Police Officer who apprehended the prisoner that

22nd September 1835.

that the grounds assigned for their detention viz^t "searching for some other individuals who were concerned in the Robbery without shewing the necessity of such a proceeding are not admissible under the Circular Order 24th January 1822 the Criminal Judge will furnish the Magistrate with copy of this para and of the cases noted in the margin as it stands in the Report.-

Ordered that Extract of these proceedings be sent to the Criminal Judge of Chittoor for his information and guidance by Precept returnable in 3 days after receipt.-

(Sent Mr Hollingberry Precept No. 1121)

Read letter dated the 2nd Instant from the 2nd Judge on Circuit in the Southern Division reporting his intention to open the 2nd Sessions of 1835 at Salem on the 8th October next.-

(Here enter No. 1585)

Read letter dated the 2nd Instant from the 2nd Judge on Circuit in the Southern Division reporting the arrival on the 31st Ultimo of the Court of Circuit at Combaconum, the opening of the Sessions and the state of the Calendar.-

(Here enter No. 1586)

Read Return dated the 1st Instant from

F. 86.

22nd September 1835.

from the Acting Criminal Judge at Mangalore to precept of Foujdaree Adalut dated the 25th August 1835 on the Criminal Reports for July.-

(Here enter No. 1608)

Read letter dated the 7th Instant from the Principal Collector of South Arcot explaining the cause of delay on the part of the District Police in dispatching of certain Prisoners in Cases Nos. 63 65 and 67.-

(Here enter No. 1609)

Read Return dated the 14th Instant from the late Acting 3rd Judge late on Circuit in the Centre Division, to precept of Foujdaree Adalut dated the 9th September 1835 requiring him to make immediate return to their former Precept of the 10th July.-

(Here enter No. 1689)

Read Return dated the 14th Instant from the late Acting 3rd Judge late on Circuit in the Centre Division to precept of Foujdaree Adalut dated the 9th September 1835 requiring him to make immediate return to their former Precept of the 10th July 1835.-

(Here enter No. 1690)

Read letter dated the 19th Instant from the Criminal Judge in the Zillah of Chingleput, submitting certain remarks respecting a letter addressed by the Magistrate of Chingleput to

22nd September 1835.

to the Foujdaree Udalut dated the 14th September 1835 relative to the non payment by the Criminal Judge of the peons in charge of the prisoners at Pamamalai

(Here enter No. 1692.)

Read letter dated the 15th Instant from the late Acting 3rd Judge of the Provincial Court in the Northern Division reporting that the Record of case No. 18 on the Masulipatam Calendar for Sessions of 1834 has already been despatched to the Office of the Foujdaree Udalut.

(Here enter No. 1696)

Read Return dated the 17th Instant from the Criminal Judge of Salem to Receipt of the Foujdaree Udalut Letter dated the 12th September 1835 directing the discontinuance of the Extra Peons on the Last Station ment at his discretion.

(Here enter No. 1691.)

Ed. Ll.

JB

Wednesday 23d September 1835.

Present,

Mr. Lushington and Mr. Huddleston

Charles Gray Lushington Esqre 1st Puisne Judge,
John Bird Esqre ——— 2d Puisne Judge,
William Huddleston Esqre 3d Puisne Judge,

Read letter dated the 25th Ultimo from the 1st Judge at Cuddapah in Circuit in the Southern Division, submitting an English and Persian Translation of the proceedings in Case No. 12 on the Compilation Calendar for the 1st Sessions of 1836.

(Here enter Sd. No. 1657 of 1836.)

The Court of Foujdaree Udalut having maturely considered the proceedings held before the Judge on Circuit, the Futwa of the Provincial Law Officer, and the Futwa of the Cazee-ool-Cozzat and Mooftee of the Foujdaree Udalut, are of opinion that the prisoner

"Petty Chetty"

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 in conformity with the provisions of Clause sixth Section II, Regulation XV of 1803, direct that he be set at liberty.

Mr. Lushington and Mr. Huddleston

JB

23d. September 1835.

1.

After fully considering the observations of the Presiding Judge in the 11th. para. of his letter and the unusual circumstances which mark the proceedings of the Court Magistrate in this case, the Court of Conjoara Kadutt are of opinion that the prisonir can be convicted of having "wilfully and deliberately" given the two contradictory depositions on oath which form the ground of this charge of perjury.-

2.

It does not appear to the Court that the Regulations contemplate the course of proceeding adopted in this case.-

3.

That Perjury was committed in the deposition of the 11th April appears very probable but for the Magistrate on the ground of a finding reason for that opinion, to make the prisonir the means of his own conviction of a Perjury, the result of another examination taken nine days after, was not in the spirit of the Conjoara Kadutt a correct mode of proceeding.-

4.

The Court are of opinion, under all the circumstances, that no further proceeding should

23d. September 1836.

should be instituted against the prisonir in case No. 3 and 4 on the Supplemental Calendar, who have already been released by the Court of Circuit.-

5.

With reference to the remark in para. 19 of the letter of the Pr. Judge the Court of Conjoara Kadutt deem it necessary to point out that under the provisions of Section III Regulation III of 1826, the prisonir cannot be tried on the second charge in Case No. 2 on the Supplemental Calendar. This fact escaped the notice of the Court when reviewing the Calendar, and the First Judge will consider as cancelled the observation in paras. 9-10 and 11 of their proceedings under date the 28th. July 1835.-

6.

The Court observe that the trial of case No. 12 was closed on the 15th. June being the same date as that on which the Supplemental Calendar was laid before the Presiding Judge: but the Court are of opinion that the Acting Joint Criminal Judge ought to have sent upon the prisoner for trial in the first instance on the facts of the case, and not on

23d September 1835.

on the two contradictory depositions:—

Ordered that Extract from the proceedings be sent to the 1st Judge late on Circuit in the Southern Division for his information.—

(Sent following letter No. 1122

Read return dated the 7th Instant from the 2d Judge on Circuit in the Southern Division to Precept of the Toujdaree Udalut of the 24th August 1835 on the Nundeen Calendar for the second Sessions of 1835.—

(Here enter No. 1611)

Read letter dated 9th Instant from the Acting Criminal Judge of Chittagong acknowledging the Receipt of two printed copies of the Circular Orders of the Toujdaree Udalut,—

(Here enter No. 1679)

T. U.

At a Court of the Toujdaree Udalut.

Present,

Thursday, 24th September, 1835. Charles May Lushington Esq.re 1st Puisne Judge.

John Bird Esq.re — 2d Puisne Judge,

William Dudleston Esq.re — 3d Puisne Judge,

Read letter dated the 29th Ultimo from the late Acting 3d Judge late on Circuit in the Northern Division transmitting the records in Case No. 19 on the Nellore Calendar for the 1st Sessions of 1835.

(Here enter No. 1580.)

Mr. Lushington
&
Mr. Dudleston

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 prisoner—

"Cundroorry Latchmanasoo"

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

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. 1125)

Read the Chingleput Criminal Reports prescribed by Section XXXV Regulation X 1816 for the Month of August—

(Here enter No. 1632)

1 The Criminal Judge of Chingleput is requested in future to annex to the Criminal Reports the "Statement of Labor" and the "Statement of Extra Peons" which in the present instance have been forwarded separately—

2 In the latter statement is an entry for 14 Peons employed "from 1st to 12th instant." The Court conclude that these Peons were entertained until the transported prisoners were disposed of, but this point should have been explained. The Criminal Judge, in future similar cases, will bear this observation in mind—

Ordered that Extract of these proceedings be sent to the Criminal Judge at Chingleput for his information and future guidance—

(Sent in No. 1126)

Read Return dated the 7th Instant from the Native Criminal Judge of Vizagapatam to Precept of the 27th Ultimo conveying the order of the Court of Foujdaree Adalut on the Criminal Reports for the month of July—

(Here enter No. 1666)

Under the explanation afforded Report V Case 37. in the above Return the Court of Foujdaree Adalut direct that the sentence originally passed in the case noted in the margin be not superseded by their conditional order contained in para 3 of their proceedings of the 27th Ultimo—

Ordered that Extract of these proceedings be sent to the Native Criminal Judge at Vizagapatam for his information and guidance—

(Sent in No. 1127)

Circular Order No. 52—

In the Majority of the Calendars which

which have from time to time been laid before the Foujdaree Udalut, the only explanation relative to the postponement of cases is to be found in the remark that "certain of the "Witnesses were not forthcoming and as their evidence was most material, the trial was not entered upon"—

2 It being obvious that upon a bare statement of this nature, the controlling Authority is unable to determine whether proper exertions have been made to cause the attendance of the persons absent, and by consequence to check the great and growing evil of postponement, the Court of Foujdaree Udalut have resolved to direct by a Circular Order that in future whenever from the absence of Witnesses &c a case may be left for Trial at the ensuing Sessions, the Presiding Judge do record in the Calendar what measures were adopted by the Criminal Court, either spontaneously or under his orders, to procure the attendance of the parties, specifying the dates of such orders as may have been issued on

on the subject, and further that he do detail the circumstances which have rendered those efforts abortive—

3 The Court deem the present a favorable opportunity for calling particular attention of Judges on Circuit to the latter part of their orders of the 24th August 1826, circulated under date the 28th June 1827, wherein it is ruled that "Postponed trials "should always be heard first; in order "that if the further attendance of witnesses "required it may be obtained before the Judge "quits the Station: and thus all danger of "further postponement obviated"

4 The Court of Foujdaree Udalut further direct that to the "abstract of evidence" in each trial be affixed the Name as well as the official Designation of the Committing Officer; and, with the view of facilitating reference, that in the same Column which exhibits the Number of the trial as it stands in the Calendar, be entered in Red Ink, its

J.H.

24th September 1834

its corresponding Number in the Monthly Criminal Reports—

Ordered that Extract from the proceedings be sent to the four Provincial Courts of Circuit with instructions to furnish copies of the same to the Judges now on Circuit, and to the several Criminal, Joint Criminal and Native Criminal Judges in their respective Divisions for their information and future guidance by Precept returnable in 5 Days—

(Sent following Circular Precept No. 128)

J.H.

At a Court of the Faujdaree Adalut.

Present

Friday, 25th September 1835.

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

Read letter, dated the 3d Instant from the 2d Judge on Circuit in the Southern Division submitting the record of proceedings held in Case of Sk Abdoolla Supplemental Calendar 2d Sessions of 1835.

(Hon'ble 2d Judge)

The Court of Faujdaree Adalut having maturely considered the proceedings held before the Judge on Circuit, the Nature of the Provincial Law Officer and the Nature of the Case of Coojat and Allegation of the Faujdaree Adalut, confirm the said Nature of the Case of Coojat and Allegation as proved, and in conformity with the provisions of Section XVII Regulation VIII of 1802. Sentence the Prisoner,

"Cooshaun"

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

Mr Bird and Mr Hudleston

So

1.

In paras 16 of the foregoing letter the 2d Judge makes the following observations. "that "the 2d prisoner murdered the boy I cannot doubt. "He however appears to have been so cautious in his "proceeding, that no traces of the crime could be "brought home against him."

2.

The Court of Foujdaree Udalut observe, that against this prisoner no evidence whatever has been adduced; and they are of opinion that his commitment for trial was improper.

3.

In the concluding paras of his letter the 2d Judge states that in the absence of proof that the blood of the child was actually shed by the 1st prisoner, he hesitates "to recommend him for execution."

4.

But the Court of Foujdaree Udalut cannot discover in this case any "alleviating circumstance" which could warrant their mitigating the punishment prescribed for the offence by Section XVII Regulation VIII of 1802.

5.

In a case of this nature the parties present aiding and abetting are according to the law of England all "principals in law and "principals in deed." "the Stroke of one is, in consideration of law and in sound reason too, the

"Stroke of all."

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

(Sent following letter No 1131)

Read the Trimevelly Criminal Reports prescribed by Section XXXV Regulation X 1816. for August.

(Here enter No 1657.)

Supplemental Report 1. Case 58.

The ten prisoners in this case were charged with Robbery and the Joint Criminal Judge terms the following order. "The prisoners are released the evidence against them is very contradictory, and it is even doubtful whether the Prosecutor was robbed at all. The charge as regards these prisoners is clearly a false one and the Prosecutor is therefore fined Rupees 35. and the 3d 4th and 5th witnesses Rupees 10 each commutable to one months imprisonment with labor under Section VII Regulation XIII. 1832. Unfortunately there are not grounds for committing them for Perjury."

The tenor of this order leaves

2.

the Court of Foujdaree Udalut to conclude that the parties have been fined, under Section VII Regulation

Regulation XIII of 1832 for bringing a false charge
and if this is the case the proceeding is illegal
and the amount of the fines ought to be returned
If however the fines were imposed for gross prevari-
cation the Joint Criminal Judge acted correctly.
He will be pleased to furnish an explanation
on the point.

3.

It appears to the Court of Sessions
Udalut that the Jail establishment at Tinnevelly
is open to great reduction. The number of the
prisoners in Jail being only 55 and that of the
fixed guard being 30 Peons independent of the 4
extra Peons noticed in the "Statement" the Joint
Criminal Judge will immediately carry a reduc-
tion of this portion of his establishment into
effect reporting to this Court the extent to which
he may have considered it practicable to reduce
it under these instructions.

Ordered that Extract of these
proceedings be sent to the Joint Criminal Judge
at Tinnevelly for his information and guidance
by precept returnable in 4 days after re-
ceipt.

(Sent following Precept No 1132)

Read

Read the Madras Criminal
Reports prescribed by Section XXIV Regulation X. 1816.
for the month of August.
(Here enter No 1658.)

The reasons assigned in the Report
Report V
Case 92. for the detention of the prisoners in this case in
the Jaleek are not satisfactory as regards the
first prisoner Cundasawmy the Criminal Judge
will therefore furnish the Magistrate with copy
of the case and of this paragraph and the
Magistrate will make return direct to this
Court explaining further the cause of the said
Prisoner being detained in the Jaleek from the
8th to the 27th of July.

The Court conclude that the
2.
entry of 86 extra Peons in the "Statement" accom-
panying the Reports under review, includes
the number entertained for the 100 prisoners
sent to Tuticorin only under the orders of the 13th
Ultimo.

Ordered that Extract of these
proceedings be sent to the Criminal Judge of Madura
for his information and guidance by precept return-
able in 4 days after receipt.

(Sent following Precept No 1133)

Read

25th September 1835.

Read letter dated the 18th Instant from the 1st Judge of the Provincial Court of Circuit in the Centre Division, transmitting copy of the Sixtieth Supplemental Calendar for the third Quarter Sessions of 1835.

(Here enter Ft. No. 1671 of 1835)

Case No. 1

After a mature consideration of all the circumstances of this case as they appear in the abstract in the Calendar, the Court of Foujdaree Adalat are of opinion that the ends of justice demand a more severe punishment than that proposed by the Presiding Judge and accordingly under the authority vested in them by Clause third, Section III, Regulation I of 1825, direct that the prisoner

1st "Bodeegan"

and

2d "Monegan"

be sentenced 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.

Ordered that Extract of these proceedings be sent to the 1st Judge of the Provincial Court of Circuit in the Centre Division by Parcel, returnable within three days from and after it be receipted.

(Sent following Parcel No. 1134)

Read

25th September 1835.

Read the Rajahmundry Criminal Reports prescribed by Section XXXV Regulation X. 1810 for August. (Here enter No. 1660.)

Read also letter dated the 31st Ultimo from the Provincial Court of Circuit in the Northern Division, forwarding copy of a correspondence between the Magistrate of Rajahmundry and the Criminal Court, relative to a case sent up to the latter by his orders from the Colarcaum Head of Police.

(Here enter No. 1603.)

Supplemental Report 1.
Case 47.

The Court of Foujdaree Adalat direct that the Criminal Judge will point out to the Acting Assistant Criminal Judge who examined the case noted in the margin the impropriety and irregularity of that part of his proceedings which is thus described in the Criminal Report under review: "The former Prosecutrix in Case No. 123 of 1835 not being forthcoming, her former deposition given on oath before the Criminal Court was attested on oath by the mother of the Sufferer Ramanna and received as evidence."

Report V
Case 52.

In this case it is stated that the witnesses arrived at the Criminal Court on the 15th August but that the trial was commenced on the

the 24th of the month. The Court of Inquiry Ulstabist request to be informed why this delay of nine days was allowed to occur.

Case No 50.

3. The Court have had before them a copy of the correspondence between the Magistrate and the Acting Assistant Criminal Judge to which allusion is made in the column of remarks in this case and they deem it proper to direct that it be intimated to the Acting Assistant Criminal Judge who conducted the correspondence in question that the Court of Inquiry Ulstabist have noted that communications between the Departments of the Criminal Judge and the Magistrate should always be made by the head of each department respectively.-

Ordered, that Extract of these proceedings be sent to the Criminal Judge of Rajahmundry for his information and guidance by first opportunity returnable in 6 days after receipt.-

(Sent following Precis No 1135)

Circular Order

No 53.

The Statements now furnished under the Circular Orders of the Inquiry Ulstabist does not give an accurate view of the produce of the labor of

of the prisoners in the different Jails, but is generally confined to Manufactures. The Court therefore to modify it, to the intent that in the Memorandum prescribed by the Circular Order of 30th December 1833 the real value of the produce of labor may be duly exhibited.-

2. The heading of the "Memorandum" will be altered in future to "Estimated value of the produce of the labor of the prisoners during the month of ___ and in the 10th Column of the Statement, for the present heading must be substituted "Estimated value of the labor of the Prisoners during the month, after deducting the cost of raw materials and other charges.-

3. It will be the duty of all Officers in charge of prisoners to enter in the said Memoranda the different species of labor to which them, the different Convicts may, during the month reported, have been employed; and where the work may be of such a nature that an Estimate cannot be easily formed of it, Viz. road-making, repairing bridges, &c the value of the labor of the Convicts for the time occupied, taken at 3/4 of the value of free labor, should be inserted.-

Ordered

25th September 1835.

Ordered that Extract from these proceedings be Sent to the 5 Provincial Courts of Circuit to be communicated to the Several Officers in charge of Gaols in their Division for their information and future guidance.

(Sent following Circular Order No 1136)

F. 44.

At a Court of the Conjeeveram Adalut.

Present,

Saturday 26th September, 1835. Charles Gray Lushington Esqre 1st Puisne Judge,
2d Puisne Judge,
Chd. John Britt Esqre
William Rudleston Esqre. 3d Puisne Judge,

Read letter dated the 12th Instant from the Magistrate of Eminelly having reference to the observations recorded by the Court of Conjeeveram Adalut on their proceedings of the 27th Ultimo upon the Eminelly Criminal Reports for the month of July.

(Here enter No. 1678)

It appears from the above that the explanation forwarded with the case 57 of the Eminelly Criminal Report No V for July last from the Calcoc was not entered by the Joint Criminal Judge in the Report. The Court direct that it be pointed out to the Joint Criminal Judge that he ought in all cases to give, in the Criminal Reports, the reasons assigned for any delay in the Calcoc.—

Ordered, that Extract of these proceedings with Copy of the explanation referred to be sent to the Joint Criminal Judge at Eminelly for his information and guidance.—

(Sent in No 1140

Read

Read the Calicut Criminal Reports prescribed by Section XXXV Regulation X 1816 for the month of August.—

(Here enter No. 1670)

Report V

Case 257. 1. The Magistrate will point out to the Tahsildar who sent up this case that when the prisoners are detained in the Calook in consequence of a reference to the Magistrate the reasons for the reference should be explained at the time of the transmission of the case to the Criminal Court.—

Case 259. 2. The prisoners in this case having been detained in the Calook in consequence of the non attendance of the Witnesses, the Police officer should have specified, on his forwarding the case the reason why their attendance could not be procured.—

3. The Criminal Judge will furnish copies of the cases 257 and 259 to the Magistrate with copies of this and the two preceding paragraphs and the Magistrate will make return direct to this Court within 8 days after receipt of this order.

Ordered, that extract of these proceedings be sent to the Criminal Judge of Tellicherry for his information and guidance by

Precept returnable in 5 days after receipt.—

(Sent following Precept No. 1161

Read the Hellore Criminal Reports prescribed by Section XXXV Regulation X 1816 for the month of August.—

(Here enter No. 1659)

Case 117. 1. In this case the prisoner was charged with entering into a dwelling house during the night with an intent to steal" and the Sudr Ameen, recording that there was no proof of the prisoners intent to steal, but that it appears from the evidence and his own confession that he went to the Prosecutors house during the night after drinking arrack and raised a disturbance in it, sentenced him to pay a fine of 5 or in default to be imprisoned for 15 days in Jail.—

2. The provision of the law viz Section XXXII Regulation IX 1816 cited by the Sudr Ameen in support of the above sentence is not applicable to the Criminal Court, and the Criminal Judge should have noticed to the Sudr Ameen his error in quoting it.—

Case 123. 3. The prisoner in this case is represented to

to have left the Calcok on the 17th but not to have reached the Criminal Court till the 24th August. The Court of Conjeeveram Adaulut request to be informed where the prisonir was in this interval. The 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 make return direct to this Court within 8 days after receipt of this order.—

Case 124. 4. The Criminal Judge will pursue the same course with respect to the case 124, wherein the reasons assigned for the detention of the prisonr from the 13th to the 23d August in the Calcok are not in the opinion of the Court of Conjeeveram Adaulut satisfactory.—

Ordered that extract of these proceedings be sent to the Criminal Judge at Vellore for his information and guidance by Precept, returnable in 4 days after receipt.—

(Sent following Precept No. 1142

Read the Salem Criminal Reports prescribed by Section XXIX Regulation X 1816 for August.—

(Here enter No. 1652)

The

Report V

Case 99. The Court of Conjeeveram Adaulut do not see upon what grounds the prisoners in this case have been punished. From the representation of the case in the Report under review it appears that they did not actually commit any assault, and the Court of Conjeeveram Adaulut accordingly resolve to direct the Criminal Judge to cancel his sentence of imprisonment and to substitute for it an order for requisition of security from the prisoners in question

Case 100. in the case noted in the margin the circumstances specified in the Report do not, in the opinion of the Court of Conjeeveram Adaulut, afford sufficient grounds for the requisition of security and they accordingly direct that the prisonr be released immediately upon receipt of these orders if in Jail or that his Bail bond be cancelled if it have been entered into.—

Case 103. 3. In this case the 2d prisonr was sentenced by the Acting Cutcherry Canoon to one months imprisonment without road on the recorded grounds that she sold her son Chinnapy make the paid which she had received from the 1st prisonr and she brought them from the

the place where they were concealed but she did not give information to the Police servants immediately.

4. The Court of Conpaira Dedatut are of opinion that the Juor Ameen would have acted more humanely if he had taken into consideration the circumstance of the near relationship of the parties and that it could not be expected that a mother should inform against her son.—

Ordered, that extract of these proceedings be sent to the Criminal Judge of this for his information and guidance by Precept, returnable in 6 days after receipt.—

(Sent following Precept No. 1143

Read the Cussoa for Criminal Reports prescribed by Section XXXV Regulation X 1816 for August.—

(Here enter No. 1655)

Supt. Report Case 127.

1. The Criminal Judge, will furnish the Magistrate with copy of this case as it stands in the Report and of this paragraph and the Magistrate will make return direct to this Court within 15 days after receipt of this order submitting therewith a report of the notice he may have taken of

of the proceedings of the Police as represented in the case under consideration.—

Report V Case 136.

2. It is stated in the Report that the date of apprehension of the prisoners is "not known". The Criminal Judge should have applied to the Magistrate for this information and the Court of Conpaira Dedatut still await a Report upon this point. A copy of this case should accordingly be furnished to the Magistrate with copy of this para.

Case 138.

3. The Criminal Judge will pursue the same course in regard to this case in which the Court request an explanation may be submitted by the Magistrate as to the prisoners, whilst on under a charge of murder, being "at large" from the 3d to the 7th of August.—

Ordered, that extract of these proceedings be sent to the Criminal Judge of Cussoa for his information and guidance by Precept returnable in 5 days after receipt.

(Sent following Precept No. 1144

At a Court of the Faujdaree Adalut &c

Present,

Monday, 28th September, 1835.

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

Read the Circuit Criminal Reports &c prescribed by Section XXXV Regulation X, 1816 for the month of August.

(Here enters No 1856)

The Acting Criminal Judge will furnish to the Magistrate copy of the cases noted in the Margin and of the following paragraphs which refers to them, and the Magistrate will make returns direct to this Court in 14 days after receipt of this order.

Report V
Cases 62
63
65

1.

2.

Case No 62.

The Court request an explanation of the detention of the prisoners in this Case (62) in the Lockup from the 23d July to the 11th August. The information given in the Report is only to the extent that the "delay in this case has been brought to the notice of the Magistrate," and is unsatisfactory. In case 63 the delay (this only 7 days) is not satisfactorily accounted for. The Police Officer

3.

Officer is represented as "absent on leave" and no one appears to have been officiating for him-

4 The Court await an explanation as to where the prisoners in Case №65 were from the 16th to the 25th August-

5. The Acting Criminal Judge is requested to place in future the Supplemental Report before Report №V and to annex the "Statements of Labor &c." to the Reports instead of forwarding them separately-

Ordered, that Extract of these proceedings be sent to the Acting Criminal Judge at Chicacole for his information and guidance by precept returnable in 5 days after receipt-

(Sent following Precept №1180)

Read the Vizagapatam Criminal Reports prescribed by Section XXXV Regulation X, 1816 for August-

(Here enter №1688)

Report V
Case 67

No explanation having been given of the detention of the prisoners in this case from the 6th to the 19th August the Court direct that the Magistrate be called upon now to furnish it- The Native Criminal Judge will accordingly transmit 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 this Court in 8 days after receipt of this order-

2. The Native Criminal Judge is requested to place in future the Supplemental Report before Report №V.

Ordered that Extract of these proceedings be sent to the Native Criminal Judge at Vizagapatam for his information and guidance by precept, returnable in 3 days after receipt-

(Sent following Precept №1157)

Read Return dated the 19th Instant from the 2d Judge on Circuit in the Southern Division to precept of Joydance Udalut dated the 16th September 1835 directing the release of the prisoner in Case №18. Madura Calendar Second Sessions of 1835.

(Here enter №1709-)

Read return dated the 19th Instant from the 2d Judge on Circuit in the Southern Division to precept of Joydance Udalut dated the 16th September 1835 consigning further remarks on the Tinnevelly Calendar for the 2d Sessions of 1835-

(Here enter №1711)

Read.

28 September 1835.

Read letter dated the 18th Instant from the Provincial Court of Circuit in the Western Division forwarding translations of the Native Criminal Judge's Reports for August 1835.

(Here enter No. 1713.)

Ed. Pk

WB

Ord.

F. 86.

At a Court of the Foujdaree Adalut.

Present,

Tuesday 29th September 1835.

Charles May Lushington Esq.re 1st. Puisne Judge

John Bird Esq.re ——— 2nd. Puisne Judge

Wm L

William Hudleston Esq.re 3d. Puisne Judge

WB

Read the Bellary Criminal Reports prescribed by Section XXXV Regulation X 1816 for August

(Here enter No. 1681)

In this case the Criminal Judge

Report V
Case 116

records the following Sentence "The prisoner is convicted on this and the three following charges on his own voluntary confession. The thefts are petty ones but indicate a confirmed habit of pilfering. In consequence of conviction on these 4 charges the prisoner is sentenced to be imprisoned for one year and a half with labor in irons under Clause 6th Section II. Regulation VII. 1822."

The Court observe that the value of the property stolen in these several cases was, one Rupee - Rupees 5-14 - Rupees 2-8 and one Rupee, and as it does not appear from the Report that there was any 'breaking' they consider the provision of the law quoted inapplicable, and direct that the sentence be cancelled and a fresh sentence passed to the extent authorized by Section VII. Regulation X. 1816.

J

3.

If "breaking" accompanied either of the thefts the Criminal Judge will inform the Court, suspending in that case until further instructions, the execution of the conditional order now recorded.

Case 121.

4

Section VIII Regulation X 1816 (and not Clause 4 Section III Regulation XI 1822) would seem to apply to the case noted in the Margen, wherein the prisoner confessed the crime of Shaving by night stolen "from a Tin[d] gold ornaments and ready cash which were buried in it" amounting to Rupees 49-2. It is also stated that the case was not attended by any aggravating circumstances.

Case 122.

5

This appears to be a case of maliciously poisoning a Buffalo, and the Court think it proved that the prisoner attempted to kill the Buffaloe by poison the punishment awarded viz[t] "one Month with labor without irons under Clause 1[st] "Section VIII Regulation XIII 1832" is inadequate.

Case 129.

6.

The following is the sentence recorded on the 1[st] Prisoner in this case who stood charged with theft of property to the value of Rupees 35-. The 1[st] prisoner denies the crime but confesses both before the Head of Police and the Criminal Court of his having received stolen articles from the 2[d] prisoner which were found in his possession. He is therefore sentenced to be imprisoned during the period of 1½ Year with labor in irons under Clause 4[th] Section III "Regulation XI 1822"

7.

On this the Court have to observe that

that if the prisoner has been sentenced for the theft the evidence is insufficient[t] for knowingly receiving stolen property the Section quoted does not apply. The Criminal Judge is requested to submit an explanation on this point.

Case 130.

8

The proceedings of the Police Officer who forwarded the prisoner in this case being directly opposed to the Circular Order 24th January 1822 the Court direct that the Magistrate be instructed to admonish him. The Criminal Judge will therefore furnish copy of this case as it stands on the Report and of this paragraph for the information and guidance of the Magistrate.

9.

The Criminal Judge is requested to place the Supplemental Report, in future, before the Report No. I.

10.

With reference to the Statement of Extra Perm[t] the Court direct that the Criminal Judge be called upon to state why one Duffadar in excess of the prescribed number was entertained during the Month of August.

Ordered, that Extract of these proceedings be sent to the Criminal Judge at Bellasore for his information and guidance by Precept returnable in 8 days after receipt.

Sent following Precept No. 1854

Read the Combaconum Criminal Reports

29th September 1835.

Reports prescribed by Section XXXV Regulation X 1816 for the month of August.

(Here enter No. 1708)

Report V

Case 163.

1

If the conduct of the Duffadar, by whom the party, for whose escape the prisoner has been brought before the Criminal Court in this case, was delivered to the prisoner, has not been already represented to the Magistrate, the Court of Foujdaree Adalut direct that a communication respecting it be made by the Acting Criminal Judge to that officer immediately on receipt of these orders.

Case No. 169.

2

The prisoners in this case, apprehended on the 24th and 28th July are stated not to have reached the Zalook until the 4th and 5th of August, the Court accordingly request to be informed when the prisoners were during that period.

Cases 181. 184. 186.

3

The Court of Foujdaree Adalut do not consider satisfactory the reasons assigned in the Report for the detention of the prisoners, in these cases, in the Zalook. In the case 181 the delay having been caused by the absence of the Prosecutor and witnesses until the 13th August, altho' the prisoners were apprehended on the 14th July an explanation should have been given why the attendance of the required parties could not be earlier procured.

Case 182

4

The necessity for a reference to the Magistrate in this case does not appear.

5.

The prisoner in the above case (182) committed

(2)

29th September 1835.

convicted of preferring a false charge of so heinous a crime as murder to the Head of Police, seems to the Court of Foujdaree Adalut to have been insufficiently punished by a sentence of only "two months imprisonment under Section II Regulation IX 1832".

6.

The Acting Criminal Judge will furnish the Magistrate with copies of the cases 169-181-182-184-and 186 and of the paragraphs of these proceedings referring to them, and the Magistrate will make return direct to this Court in 8 days after receipt of this order.

Ordered, that Extract of these proceedings be sent to the Acting Criminal Judge at Combaconum for his information and guidance by Precept returnable in 5 days after receipt.

(Sent following Precept No. 1163)

Read Return dated the 18th instant from the Officiating Criminal Judge of Bellary to precept of Foujdaree Adalut dated the 12th September 1835, directing him to rectify an error in the Return to the Precept of the Foujdaree Adalut dated the 27th August 1835.

(Here entered No. 1721)

Read letter dated the 16th Instant from the Magistrate of Vizagapatam submitting explanation required on the proceedings of the Foujdaree Adalut dated the 28th August 1835 relative to the Criminal

29

29th September 1835.

Criminal Report for July.

(Here enter No. 1723)

Read letter, dated the 25th Instant from the 2nd Judge late on Circuit in the Centre Division, returning the English Record of Case No. 44 Ballance Calendar 1st Sessions of 1835 and promising a reply to the proceedings of the Toojdaree Adalut on that case, so soon as he receives the original Record.—

(Here enter No. 1731)

T. C.

T. C.

T. C.

At a Court of the Toojdaree Adalut.

Present,

Wednesday 30th September 1835. Charles Gray Cushington Esqre 1st Puisne Judge,
John Bird Esqre ——— 2d Puisne Judge,
William Huddleston Esqre ——— 3d Puisne Judge,

Read letter dated 31st ultimo from the 1st Judge on Circuit in the Western Division, transmitting the record in Case No. IV of the Arakan additional Calendar for the 2d Sessions of 1835.—

(Here enter No. 1602)

Mr. Cushington, and Mr. Huddleston,

The Court of Toojdaree Adalut, having maturely considered the proceedings held before the Judge on Circuit, the Futwa of the Provincial Law Officer, and the Futwa of the Cazee-ool-Cozzat and Mooftees of the Toojdaree Adalut, do confirm the said Futwa of the Cazee-ool-Cozzat and Mooftees aforesaid, and sentence the prisoner

1st Odaporata Katatit Cheroomun Conjon,
2d Ditto Nayady, his son,
and
3d Ditto Cheroomun Rudayon,

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.

(Enter following letter at P. 1173

Read

29th 29th 30th September 1835.

Read letter dated 17th Instant from the 1st Judge on Circuit in the Western Division, transmitting the record in Case No. 38 Calendar Calendar 2d Sessions 1835.-

(Here enter No. 1523)

Mr. Washington

The Court of Conference Ordained having maturely considered the proceedings held before the Judge on Circuit, the Letters of the Criminal Law Officer and the Letters of the Counsel and Prosecutor in the said Letters of the Case - viz. Depositions of Clause First, Section V Regulation VII of 1811 sentence the prisoners

1st Indictment for the Crime of Murder

and

2d & 3d Conspiracy and Attempt,

to be imprisoned and kept to hard labour during the period of their natural lives for each and every the said offences

(Here follows (4) for Robbery & Murder)

Read also Letter from Mr. Secretary [illegible] 31st July from the Secretary to the Govt in the Criminal Department to the Conference Ordained under the 15th Section

30th September 1835.

conveying their observations and orders on the Bellaire Calendar for the First Session of 1835.-

(Here enter Ord: No. 1514 of 1835)

Read also, further Return dated the 18th instant from the same Officer to the above Precept.-

(Here enter Ord: No. 1680 of 1835)

Case No. 12

In the 2d paragraph of his letter of the 22d July addressed to the Circuit Judge, the Acting Criminal Judge explains that the 2d 3d and 4th prisoners in the case noted in the Margin "were committed for trial in consequence of the "strong corroboration which their avowal respecting "the crime obtained from the fact established "in evidence of their having led the Police to "the spot where they acknowledged they had "secreted some of the stolen property and one "of them having produced it in the presence "of the rest."-

The Court of Conference Ordained observe that the 2d, 3d and 4th prisoners when examined before the Head of Police, distinctly denied that they committed the offence charged. The 3d prisoner alone professed any knowledge of the circumstances, but his statement when contrasted with that of the 1st prisoner who endeavoured to fasten the guilt upon

upon him, must be viewed as purely recriminatory. Neither the prosecutor nor any of his people recognized the robbers. The evidence, however much it might excite suspicion, could afford no rational expectation of conviction; and the commitment of the accused can be regarded in no other light than that of an injudicious proceeding.—

Cases Nos. 24. 25. 26. and 30.—

The Acting Criminal Judge was not called upon to furnish any explanation relative to the cases noted in the margin, and that which he has volunteered, is any thing but satisfactory. In case No. 24 the evidence for the prosecution was of a suspicious nature, and inconclusive; and in case No. 25, it could not afford the most remote prospect of conviction. In case No. 26, there was certainly room for suspicion against the accused, and for nothing more. The remarks by the Acting Criminal Judge in the monthly report on Case No. 30 were unasked for, and his commitment of the case was manifestly erroneous.—

Cases Nos. 35 to 38.

The Acting Criminal Judge in para 9 of his letter of the 22nd July, referring to the remarks of the Presiding Judge on the cases noted in the margin observes that he "cannot understand on what principle "the 2nd Prisoner in No. 36 is declared to have denied "all

"all the charges. The record shows he confessed them "all, but pleaded ignorance of the customs of the "place."

The charge against the prisoner in the cases in question, is that he received certain articles of property in pawn, knowing that they had been stolen. From a reference to the Record of each case, it appears that the prisoner acknowledged the receipt of the articles, but he expressly declared that he was ignorant that they had been stolen; and he urged, in excuse for having received them without inquiry that he is a resident of Timor Coupang. The documents alluded to are decidedly not confessions.—

It is much to be regretted that the Acting Criminal Judge should have deemed it consistent with his character as a public officer of the Government to address to the Assistant Judge's letter of the nature of those of the 22nd July and the 18th Instant, the tone and temper of which cannot but be considered as disreputable to himself as they are disrespectful to the Judge of Circuit and to Government Generally.—

Orders

29 30th September 1835.

Ordered, that extract of these proceedings be sent to the Second Judge late on Circuit in the Centre Division for his information, and to be communicated to the acting Criminal Judge of Bellary.—

(Sent in No. 1675)

Read letter dated 15th Ultimo, from the late 2d Judge late on Circuit in the Centre Division forwarding the Statement shewing the amount of Batta paid to Prosecutors and witnesses at Cuddalore on account of the 1st Sessions of 1835.—

(Here enter No. 1504)

Read letter dated 8th Instant, from the 3d Judge on Circuit in the Centre Division, forwarding Statement received from the Criminal Judge of Cuddapah shewing the amount of Batta paid to Prosecutors and witnesses attending before the Court of Circuit during the Second Sessions of 1835.—

(Here enter No. 1640)

Read letter dated 10th Instant from the Magistrate of Bellary, submitting explanation required by Poujdaree Udalut in their proceedings of the 27th August 1835 regarding certain cases of the Criminal Reports for July.—

(Here enter No. 1672)—

No. 46.

At a Court of the Poujdaree Udalut—

Present,

Thursday 1st October 1835. Charles May Lushington Esqre 1st Puisne Judge.
John Bird Esqre 2d Puisne Judge.
William Hudleston Esqre 3d Puisne Judge.

Mr. Davis

No Trial having been received subsequently to the 35th Ultimo from the Third Judge on Circuit in the Centre Division, the Court of Poujdaree Udalut deem it proper to call the attention of that Officer to the subject, and to remind him that they consider the undelayed transmission of his referible cases to be a most desirable and important object.—

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

(Sent following Precept No. 1798)—

At a Court of the Foujdaree Udalut.

Present,

Friday
2d October 1835. Charles May Lushington Esqre 1st Puisne Judge,
John Bird Esqre ——— 2d Puisne Judge,
Act — William Hudleston Esqre — 3d Puisne Judge,
No 3

Read again Return dated the 29th June last and Supplemental Return dated 25th Ultimo from the Provincial Court of Circuit Centre Division, to Precept of the 30th April 1835, conveying the observations and orders of the Court of Foujdaree Udalut upon the ½ yearly Criminal Statements for the 1st ½ of 1836.

(Here enter Nos 1103 & 1716.)

The Provincial Court of Circuit with the above Supplemental Return, have submitted the returns of the Magistrates of Chittoor, Cuddapa, Bellary, Chingleput, and Cuddalore. Of these Officers however, the last alone has noticed the injunction of the Precept of the Foujdaree Udalut, requiring them to state, if the returns from the Village Police were "altogether free from error, and at the same "time to explain the principles upon which they have

+ in para 5 of the Foujdaree Udalut's Proceedings 30th April.

"have been framed."—

2 The explanation, to which the Magistrate of Cuddalore alludes in his return, the Court understand to be that which he submitted in obedience to the Precept of the 27th. September 1834, and was received on the 20th. January last. The Magistrate in reference to the 5th. para. of the proceedings of the 30th. April last, will at once perceive, that it will not bear upon the point in question. It certainly states the Magistrate's belief, that the returns are correct, but there is nothing in it to show, that the principles upon which the Village Police returns are framed, are in accordance with the Orders of the Court of Foujdaree Udalut.—

3 The absence of all notice of dismissals without punishment in the Statements of Bellaree, Chingleput, Chittoor and Verdachellum forbids the conclusion that the orders of the 30th. April 1832 have been kept in view, and the Court accordingly resolve to call upon the Magistrates in the Centre Division to state the reason, why the number of the dismissals have not been duly entered, as well as

of

of the punishments, in the returns of the Village Police for the 1st. ½ of the year 1834.—

Ordered, that Extract of these proceedings be sent to the Provincial Court of Circuit Centre Division for their information and guidance by Precept returnable in 20 days after receipt.—

(Sent following Precept No. 1181)

Read letter, dated the 19th. Ultimo, from the 1st. Judge on Circuit in the Western Division reporting the close of the Sessions at Calicut and his intention to proceed as soon as possible to Mangalore.—

(Here enter No. 1726)

Read Return, dated the 23d. Ultimo, from the Provincial Court of Circuit in the Centre Division to Precept of Foujdaree Udalut dated the 19th. September 1835, conveying Circular Order No. 53.— modifying their Circular Order 14th. July 1809.—

(Here enter No. 1734)

Read Return, dated the 25th. Ultimo, from the late Officiating 2d. Judge of the Provincial Court of Circuit in the Western Division, to Precept

of

of Toujdaree Udalut dated the 15th September 1835, directing to communicate to the Magisterial Authorities in Malabar, the satisfaction with which Government have noticed the favourable mention made of them by him, in his Circuit Report for the 1st Sessions of 1835.

(Here enter No. 1737.)

Read Return dated the 24th Ultimo from the Criminal Judge of Chittoor, to Precept of Toujdaree Udalut dated the 22d September 1835, conveying their observations and orders on the Criminal Reports for August.

(Here enter No. 1739)

Read Return dated the 23d Ultimo from the Provincial Court of Circuit in the Southern Division, to Precept of Toujdaree Udalut dated the 12th September 1835, requiring the immediate transmission of the Criminal Statements of the Division for the 1st half year of 1835, and an explanation of their non-transmission within the period specified by Circular Order No. 14.

(Here enter No. 1753)

Read Return dated the 28th Ultimo, from

from the 1st Judge of the Provincial Court of Circuit in the Centre Division, to Precept of Toujdaree Udalut dated the 25th September 1835, directing that the 1st & 2d prisoners in Case No. 1 on the Chittoor 7th Supplemental Calendar for the third Quarter Sessions of 1835, be sentenced to be imprisoned 9mo for 5 years.

(Here enter No. 1754.)

Read letter dated the 17th Ultimo from the Magistrate of Ganjam, submitting explanation required by the Toujdaree Udalut in their proceedings of the 28th Ultimo, relative to certain cases of the Criminal Report for July last.

(Here enter No. 1752)

Read letter dated the 5th Ultimo from the 2d Judge on Circuit in the Southern Division. Forwarding Statement of Batta paid to prosecutors and Witnesses before the Court of Circuit during the 2d Sessions of 1835.

(Here enter No. 1604)

Read

2

2d. October 1835.

Read Return dated the 25th. Ultimo, from the Provincial Court of Circuit in the Southern Division, to Precept of Fouzdaree Udalut dated the 19th. September 1835, transmitting Circular Order No. 31, modifying their Circular Order dated the 14th. July 1809.

(Here enter No. 1765.)

Read letter dated the 30th. Ultimo, from the Provincial Court of Circuit in the Centre Division, transmitting original Death Warrant with copy of a letter from the acting Criminal Judge of Bellaree in Ca[illegible] No. 9. on the Calendar of that zillah for the 1st. Sessions of 1835

(Here enter No. 1767)

Read Return dated the 29th. Ultimo, from the Criminal Judge of Salem to Precept of Fouzdaree Udalut dated the 26th. September 1835, relative to the Criminal Reports for August.

(Here enter No. 1768.)

Read Return dated the 30th. Ultimo from the Criminal Judge of Madura to Precept of Fouzdaree Udalut dated the 25th. September 1835, on the Criminal Report for August.

(Here enter No. 1770.)

Read

3

2d. October 1835

Read Return dated the 28th. Ultimo, from the Criminal Judge in the Zillah of Malabar, to Precept of the Fouzdaree Udalut dated 25th. September 1835, on the Criminal Reports for July.

(Here enter No. 1771.)

Read Return dated the 28th. Ultimo, from the Acting Joint Criminal Judge at Tellicherry to Precept of the Fouzdaree Udalut dated the 22d. September 1835, conveying their remarks and observations on the Criminal Reports for August.

(Here enter No. 1772.)

At a Court of the Tonjore Adalut

Present

Monday 5th October 1835. Charles May Cushington Esqr. 1st Puisne Judge,

John Bird Esqr. ——— 2d Puisne Judge,

William Rudleston Esqr. ——— 3d Puisne Judge,

Read Miscellaneous Petition &

presented on the 14th Instno by Vally of the Zillah of Chingleput.—

(Here enter Mis: Pet: No. 76 of 1835)

This is the third application on the same subject by the same party, who would appear to have misunderstood the purport of this Courts orders upon her former Petitions of Nos. 61 and 71 of 1835.—

The Court of Tonjore Adalut direct that it be distinctly intimated to the Petitioner, that they passed the sentence of which she complains, and that that sentence is final.—

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

Read Miscellaneous Petition

presented on the 14th Instno by Dagadala

Coothuma

Coobbuma of the Zillah of Cuddapah.-

(Here enter Mis: Pet: No 78 of 1836)

The Petitioner reiterates the Complaint contained in his former Petition No 39 on which an order of Rejection was passed under date the 27th July last.-

That order being final, the present petition is rejected, and the applicant informed that no further complaint on the same subject will receive attention.-

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 14th Ultimo by Iyoo Iyengar of Ennimelly.-

(Here enter Mis: Pet: No 79)

1. The Petitioner represents that his Horse and Colt having been stolen he preferred a charge against the parties who robbed him, but that the Police officer having been bribed dismissed the case, and ill treated him; that he then complained to the Magistrate, but that he has been unable to obtain redress from the Magistrate, the Criminal Court, or the

the Circuit Judge.-

2. He prays for the interposition of the Court of Equity and that restitution in his favor, for the restoration to him of his lost property as well as damages for the injury done to his Garden by the parties who stole his horse and Colt.-

3. The Court deem it proper to call upon the 1st Judge late on Circuit in the Southern Division to inform them whether any Petition was presented to him by the Petitioner and in that case how he disposed of it.-

Ordered, accordingly that Extract of these proceedings be sent with Copy of the translation of the above Petition to the 1st Judge late on Circuit in the Southern Division for his information and guidance by Precept returnable in 7 days after receipt.-

(Sent following Precept No 1185

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

Read letter dated 9th Ultimo from the 1st Judge on Circuit in the Western Division transmitting the record in Case No 11 on the Malabar additional Calendar for the 2d Sitting of 1835.-

(Here enter No 1657)

The

5th October 1836.

Mr. Lushington,
an
Mr. Reid,

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

1st Parayen Nayaty,
2d Parayan Coolaven,
3d Parayan Coree,
4th Parayan Monday,
and
5th Parayan Chaaken,

is sufficient to convict them of the crime of wilful murder, as, under the authority with which they are vested by Clause First, Section II Regulation I. of 1818. convict them thereof; and under the provisions of Section X. Regulation VIII. of 1802, do sentence them severally to suffer death by being hanged, so soon as conveniently can be, after the receipt of this Warrant, at a spot to be selected by the Criminal Judge of Calicut, in the immediate vicinity of the place where the murder was committed; their bodies to be subsequently suspended in chains on a high gibbet to be erected on the said spot.—

(Sent following letter No. 1186

Read again Returns dated the 29th June

S.L.
5th October 1836.

June and 6th July 1835 from the Provincial Court of Circuit in the Southern Division submitting the information required by the Honorable Court of Directors of the East India Company in paras 63. 77. and 80. of their dispatch of the 30th April 1834, called for under the orders of Government of the 25th April by the Court of Zoujdaree Adaulut in their Receipt of the 29th May last.—

(Here enter S.L. Nos. 1164 and 1193)

Read also Extract from the Consultations under date the 25th September 1835 transmitting to the Zoujdaree Adaulut the Extract of a letter from the Medical Board, representing the expediency of prevanting an accumulation of stagnant water, and the other supposed sources of disease, in the Town of Negapatam.—

(Here enter S.L. No. 1748 of 1835)

The Court of Zoujdaree Adaulut, in conformity with the instructions received from Government, direct that a copy of the Extract from the letter from the Medical Board, dated the 3d and of that from the Consultations of Consultation dated the 25th September 1835, be sent to the Provincial Court of Circuit in the

the Southern Division with instructions to furnish transcripts of the same to the Magistrate of Tanjore, for that officer's information and guidance.

Ordered, that extract from these proceedings be sent to the Provincial Court of Circuit in the Southern Division for their information and guidance.—

Sent in No. 1167

At a Court of the Foujdaree Udalut.

Present,

Wednesday 7th October 1835. Charles May Lushington Esqre 1st Puisne Judge.

John Bird Esqre ——— 2d Puisne Judge.

William Rudleston Esqre ——— 3d Puisne Judge.

Read letter dated the 26th Ultimo, from the second Judge late on Circuit in the Centre Division, submitting an English and Persian Translation of the proceedings in Case No. 2. on the Calendar of the Zillah of Chingleput for the First Sessions of 1835.—

(Here enter No. 1733 of 1835.)

The Court of Foujdaree Udalut observe that in the 6th page of the English translation of the proceedings held in this case before the Court of Circuit, is entered the subjoined Note:—

"The 5th Witness Ramakistnareddy

"is called a second time"

and that of the additional interrogatories then put to him, the fifth is as follows—

"You have deposed that you observed the stick

"stained with blood: was it (the blood) moist?—

to—

to which an affirmative reply was given—

2 But it appears, first that the name of the 5th Witness is "Veerareddy son of "Kistnareddy"; and that "Ramakistnareddy" is the 4th Witness; and secondly, that throughout the whole of his examination in Chiefs not only does the said Ramakistnareddy make no assertion of the nature of that attributed to him, but distinctly swears that he was not present "when a search was made in the prisoner's house;" which house, the 3d Witness "Narsoyanareddy" deposes was searched on the day succeeding that on which the assault charged was committed "when "a stick of one cubit and an inch long was "found and it was stained with some blood."

Vide page 3 of English proceedings before the Court of Circuit.

Vide page 3 at supra and the 21st Question and answer

Vide page 2 at sup.

3 But neither does the 5th Witness Veerareddy make any, the slightest allusion to this fact—

4 Again, the Law Officers of the Foujdaree Adalut have in their Futwa on this case remarked that "the evidence to the correctness of the "prisoners declaration before the Criminal Judge "does not amount to the Nisaab:" and the Persian

Translation

Translation of the proceedings held before the Court of Circuit, exhibits on reference, the testimony of one witness only—Mahommud Ashman the 9th to the above point—

Under these circumstances it

5 becomes requisite, before any final decision can be arrived at, to return the whole Record—both English and Persian to the second Judge late Residing with instructions to ascertain and report the cause of the discrepancies pointed out in the preceding paragraphs of this extract, and after making such corrections as may be found necessary to retransmit it to the Foujdaree Adalut for their consideration and final Judgment—

It appears also proper to observe,

6 that while in the English Translation of the proceedings before the Court of Circuit, the prisoner when put to his defence, is made to say—"I desired her for food" "Yes"; in the Persian Translation, he is made to deliver the following statement: "After asking the Witness to give me some fire" "yes"—

This discrepancy may seem to be

7. of little moment, except as it evinces a want of

that

that precision and accuracy which should invariably characterize the written Record of every case under reference to the Foujdaree Udalut—

Ordered, that Extract from these proceedings be sent with the English and Persian Record of the case, to the Second Judge late on Circuit in the Centre Division by Precept returnable within twelve days, from and after its receipt—

(Sent following Precept No. 1193)

Read letter, dated the 30th Ultimo, from the 3d Judge of the Provincial Court of Circuit in the Western Division, forwarding Copies of the Calendar for the 3d Quarterly Sessions of 1835—

(Here enter No. 1777)

Read letter, dated the 5th instant, from Lieutenant F.C. Colton Civil Engineer Reporting the resignation of Appoo Row Duffadar from Irrelevancy and the appointment to his office of Anna Row &c—

(Here enter No. 1778)

Read letter, dated the 28th Ultimo, from the Acting 2d Judge on Circuit in the Northern Division, Reporting his arrival at Vizagapatam, the opening of the Sessions and the state of the

the Calendar—

(Here enter No. 1779—)

Read Return, dated the 3d instant, from the Criminal Judge in the Zillah of Cuddapah, to Precept of Foujdaree Udalut dated the 26th September 1835, on the Criminal Reports for August—

(Here enter No. 1780—)

Read Return, dated 2d instant, from the Criminal Judge in the Zillah of Nellore, to Precept of Foujdaree Udalut dated the 26th September 1835, on the Criminal Report for August—

(Here enter No. 1781—)

Read letter, dated the 3d instant from the Magistrate of Nellore. Submitting explanation relative to the Criminal Report for August—

(Here enter No. 1782—)

Read Return, dated the 2d instant, from the Provincial Court of Circuit in the Centre Division, to Precept of Foujdaree Udalut dated the 24th September 1835, conveying Circular Order No. 52—

(Here enter No. 1783—)

At a Court of the Coujdaree Adalut.

Present,

Thursday 1st October 1835.

Charles Gray Cushington Esqre 1st Puisne Judge,
John Bird Esqre ——— 2d Puisne Judge,
William Huddleston Esqre 3d Puisne Judge,

Read letter dated 28th Ultimo from the 2d Judge late on Circuit in the Centre Division transmitting the record in Case at No. 1 of the Chungleput Calendar for the 1st Sessions of 1835.—

(Here enter No. 1732)

The Court of Coujdaree 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 Coujdaree Adalut, confirm such part of the said Futwa of the Cazee-ool-Cozzat and Mooftee aforesaid, as convicts the prisoner Vs. Swayamvaram, and under the provisions of Clause First, section V, Regulation VIII of 1831, and Clause First, section III Regulation VI of 1811, sentence him to be publicly exposed in the most commonly denominated kutcherry and to be confined and kept to hard labour in irons on the public roads or other public works for

and

and during the period of Four (4) years.—

And being of opinion that the prisoner

2d Paroomagounden

is not convicted on presumptive proof or on the evidence of credible witnesses or on his own confession, notwithstanding the Entwa of their Law officer & the Court as accordingly acquit him, and in conformity with the provisions of Clause First, Section V, Regulation VIII of 1831 and Clause Sixth, Section II, Regulation XV of 1803 direct that he be set at liberty.—

(Sent following letter No. 1196

Read letter dated 4th instant from the 2d Judge Sate on Circuit in the Central Division, transmitting the record in Case No. 52 of the Bellary Calendar 1st Sessions of 1835.—

(Here enter No. 1642)

Mr. Lushington,
and
Mr. Huddleston,

The Court of Sudder Adawlut, on deliberate consideration of all the circumstances of the case in evidence before them being of opinion that the proof against the prisoner

"Kunee Kaugah"

is sufficient to convict him of the crime of murder, & on under the authority with which they are vested by Clause First, Section II, Regulation I of 1816, commit 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. 1197

Read

1 Read extract from the Minutes of Consultation in the Judicial Department, dated the 4th August last transmitting the copy of a dispatch from the Honorable the Court of Directors, dated the 17th September 1834 with the resolutions of the Government thereupon, for the information and guidance of this Court.—

(Here enter No. 1372 of 1835)

2. Agreeable to the instructions contained in para 2. of the Minutes of Consultation, the Court of Sudder Adawlut direct, that a copy of para 2 of the above letter from the Honorable the Court of Directors be transmitted to the 4 Provincial Courts of Circuit to be by them communicated for the information and guidance of the several Magistrates within their Jurisdictions respectively.—

3. In para 3 of the above letter the Honorable Court observe, with reference to the provisions of Clause first section V Regulation XII of 1832, that in taking away from the Heads of District Police "the former Power of inflicting "stripes it will be proper to consider whether "any other mode of punishment can be substituted "without objection" that "the enlarged term of "imprisonment appears to" the Honorable Court "to be exceptionable, as "they" are not aware by what

means

"means the Heads of District Police can carry a
"sentence of imprisonment with labor into effect,
"unless by the exercise of Arbitrary authority, enforced
"with threats and occasional violence."—

4. With reference to these observations the Court of Sonjeare Eddalut are called upon "to state "their opinion as to the mode of punishment it will "be most advisable to vest in Heads of District "Police in lieu of corporal punishment, which has "already been abolished by Clause 1st Section 5. "Regulation 13 of 1832; and to" explain what means "Heads of District Police have of carrying into effect "a sentence of imprisonment with labor without "the exercise of Arbitrary authority."—

5. Ordered, that copy of paras 3 and 4 of these proceedings be sent to the 4 Provincial Courts of Circuit with instructions to call upon the several Magistrates to report in what manner Prisoners, so sentenced by the Heads of District Police are worked, and by what means the sentences are enforced.—

6. In para 11 of the letter of the Honorable Court reference is made to a new head in the State = ment of Petty Offences before the Magistrate (No 2) shewing the number of persons discharged "in "consequence

"consequence of the prosecution being withdrawn" and it is presumed that the distinction will be impossible preserved in future returns. The Column in question is to shew the number "discharged upon "Razeenamah or without investigation for default "or other cause" it was first adopted in the returns for the 1st Half of 1832 and it has been continued ever since.—

7. In para 14 of the letter of the Honorable Court it is observed, with reference to the Statement of the number of crimes and misdemeanors, reported to have occurred within the three half years under review, viz the 1st and 2d of 1831 and the 1st of 1832,- that "it is acknow= "ledged, that the reports of the number of crimes "and of persons concerned therein cannot be relied "upon, so that it is impossible to draw any safe "inference from them, either as to the prevalence "of crime, or as to the efficiency of the Police," and "that all practicable means should be "taken to remedy this defect."—

8. And in para 6 of the Minutes of Consultation the Court of Sonjeare Eddalut are directed "to impress on the minds of the Magistrates "the importance of accuracy in the returns of "crimes and misdemeanors, and of the persons "apprehended

"supposed to be concerned in them", and to "require
"those Officers in future to submit with their returns
"a report, stating how far they consider them
"correct, and on which side allowance need to be
"made for error".—

9. Ordered, that a copy of paras 7 and 8
of these proceedings be sent to the 4 Provincial Courts
of Circuit with directions to enjoin upon the several
Magistrates strict attention to the instructions therein
contained.—

10. Agreeably to the instructions contained
in para 7 of the above Minutes of Consultation, the
Court of Judicature directed that a copy of para
16 of the letter from the Honorable the Court of Directors
be transmitted to the 4 Provincial Courts of Circuit
for their information and guidance, and to be
by them communicated to the several Criminal
Judges and Magistrates for the information and
guidance of those Officers respectively.—

11. In para 17 of the letter from the
Honorable the Court of Directors it is observed, that
it is "of the utmost importance that the proceedings
"of the Officers of Criminal Justice should be made
"as little harrassing as possible to the accused, the
"accusers and the witnesses. What is desirable is that
"the innocence or guilt of a person charged with an
offence

"offence, should be established at the smallest
"practicable expence of time, trouble and money to all
"parties concerned". And the Honorable Court proceed
to notice some suggestions on this head in Sir
David Ramsay's Circuit Report, dated 3d April 1832,
in which cases of acquittal, not from defect of "proof"
but from the charges being false and unfounded,
or brought on suspicion only, were ascribed to
"want of due care in taking the depositions upon
"which the prisoners were committed for trial;"
his opinion being that "if the committing Officer
"had taken pains to satisfy himself, whether
"the evidence produced before him was true,
"or false, and was conclusive, if true, the prisoners
"in those cases would not have been put upon
"their trial." The Honorable Court observe, that
"when the magnitude of the injury inflicted upon
"society by twenty unnecessary Criminal trials is
"estimated it seems that there was ample occasion
"for putting the Clerks of Officers, with whom that
"injury originates, upon their guard against its
"future occurrence": and it is suggested for
consideration "whether it would not be productive
"of much benefit if Circuit Judges were required
"to report the fact to the Foujdaree Adawlut when
any

"any case comes before them, in which the prisoner
"has been committed upon evidence manifestly
"defective, or not entitled to credit."

12. The Court of Sunjarat Adalut are called upon by para 8 of the foregoing Minutes of Consultation "to consider the suggestions referred "to," in paras from 17 to 22 of the Honorable Court's letter, "for facilitating the administration of "Criminal Law and rendering it as little harassing "to the people as possible, and to submit their "sentiments upon them, for the consideration "and orders of Government."

13. The general question in regard to the most effectual means of facilitating the administration of Criminal Law, and promoting those especial objects, indicated in the passage above cited from the letter of the Honorable Court, would appear to belong to the projected change of system, which is believed to be at present under the consideration of the Supreme Government, involving the abolition of the Courts of Circuit, and other most important modifications of the system, now in existence.

14. With reference to the remarks in Mr. D. Ramsay's Circuit Report, above quoted, the

the Court of Sunjarat Adalut observe that those remarks were recorded, previously to the enactment of Regulation XIII of 1832, and that Section II of that Regulation has provided all, that would appear requisite to obviate the objectionable results of the former system, which are so strongly insisted upon by the Honorable Court.

15. It is provided in that Section in modification of Clause third Section IX Regulation X of 1816, that the Criminal Judge "shall investigate fully "the facts of the case, and shall be competent at "their discretion to take evidence on behalf of the "accused, before commitment for trial, which shall "not take place without a reasonable probability "of conviction before the Court of Circuit."

16. Upon the suggestion of the Honorable Court that the Judges of Circuit should report to this Court any cases of commitment upon evidence defective or not entitled to credit, the Court of Sunjarat Adalut observe, that the Calendars, submitted to them by the Judges of Circuit at the close of each Sessions of Jail delivery, always contain the information alluded to by the Honorable Court; and that such cases are never disposed of without due notice by the Court of Sunjarat Adalut.

17. In para 19 of their letter the Honorable

Honorable Court advert to an extract from Mr. Shw Vaughan's Circuit Report, dated the 8th December 1832, in which that officer suggested the expediency "of modifying this Courts order of the 16th March 1830 "in which it is declared, that the practice of "dispensing with the evidence of witnesses in cases "of life and death is highly objectionable" on the "ground that "it involves a great delay and "expenditure of the time of the Court of Circuit "receiving the depositions and in preparing tables "tions for transmission to the Higher Courts" Mr Vaughan then adds remarks as to the conduct of Circuit by the order in question, which is not in the proceedings of this Court, when revising reports: and observes in conclusion that he conceives "it must also follow, that a Criminal "Judge must bind over many witnesses, and by "Labeilaar to the Court."

18. Upon this extract the Honorable Court observe in para 20 of their letter that the "practice of requiring the attendance of the whole "in a case (however great the number) although "the facts may have been sufficiently established "by the testimony of a few of them, or even "although some of them may not be capable of

"speaking to facts, which are material, is objectionable, "not merely as involving a great delay and expenditure "of the time of the Court of Circuit, but much more "on account of the serious and indefinite hardship, "which such a practice must impose upon the "neighbourhood in which an offence is alleged to "have been committed. The injury inflicted upon "society must be great and unlooked for if every "individual, who has given evidence to any immaterial circumstance before the Police Officers, the "Magistrate or the Criminal Judge, must necessarily "be compelled to appear before the Circuit Court. "Under so oppressive an administration of Criminal "justice, it is no wonder if crimes are often "concealed as a smaller hardship than the "process by which the perpetrators of them may "be brought to punishment."

19. It is satisfactory to the Court of Louisiane Estatut to have it in their power on this occasion to explain that their orders, to which reference is made, do not involve the attendance of any individual whatever at the Sessions of the Court of Circuit, whose attendance would not have been required under the provisions of the general Regulations, if that order had never been issued. It directs only that all those witnesses, who are

already

already in attendance, having been bound over by the Criminal Judge, as being in his opinion necessary witnesses, shall in cases of murder be "examined" by the Court of Circuit, and it appears not necessary to point out that from the enforcement of this direction none of the evils pointed out by the Honorable Court can arise.-

20. It is deemed proper on this occasion to observe that Mr. Vaughan's notion, that the Criminal Judges consider themselves bound to cause the "attendance at the Circuit Court of each witness sent in to them by a Tahsildar, is not supported by fact.-

21. With reference to the remarks of the Honorable Court in para 22 of their letter, the Court of Sunjdaree Adalut respectfully observe that upon them, as Judges in the last resort in all capital cases, an awful responsibility is imposed,- that the evidence, here alluded to, is evidence, which has to the committing Officer appeared to be materially or he would not have brought it forward, that although the Judge of Circuit may deem that evidence immaterial, it is impossible that he should know what view may be taken of it by the Court of Sunjdaree Adalut, that it appear to

to have been in the contemplation of the Legislature, that this latter Court, a deliberative body, might take a view of cases referred, different from that of the Court of Circuit, or the reference would not have been provided, and that every days experience abundantly satisfies the Court of Sunjdaree Adalut, that the rule in question, the operation of which affects solely and exclusively the labors of the Court of Circuit as intimated by Mr. Vaughan, and does not involve the attendance of a single additional individual at the sessions of the Court of Circuit, is absolutely necessary in order to the due performance of the functions of the Court of Sunjdaree Adalut in the trial of cases referred.-

× In a late trial for murder in the Northern Division the Judge of Circuit, overlooking the order of the Sunjdaree Adalut under consideration, dispensed with the examination of several witnesses whose evidence, was given before the Criminal Judge, and of the utmost importance to the result of the trial.

22. With reference to the remarks of the Honorable Court in para 31 of their letter and to para 10 of the minutes of Consultation, the Court of Sunjdaree Adalut beg leave to repeat the statement, which they have before made that every instance of the postponement of a case by the Court of Circuit invariably forms the subject of special explanation, and that every instance of needless, or improper postponement receives animadversion from this Court. It is proper however to add, that by far the greater part of

must of necessity be left, when justice is duly administered.-

Ordered, that extract of these proceedings be sent to the Chief Secretary to Government for the purpose of being laid before the Right Honorable the Governor in Council.-

(Sent in No. 1198

Ordered, also that para 2 of this proceedings together with copy of para 2 of the minutes of Consultation be sent to the 4 Provincial Courts of Circuit by precepts returnable in 15 days.-

(Sent following Precepts No. 1199

Ordered, also that paras 3, 4 and 5 of these Proceedings be sent to the 4 Provincial Courts of Circuit by precepts returnable in 15 days.-

(Sent following Precepts No. 1200

Ordered, also that paras 7, 8 and 9 of these proceedings be sent to the 4 Provincial Courts of Circuit by precepts returnable in 15 days.-

(Sent following Precepts No. 1201

Read letter dated the 14th Ultimo from the Acting 2d Judge on Circuit in the Northern Division, submitting copies of the Gunton and Rajahmundry Calendars for the second Session of 1835.-

(Here enter No. 1202 of 1835)

Gunton Criminal Calendar 1.
Case No. 4.

The Mahommedan Law officer of the Court of Circuit was called upon for a second Futwa in this case, in the following terms:- "If this case had been proved by full legal evidence, to what punish-"ment would the prisoners be liable?"-

2. This sweeping setting aside of the Mahommedan Law is unauthorized by the Regulations and irregular. The Acting 2d Judge must put an amended question, specifying the witnesses to whose testimony objections exist, and then proceed in the mode prescribed by Law.-

Case No. 6.

3. On this case appears in the Calendar the following incorrect remark by the Presiding Judge:- "Released by order of the Hon Sir Francis Edwards "under date the 14th July last as referred to 4th May then "Acting Third Judge on Circuit."-

4. In their proceedings of the above date, the Court of Sir Francis Edwards observed that "the "prisoner in this case" No. 1 on the Gunton Calendar for the First Session of 1835." will either be tried or "released in due course by the Acting Second Judge "on Circuit in the Northern Division."-

5. The Acting Second Judge should have explained the grounds on which he directed the release

release of the accused parties, and in making return to this Precept will supply the omission.—

Cases Nos 7: 9: 12. 13. 15. 23: 24. 28: 29 and 30: 6. In all the cases noted in the margin, the second questions to the Mahommedan Law officer of the Court of Circuit are couched in the same unauthorized terms noticed in Case No 4 on the Calendar Moreover, in Case No 7 an objection is taken to the evidence of the 7th witness that it is "single": in case No 13. to that of the 2nd witness on the same ground and because the confessions of the accused are Police confessions— in cases Nos 9: 15: 24 and 28. to the confessions of the prisoners as being given before officers of Police.—

7. Objections of this nature it was not competent to the Court of Circuit to overrule. Such questions must now be put according to the Provisions of Clause First, Section II Regulation VI of 1829, with the view of ascertaining whether a conviction will lie, & supposing these personal objections, which by law the Presiding Judge is authorized to set aside, and those objections only, not to exist. After such legal second Question, should the Mahommedan Law Officer deliver a Futwa of acquittal in any case, an English and Persian Translation of the same must in due course be submitted for the consideration and final Judgment

Judgment of the Sudder Dewanny Adawlut.—

8. Again in case No 28 the Presiding Judge observes that after the 2nd Question (which in the preceding paragraph is shown to be illegal) "the prisoners "were fully convicted of Cutcha-e-Gyra and "pronounced liable to amputation of the right hand." and were accordingly sentenced "under clause Fourth, Section II, Regulation VI of 1822 to 7 years' imprisonment &c &c."

9. In the first place this provision of the Regulations is inapplicable to the case, and supposing the second Question to be legal, the sentence should have been passed under Section XXI Regulation VII of 1802.—

10. In the next place the Presiding Judge observes that "it is clear that they (the prisoners) have been "committed under Clause second, Section II, Regulation VI of "1822, a Provision which establishes the propriety of "pronouncing the present sentence under the Fourth "Clause of the aforesaid Section"

11. The Presiding Judge would appear to have overlooked the circular orders of the Sudder Dewanny Adawlut of the 19th June 1823, which, with various others issued since the promulgation of the Regulation above quoted

to the present time, declare the inapplicability of its provisions to cases of simple Housebreaking as far at least as it respects the infliction of punishment. The same remark applies to case No. 29.—

12. The sentences in both cases are illegal and must therefore be cancelled. The Presiding Judge will first put legal second questions to the Mahommedan Law Officer and then proceed in the mode prescribed by the Regulations.—

Case No. 31. 13. In this case the Acting Second Judge coincided with the Futwa and from the supposition "that the life of the Prosecutrix was aimed at, & "sentenced the prisonir to 4 years' imprisonment "in Irons with hard labour" &c.—

14. Assuming that this view of the case is correct, the Court of Sudder Adalut cannot but consider the sentence proposed to be altogether inafficient.—

15. The other Calendars submitted with the Acting Second Judge's letter do not appear to call for any remark.—

16. The Court of Sudder Adalut deem it proper to direct that strict attention be in future

future paid to their Circular Order No. 6 dated the 18th July 1834 which prescribes the mode in which a Judge on Circuit shall submit his recommendations for mitigation of punishment, and to desire that the applications alluded to may be submitted without delay.—

Ordered, that extract from these proceedings be sent to the Acting Second Judge on Circuit in the Northern Division by precept & returnable within twenty five days from and after its receipt.—

(Sent following Precept No. 1202)

Read return dated 3d Instant from the Provincial Court of Circuit in the Southern Division to Precept of Sudder Adalut dated the 8th August 1835 requiring further explanations from the Magistrate of Madura and Tinnevelly with reference to the observations of the Sudder Adalut in their proceedings of the 30th April last regarding the Criminal Statements for the 1st Half of the year 1834.—

(Here enter No. 1764)

At a Court of the Foujdaree Udalut

Present,

Friday 9th. October 1835. Charles May Lushington Esqr. 1st. Puisne Judge

Clerk [illegible] John Bird Esqre 2nd. Puisne Judge

William Hudleston Esqr. 3rd. Puisne Judge

Read letter, dated the 7th. Ultimo, from the 1st. Judge late on Circuit in the Southern Division, submitting the Report required by Section XXXVII Regulation XII of 1802, on the close of the 1st. Sessions of 1835.

(Here enter No. 1623)

1 The Report opens with a statement of the number of Cases and Prisoners contained in the several Calendars laid before the 1st. Judge at the 1st. Sessions of 1835, and — the 4th. and 9. following paras contain remarks on the state of the Jails in the Southern Division.

2 The state of the Jails at Trichinopoly and Madura, do not call for any particular remark from the Court of Foujdaree Udalut, nor that of Tinnevelly, further than to observe that

that in consequence of the frequent representations made of the condition and site of the building in which the prisoners are confined at Tinnevelly, the Government have been lately pleased to sanction the building of a new Jail and Court House at that Station.

para: 7

3 With reference to the crowded state of the Jail at Combaconum noticed in the 7th para: of the 1st Judge's Report, the Court of Zeydaree Adalut have considered it proper to call upon the Criminal Judge at that Station to report, whether he would recommend the transfer to another Jail of any portion of the Convicts, now in confinement at that Station.

para: 8

4 As the Convicts placed under the charge of the Magistrate of Tanjore are reported to be in a healthy condition, the Court of Zeydaree Adalut are not at present prepared to recommend any alteration of the building occupied as a Jail at Negapatam.

para: 9

5 The sickness in the Jail at Salem has much abated since the period at which it was visited by the 1st Judge, and latterly the prisoners in confinement at the

that Station have been unusually healthy; but should the Medical Officer in charge of the Jail concur in opinion with Mr Garrow, that a more generous diet should occasionally be allowed to the Convicts, that Officer possesses power to authorize it, whenever it may appear requisite for the health of the prisoners.

vide rules regarding the dieting of prisoners

para: 10

6 The successful appropriation of the labours of the prisoners placed under the charge of the Magistrate of Salem has on frequent occasions been noticed by the Court of Zeydaree Adalut and the roads throughout that District are now reported to be in a high state of repair.

para: 11

7. The great mortality which occurred amongst the prisoners at Coimbatore during the past year, noticed in the 11th para: of Mr Garrow's Report, may perhaps be attributed to other causes than the arrangement and locality of the Jail; for during the last six months the Court of Zeydaree Adalut observe, that only 8 deaths have occurred in the Jail at that Station.

para: 13.

8. The Chokkumputty Zemeendar,

respecting

respecting whose confinement as a state prisoner "in a solitary Cell" within the Fort at Tinnivelly, allusion is made in the 13th para of Mr Garrow's Report, has lately been removed from that station, in order to his being confined as a state prisoner in the Hill Fort at Ghooty, under the orders of the Magistrate of Bellary.

9. In the 14th para of this proceeding the 1st Judge alludes to the "latitude of discretion exercised by the Criminal Judges in their dismissal of charges of a heinous nature cognizable only by the Court of Circuit, and observes, that the latitude thus taken creates more inconvenience, than if the parties were committed; inasmuch as a complaint on the part of the aggrieved to the Judge on Circuit, that the charge has been dismissed without due enquiry, leads to a further revision by the Collective Court of Circuit, as should the Judge presiding at the Sessions be not satisfied as to the propriety of the Criminal Judge's orders, whereas "an acquittal by a Judge on Circuit "is always scrutinized by the Court of Foujdaree Adalut and the "judgment either confirmed or the Judge on "Circuit rebuked for having acquitted the prisoner" and Mr Garrow concludes the para. by observing that "there is something anomalous in this, that greater

"reliance is placed on the proceedings of the Assistant "Criminal or Criminal Judge than on those of a "Judge on Circuit with the assistance and judgment "of the Law Officer."

10. In as much as an Appeal lies from the Criminal Judge to the Court of Circuit, and the proceedings of the former Officer are moreover periodically subjected to the revision of the Foujdaree Adalut, and eventually the Judge on Circuit, no "greater reliance" is placed on the proceedings of one authority than the other: and in respect to the latitude of discretion exercised by the Criminal Judges in abstaining from committing for Trial before the Court of Circuit, cases wherein there may be reasonable grounds to believe that the evidence forthcoming will be found insufficient for the conviction of the accused, the Court of Foujdaree Adalut would observe that the exercise of such a discretion is authorized, and in their opinion proper, because the examination held by the Criminal Judge in Cases punishable only by the Court of Circuit or Foujdaree Adalut not being considered in the light of a Trial, a prisoner so discharged under such circumstances by a Criminal Judge may be re-apprehended and

tried

tined for the same offence, should the order for his release be considered improper, either by the Foujdaree Adalut on review of the Monthly Criminal Reports or by the Collective Court of Circuit on a reference made to them by the Judge presiding at the Sessions - whereas, if a prisoner be committed to take his Trial upon insufficient grounds, he is necessarily acquitted by the Court of Circuit, and "tho' the clearest evidence may "afterwards be found against him he cannot "be again taken up and tried for the same "offence."

11. And whilst paras: 15 and 16 of Mr. Garrow's Report strongly exemplifies the necessity of upholding in every respect the orders of the Foujdaree Adalut, circulated under date the 29th of July 1829. para: 21, shews that a proper discretion was used by the Criminal Judge in abstaining from the commitment of the Combaconum Murder Case referred to in paras 18. 19. and 20, and moreover that neither the case of perjury which arose out

of it, nor the cases alluded to in paras. 22-23 and 24. would have been committed for Trial, had due attention been paid to the standing orders above alluded to, and the Court of Foujdaree Adalut are of opinion, that it would be more advisable to enforce a strict observance of the principle laid down in their proceedings of the 29th July 1829, than to issue any Orders to the effect proposed by the 1st Judge in the 25th para: of his Report.

12. In the 26th para: Mr. Garrow's suggests a modification of Section XI Regulation XI of 1811, providing for the immediate Trial before the Court of Circuit of persons considered guilty of perjury or subornation of Perjury before that Court, and in the 29th para: the 1st Judge instances two cases of perjury, in which illegal convictions might have ensued, had the parties been tried by the individual Officer who ordered their committal.

13. Referring to the Bombay Code of Regulations, the Court of Foujdaree Adalut perceive

perceive that Clause 3rd Section XVI Chapt. IV Regulation XIV of 1827 provides, that no person shall be tried for Perjury by the individual Officer before whom it is alleged to have been committed, and it would appear desirable that the Law now in force at this Presidency should in this respect be modified, but the further consideration of this subject must, the Court conclude, be left to the Law Commissioners.

14. Adverting to the 36th. 37th. 38th. 39th. 40th. 41st. and 42nd paras of Mr. Gannon's Report, the Court of Foujdaree Adalut would explain, that it having been brought to their notice by the 1st. Judge on Circuit in the Southern Division in a letter which accompanied a trial referred for their sentence, that the death of the individual had been caused by the tortures inflicted upon the deceased by certain Cauilgaus, with the view of discovering certain property which the deceased was suspected of having stolen, and for which lost property, these Cauilgaus were "according to the usage of the Country" held personally responsible. the Court

Court of Foujdaree Adalut considered it their duty to require the 1st Judge to 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 Cauilgaus responsible for the recovery of stolen property prevailed 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, wherein such system is declared illegal.

15. From the Reports submitted by the Magistrates to the 1st Judge late on Circuit in the Southern Division, it would appear that in no District within that Division does the practice of holding Cauilgaus responsible for stolen property exist, and the Judge therefore do not consider that Mr. Gannon was borne out in the statement made in the 9th para: of his letter of the 7th of March last respecting the general prevalence of such a system "in a greater or less degree" throughout the Districts in the Southern Division, nor would the Court argue from the fact of it's being proved upon many trials

of

of theft that undue measures are taken by the "villagers" for the discovery of stolen property, that such system is carried on from the cause stated by Mr. Cannon without the knowledge of local authorities, because they regret to observe the same atrocious practice prevails in other Districts where no such system of Police has ever been in existence, and because the supposed ignorance of the Magistracy as to the prevalence of the practice, if confined to Canilgaw, is inconsistent with the fact of a Report being made to that authority in all cases sent up for Trial to the Criminal Courts, wherein any Complaint of maltreatment may be made against the Police.

16 With reference to the concluding paras: of the 1st Judge's report, the Court of Sudder Adalut do not consider it proper to recommend any alteration in respect to the rates of Batta to be allowed to the Native Servants of the Provincial Court when on Circuit in the Southern Division, the amount

amount which is "in no case to exceed one half of the monthly Salary allowed to each Servant," leaving upon the recommendation of the Provincial Court Southern Division, been fixed in 1828 by the Commissioners appointed to revise the Civil Establishment under this Presidency at the above rate, and the rule directed to be adopted as regards the Provincial Courts in the Southern and Western Divisions by an order in Council dated the 21st of April 1829.—

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

Sent in No. 1206.

Ordered also, that Para 3 of these proceedings and para 7 of the report of the 1st Judge late on Circuit in the Southern Division, be forwarded to the Acting Criminal Judge of Combaconum for his information, by Perpt returnable in 5 days.—

Sent following Precpt No. 1207

Read

9th October 1835.

Read letter, dated the 30th Ultimo, from the Acting 2nd Judge on Circuit in the Northern Division, reporting his intention to open the Second Sessions of 1835 at Chicacole on the 10th proximo.

(Here enter No. 1793)

Read Return, dated the 2nd Instant, from the Criminal Judge of Malabar, to precept of Sunjdaree Udalut dated the 26th Ultimo, on the Criminal Report for August.

(Here enter No. 1798)

Read Return, dated the 5th Instant, from the Acting Criminal Judge of Canbaconum, to precept of Sunjdaree Udalut dated the 29th September 1835, on the Criminal Reports for August.

(Here enter No. 1799)

Read letter, dated the 3rd Instant, from the Magistrate of Tanjore, submitting explanation, relative to certain Cases on the Criminal Reports for July.

(Here enter No. 1800)

Read

J. No.

9th October 1835.

Read letter, dated the 3rd Instant, from the Magistrate of Madura, submitting the required explanation, relative to a case on the Criminal Report for August.

(Here enter No. 1801)

At a Court of the Foujdaree Adalut

Present,

Saturday 10th October 1835.

Charles May Lushington Esqr 1st Puisne Judge

John Bird Esqre 2nd Puisne Judge

William Hudleston Esqre 3rd Puisne Judge

Read return, dated the 25th Ultmo, by the Provincial Court of Circuit Southern Division, to Precept of the 26th August last, conveying the orders of the Foujdaree Adalut upon consideration of the Extract of the Minutes of Consultation of the 4th of the same Month, respecting the Report of the Acting 3d Judge on Circuit Southern Division, and the proceedings of the Foujdaree Adalut thereon of the 15th July last.

(Here enter No. 1763)

With the above return, the Provincial Court of Circuit submit the copy of a communication from the Officer Commanding the Neilgherries dated the 21st Ultmo, in reply to the requisition, made under the instructions of Government, for a particular report of the state of the Lair at Ootacamund shewing in what respect it is considered defective

defective, and what is required to render it sufficiently strong and secure for a prison."

2. Previous to submitting the suggestions of the Officer Commanding the Nielgherries to the Right Honorable the Governor in Council, the Court of Foujdaree Udalut deem it proper to call upon the Provincial Court of Circuit to obtain and forward an estimate of the expence which is likely to be incurred in carrying them into execution.

3. Upon the receipt of this information, the Court will be able to lay the subject before Government in a complete form.

Ordered, that Extract of these proceedings be sent to the Provincial Court of Circuit in the Southern Division by Precept returnable in 15 days, after receipt.

(Sent following precept No. 1213

Read letter dated the 18th Ultimo, from the Zilla Judge on Circuit in the Western Division, submitting the copy of the Malabar Calendar, Primary additional and Second additional for the Second Sessions of 1835.

(Hereunto File No. 1725 of 1835)

In

Case No. 5.

1. In his remarks on the Calendar, the Presiding Judge states that the 7th prisoner in this case

"Kanaka Cheroomen Kelee"

was sentenced "to undergo the period of his emprisonment (14 years) and hard labour in irons on the public roads or other public works in any Jail out of the Zillah of Malabar, to which he may be removed by order of the Court of Foujdaree Udalut."

2. In directing that this sentence of banishment be carried into effect in the Zillah of Chingleput, the Court of Foujdaree Udalut deem it necessary to animadvert upon the repeated neglect by the Criminal Judge of Calicut of their Circular Order of the 6th January 1823, by which the Judicial Officers are instructed "in cases of convicts sentenced by the Court of "Circuit, under Clause third, Section XIII, Regulation XV of 1803 to banishment, to transmit to the Court of Foujdaree Udalut, copies "of the Warrants of the Court of Circuit, for "their orders as to the prisoners disposal."

The

10th October 1835.

3 The First Judge will call the attention of the Criminal Judge of Calicut to the subject, and enjoin upon him an undeviating adherence in future to this part of his duty.

4. In these cases the First Judge of Circuit has overruled the objection of the Mahommedan Law Officer to the evidence of the Witnesses admitted, to a conditional oath and passed sentence upon the Prisoners.

Cases Nos. 11 and 26.

5 As observed in Phillipps (Book I. Chapt. IX. Section 2) "though accomplices "are received as Witnesses, their testimony ought "to be received by a Jury with a sober degree "of jealousy and caution: for as their own exposure "they stand contaminated with guilt and in the "hope of lessening their own infamy will often "be tempted to throw as much guilt as possible "upon the prisoner; and it is added "a "fear is usually their motive in giving evidence; "the same feeling may tempt them to ex- "aggerate their statement, for the purpose "destroying their former associate and securing "themselves against his vengeance."

(2) T. Ms.
10th October 1835.

6 The evidence, which is thus regarded in the eye of the Law of England, the Court of Saydaree Adalut are of opinion, that it could not have been intended by the Legislature that the provisions of Section VIII. Regulation I of 1825 should apply: and considering that the objection of the Mahommedan Law Officer does not fall within the meaning of the terms "unreasonable and insufficient" and consequently could not be legally overruled by the Court of Circuit, they resolve to set aside the sentence passed by that Tribunal, and to direct that an English and Persian Translation of the Record of case No. 11 be in due course prepared and submitted for their consideration and final judgment.

7. A similar proceeding, with respect to the case No. 26, will be requisite only in the event of the prisoner being acquitted by the Saydaree Adalut in No. 11.

8. Before quitting this subject, the Court of Saydaree Adalut deem it necessary to observe that the conviction of the prisoner "Cungayen" would appear to depend

depend "principally" if not "exclusively" on the evidence of the two accomplices, and that consequently even if their testimony had been declared "inadmissible or incompetent" on a "ground of exception in the Mahommedan "rules of evidence" which could be fairly characterized as "unreasonable and insufficient", it was still incumbent upon the Judge of Circuit with reference to the concluding paragraph of the above cited provision to "refer the trial "to the Court of Zoujdaree Udalut, to be disposed "of by them under the general Regulations".

Case No. 13

9. It is represented that the 2nd prisoner in this case has "before been punished by the "Criminal Court with six months imprisonment "hard labour for burglary; and by Clause Second Section II, Regulation XI of 1822 it is enacted that "if the prisoners, or any of the prisoners concerned "in the offences described in the preceding Clause "shall appear to have been before convicted of "burglary, robbery or other heinous crime, it shall "be the duty of the Criminal Judge to commit "the whole of the prisoners who may appear from "the evidence adduced to have been concerned

"in the offence, to take their trial before the Court of "Circuit at the ensuing Session".

10. The Laws being thus decided and affording no loophole of evasion, the Court of Zoujdaree Udalut, without questioning the correctness of the opinion expressed by the Presiding Judge that "the powers vested in the Criminal Judge by "Clause Fourth, Section III of the above Regulation "appear to provide ample punishment for the offence "committed," are nevertheless unanimous in considering that the "return of the case to the Criminal "Judge to be disposed of by that Officer" was a proceeding opposed both to the letter and spirit of the Regulations.

Case No. 30

11. The Presiding Judge remarking that the "Prosecutor has sustained no injury" sentenced the prisoner in this Case "to pay a fine "of 10 Rupees, or in default thereof to be imprisoned "for the period of four Calendar Months".

12. From the abstract of evidence it would appear that from the effects of the blow inflicted by the prisoner the prosecutor was "wounded and bloody", "fell senseless" and

"remained

"remained senseless" for some time.

13. The third Witness, who it is presumed is a Doctor "deposes that he examined "the wound on the prosecutors left arm, and deposes "it; that the bone of the arm was broken, which "he states must have happened from a blow with "a heavy stick."

14. If the evidence for the prosecution be entitled to credit an assumption of which there appears nothing on Record to impugn the correctness the Court of Foujdaree Adalut are of opinion that the ends of Justice demanded a more severe punishment than is involved in the exaction of a fine of ten Rupees.

15. Additional Calendar Case No. 8— From the remarks in the Calendar on this case it appears that the prisoner "Mailaparamba Ramu Cooty" about one or two Months' previous to the perpetration of the deed of violence charged in the indictment was insane and continued so during a period of fifteen days, when he was confined by his "relations having an iron chain and rope put "on him." It was at the same time proved before

before the Court of Circuit, "that he was insane when "first admitted into Jail in June last, a fact "confirmed by the Zillah Surgeon's Certificate."

16. The Presiding Judge moreover has "no hesitation in declaring it as" his "opinion that "he (the prisoner) must have been to all intents "and purposes, perfectly insane at the time he "committed the deed" and that "the impression "on" his "mind is that had" the prisoner "met "with a dozen (unless prevented), one and all would "have shared the same fate."

17. Under all these circumstances the Court of Foujdaree Adalut, disapproving therefore of the proceedings of the Presiding Judge in this case, deem it necessary to direct that the Circuit Judge who may be holding the Sessions at Calicut at the expiration of the twelve Months the period fixed for the prisoner's detention in confinement shall make a special Report to them respecting the Lunatic's state of mind, and that the latter be on no account released without their orders.

18. The Presiding Judge will make the necessary communication on the subject to the Criminal Judge of Malabar.

The

Case No. 11

19 The 1st and 2nd prisoners in this case were considered by the Presiding Judge to be convicted of an "unwarranted and unjustifiable assault" and were accordingly sentenced "to pay a fine of fifty Rupees each and to furnish each two sureties in the sum of twenty five Rupees each for their future "good behaviour and appearance when required for "one year or in default thereof to be imprisoned "in the Common Jail for a like period".

20 A similar proceeding was denounced as "illegal" by the Foujdaree Udalut in their Circular Orders of the 19th January 1827. It was stated that "the Regulations no where warrant, the "demand of security from a prisoner convicted of "a specific offence".

21 The Presiding Judge will cancel that part of his sentence by which the 1st and 2nd prisoners are required to furnish security.

22 The cases in the second additional Calendar do not appear to call for any remarks.

23 But the Presiding Judge has called the attention of the Foujdaree Udalut to what he designates a "deficiency in the abstract evidence of the 1st and 2nd Witnesses, namely

namely that the 4th Witness was caused to descend into the well and examine it, when "Nilambira's Corpse was discovered."

"Now it must be observed" continues the Presiding Judge "that at the time "the Witnesses were speaking of, the body had not "been taken out of the well, nor was it till long "after, when the Adigharee and others arrived; "consequently they could not then have ascertained "that it actually was Nilambira's corpse."

24 The Court of Foujdaree Udalut do not consider the discrepancy here pointed out, of any importance: on the contrary they see strong grounds for believing that the statement to which the Presiding Judge takes objection, was not intended by the parties who made it, to convey more than the actual facts of the case warranted: that the 1st and 2nd Witnesses, knowing by the means of subsequent inquiry, whose Corpse it was which had been discovered in the Well, when examined before the Criminal Court, denominated it at once for brevity's sake that of Nilambira instead of adopting the more circuitous expression "a corpse which was subsequently ascertained to "be Nilambira's"

In

10th October 1835.

25

In the expressions actually employed the Court discern nothing more than that want of precision and of strict accuracy in the detail of facts, which so peculiarly characterizes the natives of this Country, in the delivery of their testimony before the Courts of Judicature.

26

Having thus taken a review of the case, not entirely in accordance with that of the Presiding Judge, the Court of Foujdaree Adalut do not deem it necessary on the present occasion to issue an order of the nature of that suggested by the First Judge in the 3rd paragraph of his letter.

Ordered that Extract from these proceedings be sent to the First Judge in Circuit in the Western Division by Dauk returnable within seven days from and after its receipt.

(Sent following Dauk No. 1214)

Fo. 16.

At a Court of the Foujdaree Adalut.

Present,

Monday, 12th October 1835. Charles May Lushington Esq re 1st Puisne Judge,

John Bird Esq re — 2d Puisne Judge,

William Hudleston Esq re 3d Puisne Judge,

Read Petition presented on the 25th Ultimo by Panpah of the Gillah of Chinglepute

(Vide entry No. 80 of 1835.)

The Petitioner, alleging that her husband and the other prisoners in Case No. 32 of the Chinglepute Calendar for the 1st Sessions of 1833, have been groundlessly sentenced to 14 years' imprisonment, prays the Court to order their release.

2. The Court duly reviewed the Chinglepute Calendar and there being no appeal from the sentence of the Court of Circuit, the Petition is rejected.

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

Read

Read Order of Government dated the 2d. instant having reference to the proceedings of this Court of the 22d. Ultimo wherein the instructions of the Right Honorable the Governor in Council were solicited as to the disposal of the prisoner named,

"Nellapatla Pedda Smadoo"

who tho' acquitted by the Foujdaree Adalut the Court deemed it proper should not be set at liberty in consequence of the request of the Resident at Hyderabad conveyed thro' his Military Secretary that "in the event of Meeangul Ismadoo being acquitted at Masulipatam he may be delivered "over to Captain Stoddart for Trial in the Nizam's "Courts for offences Committed within his &c "Highness's dominions."

(Here ends No. 1776.)

1 Resolved that a Copy of the order of Government of the 2d. instant be furnished to the Provincial Court of Circuit in the Northern Division requiring them to ascertain whether the prisoner, acquitted by the Foujdaree Adalut in Case No. 16 of the Masulipatam Calendar 1st Quarterly Sessions

F. W.
12th. October 1835.

Sessions of 1835," was at any time a subject of "His Highness the Nizam, and if so whether the "offences with which he is at present charged "by that state, were Committed previously or "subsequently to his emigration into the "Company's Territories." if previously, the prisoner must be surrendered to the British Authorities "at the Court of His Highness the Nizam, but "if subsequently or if the prisoner has all along "been a subject of the British Government" the Provincial Court of Circuit will inform the Resident at Hyderabad that under the instructions received from the Officiating Chief Secretary to the Government of India dated the 9th. October 1834 the prisoner can under those Circumstances be prosecuted only in the British Courts and with this view it is necessary that the prosecutor and his witnesses should be forwarded to the Magistrate of Masulipatam.

2 In the event of the Resident on behalf of his Highness's Government declining to adopt these measures the Provincial Court of Circuit will direct the release of the prisoner

from

from Custody with reference to the Warrant issued by the Foujdaree Udalut in Case No. 4 of the Masulipatam Calendar 1st Sessions of 1835.

Ordered that extract from these proceedings together with Copy of the Order of Government dated the 2d instant be forwarded to the Provincial Court of Circuit in the Northern Division by Precept returnable in Six Weeks from and after its receipt.

(Sent following Precept No. 1228)

Read again Return dated the 4th July last, read also Supplemental Return dated the 28th ultimo by Provincial Court of Circuit Centre Division to Precept of the 30th April last directing them to examine the Calendar of persons tried at the 2d Sessions of 1833 by the late Mr. Gahagan at Cuddapa and Bellary with the view of proposing a remission or mitigation of punishment in such cases of Gang Robbery as may appear to have been unaccompanied by any aggravating acts or to have had their origin in the pressure of famine.

(Here enter No. 1202 & 1756)

1 The Court proceed to a consideration of

of the cases which form the subject of the above Supplemental Return and are contained in the Bellary Calendar for the 2d Sessions 1833.

2 The Provincial Court of Circuit recommend the unconditional release of the prisoners in cases 29. 43. 44. 53. 52. 65 and 70. on the Calendar, and suggest a mitigation of the punishment adjudged in case 68.

Case 29 3. This having been a trifling Robbery of 4 Rupees by a single unarmed person; unattended with any circumstances of aggravation the Court of Foujdaree Udalut resolve to remit the sentence and accordingly direct that the prisoner Wolleegandoo be forthwith discharged.

Case 43 4 A Robbery of grain and other articles of inconsiderable value constitutes this number in which "the prisoners acknowledged that they robbed the grain because they had nothing to eat." It appears from the Magistrates report that the prisoners, previous to their confinement, had earned "their livelihood by cutting wood and letting out bullocks on hire &c." that they have not been" implicated in any case of Robbery before and

and that they may be expected to return to their employment upon their release. The Court under these circumstances direct that the said prisoners 1st Bekah 2d Somah 3d Ramah 4th Sookroo 5th Bheemah 6th Bhaekah 7th Bavah 8th Ramah and 9th Jeevah be discharged upon receipt of these orders.

Aor. 164.

5

It appears to the Court probable that the crime, in this case of sheep stealing, was committed for the sake of food, and it is reported of the prisoners that it is the first occasion upon which they have been charged with any crime. The Court are of opinion that they also may be released.

prisoners 1st Bhaekah 2d Nooroh 3d Nursah 4th Namah 5th Kauloh

Case 53. 6

The Court being of the same opinion respecting the prisoners in this Number direct that orders be issued for the immediate discharge of Mootee 1st prisoner Lichoo 2d Sharoo 3d Goojah 4th and Sahoor the 5th prisoner in case 53.

58 7

In this case some articles of property and grain were pilled from several houses by a gang armed with sticks. The Jemadar states that these persons 22 in number if released may be expected to return to their respective employments and

F. 46.
12th October 1835

and obtain an honest livelihood which during the late scarcity they were unable to do." The Court resolve to extend mercy towards them and accordingly direct that the prisoners

1st Tayeah
2d Ezra Wobah
3d Ezra Wobah
4th Chickah
5th Bheemaboo
6th Koordoor Rungah
7th Giddah alias Bhaemah
8th Rurreeyah
9th Woopaur Marreeyah
10th ___ Hurreyah
11th Goojahree
12th Woopaur alias Hurreyah
13th Eerah
14th Rungah son of Rungah
15th Rungah son of Goobah
16th Bheemaboo
17th Mullaboo
18th Hunmaboo
19th Wobah

20th

20th Nursah

21st Wonnorah
&
22 Raindoo

be at once discharged.

No. 65. 8

The prisoners in this case
confessed "that they through insufferable hunger
stole ten sheep from the Prosecutor's fold and that
they did not use any violence." On such confession
they were convicted. The Court are of opinion that
the orders of Government are applicable to this case
and they accordingly direct that the prisoners

1st C. Hurrivadoo
2d Bufswah
3d Cheinnogah
4th Nugadoo
5th Pakeeadoo
6th Heinnadoo
7th Sinnah
8th Pimpadoo
9th Chinna Nusadoo
10th C. Hurrah
11th Karee Buswadoo
12th Buswadoo

13th

13th Dodda Iyagah
14th Sanjeevadoo
15th Timmadoo
&
16th Lutchmadoo

be released immediately upon receipt of these
orders.

Case 68. 9

The object of this robbery was grain
and the prisoners were convicted on their confessions
and sentenced to 14 years' imprisonment. The Court
of Poujdaree Adalut are not prepared to remit
the punishment awarded against the prisoners
altogether because they are reported to be "all men
of bad character" and three of them appear to have
been previously implicated in crime. They coincide
however with the Provincial Court of Circuit in their
opinion as to the Mitigation of the sentence and
they accordingly direct that the prisoners,

1st Timmoyadoo
2d Ramslegah
3d Ergaudoo
&
4th Poleegaudoo

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

(7)

(7) Seven years from the date of the former Warrant.

70. 10 The property robbed was valued at only Rupee 1-3- but it appears that guns were fired and that the prisoner was taken at the time of the Robbery with a gun in his hand- The Court of Soujdaree Udalut under this view of the case can only mitigate the punishment already awarded. They direct therefore that the prisoner Baya Chenmogadu be sentenced to be imprisoned and kept to hard labour in irons on the public roads or other public works for the period of (7) Seven years from the date of the original Warrant-

11 It will be proper to direct the acting Criminal Judge to intimate to the Prisoners in open Court the Grounds upon which mercy has been extended to them-

Ordered that Extract of these proceedings be sent to the Provincial Court of Circuit Centre Division for their information & guidance by Precept, returnable in 15 days after receipt-

(Sent following Precept No. 1221)

J. Ud.

At a Court of the Soujdaree Udalut.

Present,

Tuesday,
13th October, 1835- Charles Mary Lushington Esqr. 1st Puisne Judge.
John Bird Esqr. ——— 2nd Puisne Judge,
William Hudleston Esqr. 3rd Puisne Judge.

Read letter dated the 26th Ultimo from the 3rd Judge on Circuit in the Centre Division transmitting the record in Case No. 20 of the Cuddapah Primary Calendar for the 2nd Sessions of 1835-

(Here enter No. 1760)

The Court of Soujdaree 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 Soujdaree Udalut, confirm the said Futwa of the Cazee-ool Cozat and Mooftee aforesaid, acquitting the prisoners

Mr. Bird and Mr. Hudleston

1st Jumbabuttoonee Pilla Nagadoo
and
2nd Nullabojeena Sobbadoo

and accordingly direct that they be set at liberty-

(Sent following letter No. 1222

Read

13th October 1835

Read again Report dated the 15th August last, prescribed by Section XXXVII Regulation VII of 1802, submitted by the Additional Judge late on Circuit in the Northern Division for the 2nd Sessions 1834 at Vizagapatam and Chicacole and for the 1st Sessions 1835 at Vizagapatam and Rajahmundry.

Read also order of Government dated 22nd Ultimo upon the proceedings of the Sudder Adalut on the above Report.

(Here enter Nos. 1493 and 1722)

Ordered, with reference to para 3 of the proceedings of the Court of Sudder Adalut of the 10th Ultimo, that copy of the above order of Government declining to grant any allowance to the Moofties at Rajahmundry and Chicacole for their attendance at the Court of Circuit be transmitted to the Additional Judge late on Circuit for communication to those Natives Officers.-

Ordered that Extract of these proceedings be sent to the Additional Judge late on Circuit in the Northern Division for his

13th October 1835

his information and guidance by Precept returnable in 4 days after receipt.-

(Sent following Precept No. 1723

Read letter from the 2nd Judge late on Circuit in the Centre Division, replying to the proceedings of the Sudder Adalut under date the 16th Ultimo upon case No. 165 Bellary Calendar 1st Sessions of 1835.-

(Here enter No. 1747)

1. In para 2 of the foregoing letter the 2nd Judge observes, that if the Court of Sudder Adalut will refer to the original Gentoo record they will find "that both the "expression and the tone and spirit objected to "in Paras: 6 and 7 of their proceedings had never "any real existence, and appear to have such "only in an unidiomatical translation:" and in para 3 that Officer suggests that paras 5, 6 and 7 be expunged from the proceedings of this Court, or at least, that it be distinctly recorded with reference to them, "that they "were grounded upon a translation, which

"is

"is found, on being examined, not to give a fair
"representation of the original".

2. The animadversion of the Foujdaree Udalut applies to the Judge's address to the prisoner, as given in the English translation of the record of the proceedings certified by himself to this Court, but if in point of fact the 2nd Judge did not deliver that address he is unaffected of course by that censure.

3. That any part of the English translation of the proceedings held in a criminal trial should convey a meaning, different from that of the original in the Native tongue involves, however, a serious default on the part of the Judge of Circuit, who is enjoined by the Foujdaree Udalut for the correctness of the whole translation, and must expunge from the proceedings held before himself at the trial, and of the Court are to look in vain for this accuracy in the English version of the Judge's own questions, what dependence can be placed upon that of the answers of witnesses which constitute evidence, on which the Judgment must be founded.

4. The 2nd Judge having disavowed the intention of addressing the prisoner in the manner, censured by this Court the Foujdaree Udalut are content to exonerate him from blame on that account, but it may be observed that there is reason to believe, that to the native auditory the meaning conveyed by the words used on this occasion was that, expressed in the English translation of the record, in as much as the translator of the Foujdaree Udalut has made from the original an exactly correspondent English version.

5. In para 5 the 2nd Judge suggests for consideration with reference to para 4 of the proceedings of the Foujdaree Udalut "whether it "is quite consistent with fairness to speak of a "whole trial as not having been conducted with "common attention, because one witness, the "prosecutrix, was not asked a few questions, which "the Court of Foujdaree Udalut think she "ought to have been".

6. With reference to this para: of the

the 2nd Judge's letter it is observable, that the expression complained of by him, introduced into the 4th para: of the proceedings of the Foujdaree Adalut, was by no means exclusively founded on the omissions, & mentioned by him.

7. Before the Court of Circuit no & evidence whatever was taken to establish the fact, that any such robbery, as is described in the arraignment, ever took place; it is clear from the previous examination of the prosecutrix; that she was capable of giving explicit evidence to material facts of the case; and in recurring to the circumstance of a & conviction for the same robbery, on another trial, after the communication of this Court's opinion, contained in para: 3 of their proceedings, the 2nd Judge appears still to intimate his opinion, that a fact, established by evidence in a different case, can be made available against the prisoner; a notion inconsistent with the fundamental rule of law, that no evidence is to be given & against a prisoner but in his presence, which obviously precludes the use against him of evidence, not so taken.—

It

8. It may further be observed, with reference to what is afterwards stated in the 2nd Judge's letter, that a prisoner convicted of being concerned in robbery by open violence is liable to the same sentence whatever part he may have individually taken in the acts, proved to have attended such robbery.—

Ordered that extract from these proceedings be forwarded to the 2nd Judge late on Circuit in the Centre Division for his information.

(Sent in No. 1224)

Read Return dated the 28th Ultimo from the Provincial Court of Circuit in the Western Division to Precept of Foujdaree Adalut dated the 19th September 1835 forwarding copy of Circular Order No. 51 modifying their Circular Order of the 14th July 1809.

(Here enter No. 1807)

Read letter dated the 3rd Instant from the Magistrate of Malabar, submitting explanation by the Acting Joint Magistrate of the delay in the disposal of a case on the Criminal Report for August last.

(Here enter No. 1808)

Read

At a Court of the Zoujdaree Udalut

Present,

Wednesday 14th October 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 14th Ultimo, from the acting Second Judge on Circuit in the Northern Division, submitting copies of the Guntoor and Rajahmundry Calendars for the second Sessions of 1835.

(Here enter Ft. No. 1707 of 1835.)

Read also letter dated the 30th Ultimo, received on the 9th instant, from the same officer, recommending a Mitigation of the punishment to which in certain cases of the Guntoor Calendar, the convicted parties have rendered themselves liable.

(Here enter Ft. No. 1805 of 1835.)

In their proceedings under date the 8th instant, the Court of Zoujdaree Udalut pointed out the unauthorized nature of the questions put by the Court of Circuit to its Mahommedan Law officer, and the consequent illegality of the sentences passed

Cases Nos. 4. 9. 7. 12. and 15.

13th October 1835.

Read Return dated the 5th Instant from the 3rd Judge on Circuit in the Centre Division to Precept of Zoujdaree Udalut dated the 1st October 1835 requiring explanation of the delay in sending up his referrible trials.

(Here enter No. 1811)

Read letter dated the 5th Instant from the 2nd Judge on Circuit in the Southern Division reporting the arrival of the Court of Circuit at Salem the opening of the Sessions and the state of the Calendar.

(Here enter No. 1813)

Read Return dated the 2nd Instant from the Provincial Court of Circuit in the Western Division to Precept of Zoujdaree Udalut dated the 24th September 1835 forwarding Circular Order No. 52.

(Here enter No. 1817)

Read Return dated the 3rd Instant from the Criminal Judge in the Zillah of Rajahmundry to Precept of the Zoujdaree Udalut dated the 25th September 1835 on the Criminal Reports for August 1835.

(Here enter No. 1818)

passed by the Presiding Judge in the cases noted in the margin. They further required that offices to put revised second questions, and then to proceed in the mode prescribed by the General Regulations.

2 Until the result of those instructions be known, no order can be passed on the reference respecting these five cases.

Cases Nos 16 & 20 on the Primary Calendar

3 After maturely considering all the circumstances which mark the cases noted in the margin, the Court of Foujdaree Udalut are of opinion that the ends of Justice will be attained by the infliction of a milder punishment than that proposed by the Presiding Judge: and accordingly under the authority vested in them by Clause Third, Section III, Regulation I of 1825, direct that in case No 16 the prisoner

"Cauvasaula Venkadoo"

and in case No 20 the prisoner

1st Ghausey son of Khyroolley

be each 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.

Under

Supplemental Calendar Case No 1.

4 Under the same authority, the Court of Foujdaree Udalut resolve to sanction the mitigated sentence proposed by the Presiding Judge in Case No 1 on the supplemental Calendar, and accordingly direct that the prisoners

1st Dukhoomanoozoola Peddu Veeradoo
and
2d Volaty Chauhala Tautayyadoo

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

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

(Sent following Precept No 1329)

Read letter dated 24th Ultimo from the Acting 2d Judge on Circuit in the Northern Division submitting for perusal the copy of such remarks as he has deemed it requisite to record and forward to the Criminal Judge of Rajahmundry relative to the Calendar lately presented to him at that station.

(Here enter No 1795)

Read

16th October 1835

Read letter dated the 26th Ultimo from the Acting 2d Judge on Circuit in the Northern Division - submitting for perusals his remarks on the Guntoor Calendar as transmitted to the acting Joint Criminal Judge for the 2d Sessions of 1835.

(Here enter No. 1796.)

F. C.

At a Court of the Company's Adalut

Present

Friday 16th October 1835.

Charles May Lushington Esqre 1st Puisne Judge,

John Bird Esqre ——— 2d Puisne Judge,

William Rudleston Esqre ——— 3d Puisne Judge,

Read letter dated 7th Ultimo from the 3d Judge of the Provincial Court of Circuit in the Eastern Division forwarding trial No. 1 on the 2nd additional Calendar 3d Quarterly Sessions 1835 -

(Here enter No. 1773)

Mr. Bird, and Mr. Rudleston,

The Court of Company's 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

"Cottiveesian Cungan"

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

(Last following letter No. 1231

Read letter dated the 5th Instant from Mr. Casamajor (late 2d Judge of the Provincial Court

Court of Circuit Northern Division) stating that in the Guadalupatam Calendar there are no cases to which the orders of the Court of Enquiry Gudalur of the 30th April 1836 relative to the remission or mitigation of punishment in cases wherein the prisoners might have been impelled to the commission of crime by the famine, apply; and submitting his revision (with the exception of a few cases) of the trials in the Nellore Calendar of the 2d Sessions 1833 and 1st Sessions 1834.—

(Here enter No. 1783)

Nellore 1st Calendar for 2d Sessions 1833 Case 1.

The property stolen in this case was grain Value valued at Rupees 4–14–3. It appeared to the Court at the period of their review of the Calendar that the case was one in which a mitigation might have been properly recommended by the late 2d Judge, who did not however then, or at present, take the same view of it. The crime having been committed in November 1832, when the famine had commenced and the prisoners having been in confinement nearly a year before their trial, their case, in the opinion of the Court of Enquiry Gudalur, falls within the scope of the orders of Government, and they accordingly resolve to direct that the sentence passed upon them be mitigated by a reduction of it to imprisonment for (5) five years from the date of the former warrant.—

The

The Provincial Court of Circuit will be pleased to carry the above orders into effect in respect to the Prisoners

1st Duggoumooty Cotiah,
2d Coppolo Pitchyamah,
3d (released by C of C)
4th Bynagy Yenkiah,
5th Dawaloory Paradoo,
6th Ramporoo Asseegaudoo,
7th Venkatayamah,
8th Pitchyamah,
and
9th Condaiah,

in the said Case No. 1.—

Case 18.

The first Prisoner in this case the only one upon whom sentence of punishment was passed — was convicted of robbing grain Value to the amount of 27 Rupees. The crime was committed when the scarcity was not at its height, was merely petty. "The Prisoner is of the Golla caste and an iron smith "by trade — and there is nothing to shew that he is "an old offender or of a bad character" Under this view of his case the late 2d Judge recommends that his sentence may be mitigated to 3½ years. To the Court of Enquiry Gudalur it appears that the Prisoner, Anoola Yengadoo, having been in Jail nearly 3 years, may very properly be discharged, and they direct

accordingly

accordingly that he be released forthwith.—

Case 26.

The Conjoint Circuit on review of the Calendar, suggested an application in favor of the prisoner in this case being made for mitigation of punishment. This suggestion however the presiding Judge did not act upon. Under the circumstances now stated by the late 2d Judge the Court of Conjoint Circuit deem it proper to direct the immediate release of the said prisoner Pattamulla Naraidoo.—

Case 41.

The prisoner Vellamoody Paradoo in this case was sentenced to 14 years' imprisonment for killing concerned in the robbery and slaughter of 36 sheep, a number too large, in the opinion of the Court, to have been taken for "food only." The Court direct that his punishment be mitigated and that he be sentenced to be imprisoned and kept to hard labor in irons on the public roads or other public works for the period of (7) seven years from the date of the former warrant.—

Case 52.

Under the circumstances represented by the late 2d Judge connected with the crime committed by the prisoner in this case, the Court resolve to direct, in mitigation of the sentence already passed, that the prisoner, Cankerlapoody Anderaige, be sentenced to be imprisoned and kept to hard labor in irons on the public roads or other

other public works for the period of (6) six years from the date of the former warrant.—

Case 55.

It appears to the Court that the crime charged in this case was undoubtedly committed for food. They do not find upon reference to the "charge" or "abstract of the evidence" in the Calendar any thing regarding "Matchlocks" being used, as adverted to by the presiding Judge at the commencement of the passage of his letter referring to this case. and from the representation of the case by him & independent of this allusion, the Court resolve to mitigate the punishment awarded against the prisoners

1st Pollalu Pollaroo,

and

2d Cowah Gurnagandoo,

and direct that they be each sentenced to be imprisoned and kept to hard labor in irons on the public roads or other public works for the period of (5) five years from the date of the original warrant.—

Case 60.

The late 2d Judge states that this case was one of "Housebreaking by night and theft "chiefly of grain" and that the crime was committed "when the famine was nearly at its height." The Court view

view the case still more favorably than the late 2d Judge, and accordingly direct that the prisoners

1st Saloopoola Venkatasamyandoo,

2d Soopankoolla Venkatasamyandoo,

and

3d Cheramana Gurusamyandoo,

be unconditionally released.—

No. 65.

In this case also the object of the robbery was grain and the crime was perpetrated at the height of the famine. The prisoner having been already in Jail 2 years and nearly 8 months, the Court in consideration of the circumstances stated by the late 2d Judge direct that the prisoner

Ithumsetty Reddy

be forthwith discharged.—

Case 67

The statement of this case, as given in the Calendar and explained in the letter now submitted by the late 2d Judge, induce the Court to direct a mitigation in favor of the three prisoners concerned in it. They accordingly direct that the

1st Gunlapenty Nagadoo, prisoners be sentenced to be imprisoned, and kept
2d Cuchalapenty Jungadoo, and to hard labor in irons for (4) four years from the
3d Gunlapenty Venkatasamyandoo date of the former warrant.—

Case 70.

The Court on the same grounds direct that the prisoners

1st Ranpoory Venkatasamyandoo,

and

2d Changa Lingadoo, in case No. 70

be imprisoned and kept to hard labor in irons on the public roads or other public works for the period of (4) four years.—

Case 76.

It appears to the Court that the robbery of grain in this case also was clearly commitied from want of food, and the prisoners having been in confinement 2½ years the Court direct that they be released.—

(1st dead)
2d Eelados.
3d Soopankoolla Venkatasamyandoo alias Venkatasamyandoo

Case 78.

In this the Robbery was committed at the height of the famine, but was not confined exclusively to grain and one of the gang paid a ruppee. It appears to the Court proper to mitigate the sentence to the following extent. The prisoners

1st Ramgunny Coobadoo,

2d Muroo,

and

3d Jungum Condadoo,

to be imprisoned and kept to hard labor in irons on the public roads or other public works for the period of (4) four years from the date of the former warrant.—

Nellore Calendar
1st Sessions 1834
Case 1.

On a deliberate consideration of the circumstances of this case, as represented in the Calendar

Calendar and in the present letter of the 2d Judge, the Court resolve to direct that the prisonier

1st Chulakalen Tingadoo,

2d Mookoo Venkatapah,

3d & 4th Chinnia Ramiah,

4th Yarra Venkadoo,

5th Mookoo Chalamana,

7th Conamala Chinnia Venkadoo,

and

8th Catala Veeradoo,

be forthwith discharged. The Court further direct that if the prisoners

9th Mulkapoorum Condregoudoo,

and

10th Cankala Mullagoudoo,

who were originally held to security, be released, if they are in Gaol on receipt of these orders.-

Case 3.

The Court formerly suggested that an application for mitigation in favor of the prisonier in this case might be made; but the presiding Judge did not accede to the suggestion. There are good grounds, in the opinion of the Court, for the reduction of the sentence on the present occasion, and they accordingly direct that the prisonier Gungoole Cumpadoo be sentenced to be imprisoned and

kept to hard labor in irons on the public roads or other public works for the period of (5) five years from the date of the former warrant.-

Case 18.

The case noted in the margin was one of Cheptatelling for food under the pressure of the famine, and the Court direct that the prisoners

1st Ramdoo Veerapah,

2d Aukhonah,

and

3d Ellookille Condadoo,

be released.-

Case 21.

Although no grain was taken in this case, there is no doubt that it was the object of the robbery, and with reference to the circumstances set forth in the Calendar and to the letter of the late 2d Judge, the Court resolve to mitigate the punishment awarded and to direct that the prisoner

1st Raehony Chinnadoo

be sentenced to be imprisoned and kept to hard labor in irons on the public roads or other public works, for the period of (4) four years, and that the prisoner

2d Chinnareddy Cantiah

be imprisoned and kept to hard labor in irons

works on the public roads or other public works for the period of (3) three years.—

The sentences now ordered in respect to the above two prisoners are to take effect from the date of the former warrant.—

The Court in conclusion deem it proper to record, that they have passed over certain cases adverted to in the letter of the late 2d Judge, deeming it unnecessary to notice them, inasmuch as there appeared to be no sufficient grounds for altering the sentences already passed therein.—

With reference to the 3d paragraph of the letter of the late 2d Judge, the Court direct that, on his transmission of the original records of the cases now reviewed by him, they be lodged in the Record office of the Court of Exchequer Dedatus.—

The Provincial Court of Circuit Northern Division will be pleased to carry the above order into execution, as far as regards the mitigation of the punishment, or the release of the named prisoners concerned.—

Ordered, that extract of these proceedings and copy of the late 2d Judge's letter of the 5th instant and of this arrangement be sent to the Provincial Court of Circuit Northern Division for

for their information and guidance by Precept &c returnable in 15 days after receipt.—

(Sent following Precept No. 1232

Ordered also, that extract of these proceedings be sent to the late 2d Judge of the Provincial Court in the Northern Division for his information.—

(Sent in No. 1233.—

Read letter dated 5th Instant from the Acting 3d Judge of the Provincial Court of Circuit in the Northern Division reporting the commencement of the 4th Quarterly Sessions of the present year.—

(Here enter No. 1827)

Read return dated 7th Instant from the Provincial Court of Circuit in the Southern Division to Precept of Exchequer dated dated the 24th September 1835 forwarding their C. O. No. 52.—

(Here enter No. 1829)

Read letter dated 6th Instant from the 3d Judge of the Provincial Court of Circuit in the Western Division, forwarding a statement of Batta paid to Prosecutors and Witnesses during the Third Quarterly Sessions of 1835 at Ballickery.—

(Here enter No. 1830)

Read

16th October 1835.

Read letter dated 5th instant from the Criminal Judge in the Zillah of Rajahmundry, reporting the escape of a prisoner under trial in case No. 57 and the punishment of the Peons for gross neglect.—

(Here enter No. 1831)

Read letter dated 13th instant from the Acting Joint Criminal Judge at Cuddalore, forwarding Criminal Report No. for the month of September 1835.—

(Here enter No. 1843)

Read letter dated 16th instant from the 2d Judge on Circuit in the Southern Division, reporting that he has given notice for opening the second Sessions of 1835 at Coimbatore, on Monday the 16th November next.—

(Here enter No. 1845)

Ent'd

Cancl

F. C.

At a Court of the Foujdaree Adalut.

Present,

Saturday,
17th October, 1835. Charles May Lushington Esqr. 1st Puisne Judge.

Cancl John Bird Esqre. 2nd Puisne Judge.

William Hudleston Esqr. 3rd Puisne Judge.

Read Return dated the 2nd Instant from the Third Judge on Circuit in the Centre Division, to the Precept of the Court of Foujdaree Adalut under date the 12th September 1835, conveying their observations and order on the Cuddapah Primary and Supplemental Calendar and on the Calendar of the Native Court at Cumbum for the Second Sessions of 1835.

(Here enter F. C. No. 1804 of 1835)

The Third Judge first observes "it is erroneously inserted in the Margin opposite "to this Paragraph" (Para 3 of the Extract from the Proceedings of the Foujdaree Adalut under date the 12th Ultimo) "Case No. 4 and No. 7 on the Cumbum "Calendar" while the former case belongs to the "Cuddapah Primary Calendar."

Case No. 4 on the Primary Calendar of the Zillah of Cuddapah and Case No. 7 on the Cumbum Calendar

The

17 October 1835.

2 The sole error lies in the interpretation of the Presiding Judge, who, by referring again to the Extract Proceedings above quoted, will find that the remarks of the Foujdaree Adalut on the three Calendars,- the Cuddapah Primary and Supplemental and the Cumbum Calendar were kept perfectly distinct: and that "Case No. 4" following as it does immediately upon "Case No. 1" and followed by several other cases on the Cuddapah Calendar, cannot under any rational hypothesis be supposed to belong to the Cumbum Calendar.

3 To the two cases in question, precisely the same remark applied; and therefore, and with the view of avoiding unnecessary repetition, they were classed together.

4. To afford any foundation for the notion of the Third Judge, the "insertion" should have been as follows: "Cases Nos. 4 and 7 on the "Cumbum Calendar."

5 The Third Judge in the next place observes that "a copy and Translation of the Replies "from the Criminal Judge of Cuddapah and "the Native Criminal Judge at Cumbum are "herewith

"herewith forwarded by which it will appear they "did not conform to the Circular order of the 12th "July 1825."

6. But the Court of Foujdaree Adalut observe that in his Return of the 25th Ultimo to the Precept of the Court of Circuit dated the 17th of that Month, the Criminal Judge of Cuddapah states that "as relates to the 1st witness "in No. 4 of the Calendar named Nullaboatoola "Rameegandoo- he was, before his deposition examined "by the Criminal Judge and he appeared an intelligent lad fully aware of the obligation of an oath "and appeared to the Criminal Judge to give his "deposition in the most clear and intelligible "manner."

7. It thus appears that the Criminal Judge did conform to the Circular Order of the 12th July 1825 and it is therefore necessary that the Third Judge should now obey the instructions of the Foujdaree Adalut by reporting "the circumstances on which he grounds "the declaration of incompetency."

Vide para. 5 Cir. proc. 7th Dec. 12th Sept. 1835.

8. The Third Judge expresses his opinion that "the returning of this case to the Criminal

Case No. 23.

Fr. Ootacher 1835.

17th October 1835

"Criminal Court for amendment would not only
"occasion unnecessary delay to the Court of Circuit,
"but would be indirect contravention to the Circular
"order of the Sovjdaree Udalut dated the 28th June
"1832."

9. In making Return to this Precept,
the Third Judge will state the purport of the
Circular Order which he has here quoted it would
appear incorrectly.

Case No. 24. 10. The Third Judge will point out
to the Criminal Judge of Cuttack that the
observation contained in the second paragraph of
the extract from the proceedings of the Sovjdaree
Udalut under date the 8th December 1834, cannot
be construed into an "order" for the commitment
of the prisoner in the case noted in the Margin.
The Court in that paragraph merely remarked
that it was desirable that the Magistracy
"should satisfy themselves whether evidence may
"not be procured, particularly as to whether he
"was, or not, the owner of the Stick, sufficient to
"justify their sending him anew to the Criminal
"Court, who appear to have released him on
"very

F. Ut.

17th October 1835.

"very questionable grounds."

11. The Third Judge reports that the
Case No. 27. age of the prisoner in this case is about 14. Years.

12. The Court of Sovjdaree Udalut
are of opinion that the interests of Justice
would suffer if an offender of this age were
permitted to escape with impunity.

13. The Court accordingly direct under
the authority vested in them by Clause Third,
Section III Regulation I of 1825, that the said
prisoner
"Kodatala Yeara Naugadoo"
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.

Ordered that Extract from these
proceedings be sent to the Third Judge on Circuit
in the Centre Division by Precept returnable
within Five days from and after its receipt.

(Sent following Precept No. 1237

Read return dated the 5. Instant
by the Joint Criminal Judge at Jumnoolloy
to Precept of the Sovjdaree Udalut of the 25th
Ultimo

Ultime conveying their orders on his Criminal Reports for August—

(Here enter No. 1812)

Supplemental Report Case 58.

The Joint Criminal Judge submits, in the above return, the following explanation in regard to certain fines imposed by him under Section VII Regulation XIII 1832 on the Prosecutor and the 3d. 4th. and 5th. Witnesses in the case noted in the margin. He states "that he considered those persons in the highest degree guilty of contempt of Court and therefore imposed the fines upon them. The Prosecutor was also guilty of gross prevarication; but the witnesses though they contradicted one another Did not prevaricate. The charge however was so palpably false that their standing forth to support it appeared sufficient to implicate them also in the contempt."

2. The Court of Faydarae Adalut are of opinion that Section VII Regulation XIII of 1832 is not applicable to the case. If the Witnesses have committed a punishable offence it is Perjury. Giving false evidence is certainly a contempt but such must be proved and if it

be susceptible of proof it is incumbent on the Joint Criminal Judge, if the false evidence be material to the issue, to commit the parties for Perjury. The Court accordingly direct the return of the fines to the Witnesses upon whom they have been imposed. The Prosecutor appears to have been properly fined for prevarication.

3. The reduction of only 4 Peons out of the 30. forming the fixed guard of the Jail at Tinnevelly appears to the Court of Faydarae Adalut insufficient. There being only 55 prisoners in confinement, if the Jail is too large, a portion of it need only be occupied and sentries placed accordingly. Under these circumstances the Court deem it proper to direct that the fixed Jail Guard be reduced to 20 Peons, unless the Joint Criminal Judge can shew good cause why this order should not be carried into effect.—

Ordered that Extract of these proceedings be sent to the Joint Criminal Judge at Tinnevelly for his information and guidance by Precept returnable in 4 days after receipt—

Sent following Precept No. 1238

Read letter dated the 6th Instant from

from the Magistrate of Malabar forwarding the explanation required by the Proceedings of the Sudder Adalut of the 26th Ultimo on review of the Calicut Criminal Reports for August.

(Here enter No. 1821)

It appears from the above letter that the grounds of the Police Officers detention of the case No. 259 of the Report No. 4 were duly and fully submitted to the Criminal Court. The Court of Sudder Adalut direct that the Criminal Judge be called upon to explain why the information regarding the difficulty of procuring the attendance of the Witnesses in the case in question was not entered, as it ought to have been, in the Criminal Report. In cases of this nature it is incumbent on the Criminal Judge to insert any information before him which may enable the Court of Sudder Adalut to take a distinct view of the propriety of the proceedings, and obviate the possibility of unmerited censure or trouble being bestowed upon any of the parties concerned therein.

Ordered that Extract of these proceedings be sent to the Criminal Judge

at Calicut for his information and guidance by Precept, returnable in 3 days after receipt.

Sent following Precept No. 1239

Read letter dated the 2nd Instant from the Second Judge on Circuit in the Southern Division, submitting the copies of the Combaconum Primary and Supplemental Calendar for the Second Sessions of 1835.

(Here enter J. Cc. No. 1803 of 1835)

Primary Calendar Case No. 3.

It appears from the Abstract of evidence in the Calendar, that "the 7th 8th 9th and "10th Witnesses depose to the circumstances which "led them to suspect and apprehend the 4th and "5th prisoners."

The Second Judge will point out to the Acting Criminal Judge of Combaconum that from a Statement so vague as is the above, the Court of Sudder Adalut are unable to judge of the validity of the grounds on which the fifth prisoner was committed for trial.

Cases Nos. 6. 7 and 8.

From the remarks of the Second Judge it appears that in case No. 6, "the Mahome-"dan Law Officer in his Fetwa declared "that by the evidence of the first witness, and "by

"by the Statement of the Prosecutor should it
"be admitted in the light of legal proof" &c. and
in Case No. 7 that he observed "that the confession
"of young people was inadmissible by law and
"that if her (the prisoner's) acknowledgment of the
"crime were accepted, she would be considered
"guilty of the crime laid to her charge" &c. In case
No. 8. the Futwa of the Mahommedan Law Officer
first rejects the evidence of the Witnesses from the
first to the ninth inclusive, and then pronounces
the prisoner convicted on that of the sixth, seventh
eighth and ninth Witnesses.

4 The futwas in all these cases are
in an unusual form, and would appear to have been
given under some general instructions by the
Court of Circuit, for otherwise the Mahommedan
Law Officer would not have set aside the legal
objections. The Second Judge will bear in mind
that the first Futwa is always to be given
according to the Mahommedan Law, and the
objections which the Court of Circuit is empowered
to overrule, to be overruled by a second question, a
Circular Order on this subject will shortly be issued

In

5. In Case No. 8 the Court of Zuydaree
Adalut resolve to authorize the release of the prisoner

"Coondoomany"

with an admonition, as recommended by the
Second Judge who in his remarks on the Calendar
represents her to be a "complete child evidently
"urged to the commission of crime by a wicked
"brother who made away with the booty."

Case No. 11. 6. After a mature consideration of
all the circumstances of this case as they appear
in abstract on the Calendar, with the recom-
mendation of the Third Judge, the Court of
Zuydaree Adalut resolve, under the authority
vested in them by Clause Third, Section III
Regulation I of 1825 to sanction the mitigated
sentence proposed by that Officer and accordingly
direct that the prisoner,

2d. Sevaramuppah

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.-

Case No. 26. 7. In this case the prisoner
was

was charged with assaulting and severely wounding with sticks and thereby causing the death of the prosecutor's brother; and being convicted of man-slaughter was adjudged by the Court of Circuit to be "imprisoned with hard labour in irons "for one year".

8. It appears to the Court of Sudder Dewanny Adalut that under all the circumstances of this case, the sentence passed was extremely lenient.

Case No. 32. 9. In this case also the Mahommedan Law Officer set aside legal objections without waiting for the second question presented by the Regulations.

Case No. 33. 10. The Court of Sudder Dewanny Adalut observe that not only was the evidence of the first witness (a girl aged twelve years) not admissible according to the Mahommedan Law, but that the conviction of the accused depended so materially upon it that, with reference to the concluding paragraph of Section VIII. Regulation I of 1825, it was incumbent on

on the Judge on Circuit not to "pass any sentence "but to refer the trial to the Court of Sudder Dewanny "Adalut to be disposed of by them under the "general Regulations". Moreover, if the death of the child were really caused by the exposure, the Court of Circuit was not competent to dispose of the case.

11. The Court of Sudder Dewanny Adalut deem it necessary to direct that the sentence of the Court of Circuit be set aside, and that an English and Persian Translation of the Proceedings be submitted in due course for their consideration and final judgment.

Supplemental Calendar Case No. 3. 12. In this case the second Judge on Circuit "concurred in the finding, and under "Clause third, Section IV. Regulation XV of 1803 "and Clause fourth, Section II Regulation I of 1825 "sentenced the prisoner to be imprisoned with "hard labour in irons for fourteen years and to "receive 195 lashes with a cat of nine tails."

13. The Court of Sudder Dewanny Adalut ruled under date the 7th September 1829 that the provisions of Section III Regulation XV of 1803 do not apply to a case in which, as in the present

present instance, the offence charged may be committed by a single unarmed individual.

14. The Second Judge must require a Second Futwa from the Mahommedan Law Officer under the provisions of Clause third Section II & Regulation XV of 1803, and then proceed in the mode prescribed by Law.

Case No. 6.

15. In this case also, the Mahommedan Law Officer of the Court of Circuit declared in his first Futwa that "if the testimony of the first, "sixth, and Seventh Witnesses were to be admitted "as legal evidence, the Second and third prisoners "also would be convicted on strong presumptive "proof" &c.

Ordered that Extract from these proceedings be sent to the Second Judge on Circuit in the Southern Division by Precept, returnable within twenty days from and after its receipt.-

Sent following Precept No. 1240

Circular Order.

No. 54.

1. The provisions of Section VIII Regulation I of 1825 and Section II Regulation VI of 1829 empower the Judge of Circuit to overrule certain specified objections

to the evidence, adduced on a Criminal trial, which may be made by the Mahommedan Law Officer; and in the former Section it is provided that the Law Officer shall on the completion of the trial declare in his futwa "the sentence to which the prisoner "would have been liable, if the evidence of the "witness or witnesses, objected to, had been admissible "under the provisions of the Mahommedan Law."

2. The Courts of Circuit, acting upon the provisions above-mentioned, have not adopted an uniform mode of proceeding; the practice of some Judges has been to instruct the Mahommedan Law Officer to declare in his original futwa the sentence, to which the prisoner would be liable, if no objections of the description stated applied to the evidence given on the trial; while with other Judges of Circuit, the practice has been to take in the first instance from the Law Officer, a futwa, strictly accordant with the rules of evidence of the Mahommedan Law, and thereupon proceed in the manner prescribed in Clauses third and fourth Section II Regulation XV of 1803 to take a second futwa, overruling any objections of that nature

nature made in the first instance.

3. It is obviously proper, that the practice of all the Courts of Circuit should in this respect be the same: and the Court of Foujdaree Udalut, being of opinion, that the latter mode of proceeding is on various grounds the most desirable and proper and accordant with the analogy of the Regulations, resolve to direct by a circular order, that it be invariably observed in future by the Courts of Circuit, when applying the provisions of Section VIII Regulation I of 1825, and Section II Regulation XI of 1829.

Ordered that Extract from these proceedings be sent to the 4 Provincial Courts of Circuit to be communicated to the several Judges on Circuit for their information and future guidance.

(Sent following C. O. No. 1241

Read letter dated the 26th Ultimo from the Magistrate of Tanjore forwarding explanation required by the Foujdaree Udalut in their proceedings of the 25th Ultimo, relative to the Criminal Report for July.

(Here enter No. 1755)

Read Return dated the 6th Instant from the Native Judge of Vizagapatam to precept of Foujdaree Udalut dated the 28th September 1835 & the Criminal Report for August.

(Here enter No. 1849)

Read Return dated the 2nd Instant from the Provincial Court of Circuit in the Northern Division to Precept of Foujdaree Udalut dated the 24th September 1835, conveying Circular Order No. 52.

(Here enter No. 1850)

Read letter dated the 5th Instant from the Acting Joint Criminal Judge at Honore, forwarding the Criminal Report for the Month of September 1835.

(Here enter No. 1852)

Read letter dated the 9th Instant from the Provincial Court of Circuit in the Northern Division, forwarding copy of a Return from the Magistrate of Masulipatam having reference to the Printed Statements for the Second Half year of 1834.

(Here enter No. 1851)

K. B.

At a Court of the Tonjadaree Udalut.

Present,

Monday 19th October, 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 5th Instant by Balooshetty Dos.

(Hereunto N. P. No. 31 of 1835)

1 The Petitioner represents that he and certain others have been at great trouble and expence in consequence of their endeavours to obtain the liberation from confinement of their relations who were prisoners in case No. 53 of the Cuddapa Calendar & for whose release the Court of Tonjadaree Udalut have lately issued orders, and he prays the Court for information as to the persons from whom he should recover damages.

2 The Court can give no instructions on the point in question.

Ordered that the Petition be rejected and that Extract of these proceedings be furnished to the Petitioner upon his application.

Read

S. C.

At a Court of the Tanjadaree Adalut.

Present,

Monday
19th October, 1835. Charles May Lushington Esqre 1st Puisne Judge
John Bird Esqre — 2d Puisne Judge
and
William Hudleston Esqre — 3d Puisne Judge

Read Petition presented on the 5th inst.
by Balvochetty Dossa

(Here enter M. P. No. 81 of 1835)

1 The Petitioner represents that he and certain others have been at great trouble and expence in consequence of their endeavours to obtain the liberation from confinement of their relations who were prisoners in case No. 53 of the Cuddapa Calendar, for whose release the Court of Tanjadaree Adalut have lately issued orders, and he prays the Court for information as to the persons from whom he should recover damages.

2 The Court can give no instructions on the point in question.

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

Read

19th October 1835

Read Petition presented on the 5th Instant by Baulovchetty dofs of the Zillah of Cuddapah

(Here enter M. P. No. 72 of 1835)

1 The Petitioner prefers a complaint against one Dovogee employed in the Cutchery of the Tahsildar of the Talook of Chittavalo in the Zilla of Cuddapa, alleging that the said Dovogee having taken a bribe and released certain prisoners, when questioned by Petitioner on the subject, maltreated him and others who accompanied him, and levied a fine of 5 Rupees. Petitioner adds that he applied for redress to the Collector but that his urgee was rejected.

2 He prays the Court to inquire into the matter.

3 The Petitioner is informed that he should address the Judge on Circuit.

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

Read letter dated the 30th Ultimo from the 2d Judge late on Circuit in the Centre Division now at Madras. Transmitting the Records in Case No. 45 of the Bellary Calendar 1st Sessions of 1835.

(Here enter No. 1759)

Mr. Cushington

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,—

1st Vencatareddy

and do accordingly acquit him: but considering that strong suspicion, though not amounting to conviction, attaches to him, they direct, under the provisions of Clause First, Section V Regulation XII of 1831, and Clause Sixth Section II Regulation XV of 1803, that he be required to find two sureties in (40) forty Rupees each surety, for his good behaviour and appearance when required within (2) two years, and that in default thereof he be detained for (2) two years in confinement.

And

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

2d. Peddanaugusspah

3d. and Appacondadoo

is sufficient to convict them of the crime of Housebreaking and theft, 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 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 those prisoners would have been liable under the Mahommedan Law, if they had been convicted by full legal evidence of the aforesaid crime."

Answer.

If the prisoners in question were convicted by full legal evidence of the aforesaid crime, they would be liable to amputation of the hand from the wrist.

In commutation of the penalty of Hudd declared in the foregoing Futwa, and in conformity with the provisions of Clause First Section

Section V Regulation VIII of 1831 and Section XXI Regulation VII of 1802, the Court of Foujdaree Adalut sentence the prisoners—

2d. Peddanaugusspah

3d. and Appacondadoo

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. 1243)

Read letter dated the 28th Ultimo from the Third Judge on Circuit in the Centre Division, submitting the English and Persian Translation of the Proceedings in Case No. 5 on the Cuddapah Calendar for the second Sessions of 1835.

(Here enter No. 1774)

The Court of Foujdaree Adalut,

Mr. Bird and Mr. Huddleston having maturely considered the proceedings held before the Judge on Circuit, the Futwa of the Provincial Law Officer, and the Futwa of the Cazee-ool-Cozat and Mooftees of the Foujdaree Adalut, confirm the said Futwa of the Cazee-ool-Cozat and Mooftees aforesaid, convicting

the

the prisoners—

1st Abbaraye Soobbiah

2d Lingala Bala Soobbiah

3d Luckojee Timmesspah

of the crime charged, on strong presumptive proof and awarding Ookoobut, and under the provisions of Section X. Regulation XIII of 1802, sentence the prisoners—

1st Abbaraye Soobbiah

2d Lingala Bala Soobbiah

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

3d Luckojee Timmesspah

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

The Court of Foujdaree Edalut, having disposed of the above case, deem it proper to observe for the information of the Third Judge on Circuit, that the discriminations in the sentence passed upon the three prisoners has been made upon the

ground that there is reason to believe that the third prisoner did not personally assist in the perpetration of the Murder, and also upon the principle indicated in Clause Fifth, Section IV. Regulation XV of 1803, in which it is declared that "if, on consideration of the number of prisoners "convicted of the same crime, and of any discrimina- "tive circumstances with respect to one or more of "them, the example shall appear sufficient for "the ends of justice, without extending the full "degree of the prescribed punishment to the whole "of the prisoners convicted, it shall be competent "to the Court of Foujdaree Edalut, to mitigate the "sentence in such cases, as may be deemed just "and expedient—"

Ordered that Extract of these proceed- -ings be sent to the Third Judge on Circuit in the Centre Division for his information—

(Sent following letter No 1244)

Ext W.

At a Court of the Foujdaree Udalut.

Present,

Wednesday, 21st October, 1835. Charles May Lushington Esqre 1st Puisne Judge.

John Bird Esqre ——— 2nd Puisne Judge.

And William Hudleston Esqre 3rd Puisne Judge.

Read return dated the 8th Instant by the Officiating Criminal Judge of Bellaree to Precept of the Foujdaree Udalut of the 29th Ultimo conveying their orders on the Criminal Reports for August.

(Here enter No. 1841)

Report 4 Case 122

1. The Court see no reason to change the opinion recorded upon this case in para 5 of their proceedings of the 29th Ultimo and they direct that the Moofter be informed that the crime charged against the prisoner is of magnitude because of the atrocious practice of poisoning.—

Case 129.

2. The explanation now afforded regarding the 1st Prisoner in this case satisfies the Court that the evidence is insufficient for his conviction of theft but that he is liable to strong suspicion. They therefore direct that he be required to find security in two sureties of 20 Rupees each for one year, and in default to be

be confined in Gaol for that period.-

Ordered that Extract of these proceedings be sent to the Officiating Criminal Judge at Bellary for his information and guidance by Precept returnable in 4 days after receipt.-

(Sent following Precept No. 1254

Read the Chingleput Criminal Reports prescribed by Section XXXV Regulation X 1816 for September

(Here enter No. 1832)

Report V Case 160. 1. The Court of Sudder Adalut do not perceive in what respect the first prisoner in this case comes within the scope of Clause 4 Section III Regulation XI 1822 and they accordingly direct that an explanation be required on the point.-

Case 166. 2. With reference to the explanation of the delay of this case in the Talook the Court request to be informed of what was done previously to the 7th September on which day it was stated the stolen property was found. The prisoners are represented to have been apprehended on the 27th August. It seems to the Court that greater delay than there should have been, was allowed to occur; but they await the explanation of the Magistrate to whom the Criminal Judge will furnish copy of the case

case and of this paragraph; the return should be made by him direct to this Court.-

Ordered that Extract of these proceedings be sent to the Criminal Judge at Chingleput for his information and guidance by Precept returnable in 4 days after receipt.-

(Sent following Precept No. 1255

Read letter dated the 8th Instant from the Acting Criminal Judge in the Zillah of Canara transmitting the Criminal Reports for the Month of September 1835.-

(Here enter No. 1958)

Read letter dated the 10th Instant from the Magistrate of Vizagapatam submitting his explanation respecting a case on the Criminal Reports for August.-

(Here enter No. 1869)

Read Return dated the 10th Instant from the Provincial Court of Circuit in the Northern Division to Precept of Sudder Adalut dated the 19th September 1835 forwarding their Circular Order No. 51. modifying their Circular Order of the 14th July 1809.-

(Here enter No. 1875)

Read

Read Return dated the 7th Instant from the Acting Criminal Judge at Chicacole to Precept of Fouzdaree Udalut Dated the 28th September 1835 on the Criminal Reports for August 1835.

(Here enter No. 1878)

Read Letter dated the 12th Instant from the Magistrate of Vizagapatam submitting explanation required by the Fouzdaree Udalut in their proceedings of the 23rd Ultimo, respecting certain cases on the Criminal Reports for August

(Here enter No. 1884)

Read Quarterly Statement Dated the 15th Instant from the Criminal Judge of Salem, of Batta &c. paid to Prisoners under charge of the Magistrate in the Zillah of Salem during the 3rd Quarter ending 30th September 1835.

(Here enter No. 1885)

At a Court of the Fouzdaree Udalut.

Present,

Friday, 23rd October, 1835.

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

Read the Guntoor Criminal Reports prescribed by Section XXXV Regulation X 1816 for September 1835.

(Here enter No. 1847)

Report V
Case 105.

The Court of Fouzdaree Udalut observe that in this case the entry in column 7 "punished and in what manner Vide", has no relevancy to the charge, and they therefore direct that the report be returned to the Acting Joint Criminal Judge for correction.

Ordered, that Extract of these proceedings together with the above report be sent to the Acting Joint Criminal Judge at Guntoor, for his information and guidance, by Precept returnable in 3 days after receipt.

(Sent following Precept No. 1280)

Read the Tellicherry Criminal Reports prescribed by Section XXXV Regulation X 1816. for September

September 1835.

(Here enter No. 1348.)

Read also letter dated the 8th instant from the acting Joint Criminal Judge at Tellicherry forwarding an appendix to the above reports.

(Here enter No. 1856.)

Report V
Case 84.

1 The prisoner in this case was charged with having, on the 27th Ultimo, in the day time, attempted to open with a false key a drawer containing valuables, and with having, date unknown, attempted to open in the same manner a plate chest, containing property valued at Rupees 1000. and was committed on the following grounds.

From the analogy of Clause first Section II Regulation VII of 1822 wherein a burglary, and an attempt to commit a burglary are considered as equal, it appears that this attempt to steal is to be considered as a theft, and if so, the amount (Rupees 1000) takes it out of the jurisdiction of the Joint Criminal Court. If it is not to be considered as a theft, the only punishment which the acting Joint Criminal Judge can award (Section VII Regulation X 1816) is 6. Months imprisonment

imprisonment and a fine.

2 The Circuit Judge having returned the case to the Joint Criminal Court to be dealt with "not as a theft," "but as a case not specifically provided for by the Regulations," the usual reference was made to the Cazee of the Provincial Court, who gave his opinion that the crime was punishable under the Mahomedan law with Tazeer or Dshoobut. The acting Joint Criminal Judge accordingly sentenced the prisoner to 6. Months imprisonment, and to pay a fine of 200. Rupees commutable to 6. Months additional confinement under Section VII. Regulation X. of 1816.

3 The question here arises, whether a fine is a legal punishment for the crime of an attempt to steal, and the Court of Foujdaree Adalut, being of opinion that it is not intended by Section VII Regulation X of 1816. to punish in such a case by fine, direct that this sentence be amended, by reducing it to 6 Months imprisonment alone, returning the fine if it has been paid.

4 The acting Joint Criminal Judge will, in future, place the Supplemental Report before

before the Report No. 5.

Ordered, that Extract of these proceedings be sent to the acting Joint Criminal Judge at Pellicherry for his information and future guidance by Precept, returnable in 3 days after receipt.

(Sent following Precept No. 129)

Read the Cuddapah Criminal Reports prescribed by Section XXXV. Regulation X. 1816 for September 1835.

(Here enter No. 1861)

Report V
Case 144. 1 It is represented that the Prisoner confessed in the case noted in the margin and in the following case, also, before the Police "and gave up the cantsem or metal plate, and the Handkerchief proved to be the property of the two Prosecutors;" it appears extraordinary that the prisoner whose Police confession was thus corroborated should have been merely held to security. The Court accordingly direct that an explanation may be afforded of the circumstances which induced the Criminal Judge to pass the order recorded in the Report.

Case 147. 2 The prisoner, in this case was charged with having "tendered six counterfeit Madras Rupees to the Prosecutor and with having been possessed of and uttering base coin contrary to the Regulation", but there is nothing in the report to shew why he was sent to the Magistrate, a proceeding which caused his detention in the Taloka for 29 days. The Court direct that a copy of the case as it stands in the report, and of this paragraph, be sent to the acting Magistrate with a view to the prevention of a similar reference in future, upon satisfactory grounds which should be explained in the Reports.

Case 148 3 The charge against the prisoner in this case was that he "neglected to inform the Sircar of the death of a Widow Pollee (Sister of the Prosecutor) who drowned herself into a well and died".

4 The Court not being aware of any Regulation requiring a person on this charge to be sent to the Criminal Court, are concerned to observe that so long a period as 36 days delay of the case in the Taloka occurred. The Criminal Judge will furnish

to

to the Acting Magistrate copy of this case as it stands in the report, and of this and of the preceding paragraph; and the Magistrate, having issued due instructions to prevent transmission of similar cases in future to the Criminal Court, will make return, accordingly, direct to the Court of Foujdaree Udalut within 5 days after receipt of this order-

Ordered, that Extract of these proceedings be sent to the Criminal Judge of Cuddapah for his information and guidance by Precept, returnable in 3 days after receipt.-

(Sent following Precept No. 1263)

Read the Pincvelly Criminal Reports prescribed by Section XXXV Regulation X 1816 for September 1835.

(Hereunto No. 1873)

Report V Case-75.

1. The Taluk proceedings in this case are therein described in the report, as the Prosecutor and one of his Witnesses were sick, the Prisoner apprehended on the 15th of the month were not brought before the Tahsildar till the 27th August 1835- He examined the case and forwarded the proceedings to the Head Assistant Magistrate who directed him to send the case to

the Criminal Court, which he did on the 2nd September 1835."- The reasons assigned for the delay being unsatisfactory, the Joint Criminal Judge will furnish to the Magistrate copy of this case as it stands in the report, and of this paragraph, with a view to the prevention of the recurrence of a similar unauthorized detention.-

Statement of Labor. 2. Column 7 of the Statement shews that only 4 prisoners were worked outside the Jail during the month of September and with reference to the Circular Order No. 23 dated 13th March 1835 the Joint Criminal Judge will therefore explain why four Extra Peons were entertained throughout the Month-

3. It is observed that the Joint Criminal Judge has omitted to attest with his signature the Statement of Extra Peons-

4 The Reports under review having been received on the 19th Instant, the Court direct that the attention of the Joint Criminal Judge be called to the Circular Order No. 40 dated 15th April last-

Ordered, that Extract of these proceedings

proceedings be sent to the Joint Criminal Judge for his information and guidance by Precept returnable in 3 days after receipt.

Encl. 1 W.

(Sent following Receipt No. 1264)

F. Us.

At a Court of the Foujdaree Udalut.

Saturday 24th. October 1835.

Present,

Charles May Lushington Esqre. 1st. Puisne Judge

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

William Hudleston Esqre. 3rd. Puisne Judge

Read return dated the 15th. Instant by the Magistrate of Tanjore to Precept of the 15th. August last, directing the Police Officer who was concerned in the detention of the Case No. 104 of the Combaconum Criminal Report V for the Month of June last, to be fined.

(Here enter No. 1879)

1. The Magistrate represents that the misconduct of the Police Officer in question is of a nature that, in his opinion, requires the imposition of a heavier fine than he is authorized to levy, and he requests the further orders of the Court.

2. The Court have taken the subject into consideration, and it appears to them that, on this occasion, the Magistrate should, in addition to fining the Police Officer, intimate to him distinctly, that on any future neglect, or misconduct on his part, his dismissal from the public

F. 16.
23rd October 1835

proceedings be sent to the Court transmitted for his information and guidance by first returnable in 3 days after receipt.

End F.16.

(Sent following Receipt)

F. 16.

intimated the to the Court justifying

At a Court of the Tongdance Adalat

Present,

Saturday 24th October 1835. Charles May Lushington Esqr. 1st Puisne Judge

John Bird Esqre 2nd Puisne Judge

William Hudleston Esqre 3rd Puisne Judge

Read return dated the 15th Instant by the Magistrate of Tanjore to Precept of the 15th August last, directing the Police Officer who was concerned in the detention of the Case No. 104 of the Combaconum Criminal Report for the Month of June last, to be fined.

(Here enter No. 1879)

1. The Magistrate represents that the misconduct of the Police Officer in question is of a nature that, in his opinion, requires the imposition of a heavier fine than he is authorized to levy, and he requests the further orders of the Court.

2. The Court have taken the subject into consideration, and it appears to them that, on this occasion, the Magistrate should, in addition to fining the Police Officer, intimate to him distinctly, that on any future neglect, or misconduct on his part, his dismissal from the public

public service will be ordered.-

Ordered, that Extract of these proceedings be sent to the Magistrate of Tanjore for his information and guidance by Precept returnable in 5 days after receipt.-

(Sent following Precept No. 1265

Read the Salem Criminal Report prescribed by Section XXXX Regulation X 1816 for the September 1835.

(Here enter No. 1357.)

Case 112.

1.

The 1st Prisoner in this case was acquitted of the charge of stealing sheep, and convicted on the second charge, which was assault and attempt to commit robbery, and he was sentenced to punishment under Clause fourth Section III Regulation VI of 1822 which cannot be applicable, the sentence must be amended on further information be afforded.

Report V
Case 113.

2

In this case, the three prisoners were charged with having killed the Prosecutors brother, by giving him seven or eight blows with a hammer stick on the nape of his neck. The evidence of the Witnesses alone appears in the Report of the Proceedings which was irregular, no note has been given, an omission which the Criminal Judge will avoid in future similar cases; for in the present

present instance, unless the Prosecutor witnessed the fact or gave collateral evidence, it seems to the Court that there were scarcely grounds sufficient to justify the commitment of the prisoners.-

Case 114.

3.

The statement of the cause of the delay in the Talook of this case, for a period of one month, not being considered satisfactory by the Court of Tanjore Udalut, the Criminal Judge of Salem will transmit to the Magistrate copy of the case as it stands in the Report and of this paragraph, with a view to prevent similar detention in future.-

Case 116.

4.

Against the 1st prisoner in this case the charge was brought of having taken a "Silver girdle and other ornaments valued at "Rupees 34 belonging to "Sawmy," which were secured "in a Pagoda to which the Prosecutor is poojah maker and he has been sentenced under Section VIII Regulation X of 1816 to 3 Months imprisonment without irons.-

5.

From the circumstances represented in the report, the Court of Tanjore Udalut are not of opinion that the prisoner has rendered himself liable to punishment, and they accordingly direct that he be released upon the receipt of these orders, unless the Criminal Judge has any further

information

information connected with the case, which in his opinion will justify the suspension of the execution of this order.-

Ordered, that Extract of these proceedings be sent to the Officiating Criminal Judge of Salem for his information and guidance by Precept returnable in 3 days after receipt.-

(Sent following Precept No. 1216

Read the Bellary Criminal Report prescribed by Section XXXV Regulation X 1816 for September 1835.-

(Here enter No. 1864.-)

1. The Court of Zuzdaree Adaulut do not find, with the reports now submitted, the report No. 7, it should in future be transmitted monthly the form of it is printed out in the Circular Order of the 7th December 1827, and there appear to have been no instructions issued for its discontinuance.

Statement of labor.

2. The Officiating Criminal Judge will, in future, place in Column 10 the amount, in the present instance entered separately, of the estimated value of work of prisoners employed in making public roads, bridges," &c.-

Ordered, that Extract of these proceedings

proceedings be sent to the Officiating Criminal Judge of Bellary for his information and guidance.-

(Section No. 1267

Read the Cumbaconum Criminal Reports presented by Section XXXV Regulation X 1816 for September 1835.-

(Here enter No. 1860)

Report X. Case 201.

1. The prisoner in this case appears to have been detained in the Salek under the impression that the case would be compromised. Although the Court conclude that the prisoner was not an escape, they consider it improper to direct that the Village Officers be prohibited from keeping prisoners in their custody on such grounds. The Acting Criminal Judge will accordingly transmit to the Tengatitate a copy of the case, as it stands in the report, and of this paragraph, for his information and guidance. The Tengatitate will make return direct to this Court, notifying the execution of these orders.

Cases 202 and 206.

2. In these cases, the prisoners having been committed, the Acting Criminal Judge has merely stated as the grounds of the commitment, "the evidence of the prosecutor and of the Witnesses" "the evidence of the two Witnesses." It is obvious that these

these entries can convey no information to the Court as to the propriety of the proceeding and the Acting Criminal Judge will therefore bear in mind that a concise, but distinct note of the grounds should in future be supplied in the reports.

Case 209 3. The above observation applies to the commitment of the second prisoner in this case.

Case 212 4. The evidence against the 1st prisoner in this case is insufficient, in the opinion of the Court of Foujdaree Udalut, to justify the requisition of security, and they accordingly direct that in case she is in Jail, she be released upon receipt of these orders.

Ordered, that Extract of these proceedings be sent to the Acting Criminal Judge of Combaconum for his information and guidance by Precept returnable in 3 days after receipt.

(Sent following Precept No. 1268

Read the Calicut Criminal Reports prescribed by Section XXXV Regulation X 1816 for September 1835.

(Here enter No. 1859)

Report V Case 271 1. This case of escape, falling under the Circular Order No. 29 Dated the 14th February 1835 should be at once disposed of by the Criminal Court of

the sentence however should not be recorded, until the result of the prisoners trial before the Circuit Court is known.

Case 274 2. The Magistrate will explain to the Adeghary who assigns as the reason for the detention of this case before him for 10 days, that he made further enquiry to ascertain whether or "there were others concerned with the prisoners or not", that this ground of delay is inadmissible, and will caution him against a repetition of the error. The Criminal Judge will furnish to the Magistrate a copy of this case as it stands in the Report, and of this paragraph, for his information and guidance.

Ordered, that Extract of these proceedings be sent to the Criminal Judge at Calicut for his information and guidance by Precept, returnable in 3 days after receipt.

(Sent following Precept No. 1269

Read return by the Provincial Court Southern Division dated the 2nd Instant to Precept of the Foujdaree Udalut of the 15th July last, requiring them to call upon the several Magistrates to report respecting the observations made by the late 3rd Judge in the 12th para of his Circuit Report regarding the precautions exercised by the Village Police of surveillance

surveillance over the lower grades of the people.

(Mem. enter No. 1791)

1. In the 12th Para of the proceedings of this Court, of the 15th of July last, upon consideration of the Circuit report of the late 3d Judge, the Zillah Udalut called upon the Provincial Court for the Southern Division to ascertain from the Magistrates in that Division, whether the illegal interference with the personal liberty of the lower grades of the people, and the surveillance exercised over them by the Village Police, was still prevalent in their Districts as stated by the late 3d Judge and if so to what extent "what may be the necessity for it, and upon what authority it is permitted."

2. The Government in the 4th para of the Extract from the Minutes of Consultation dated the 4th of August, approved of these orders, and the Court conclude that it is expected that they should report the result, and give their opinion on the subject.

3. The system of surveillance reported by the late 3d Judge appears to obtain in none of the Districts in the Southern Division to any extent excepting in Tinnevelly and Madura. In the former District it appears to be exercised over the

Marawars alone, and in the latter it does not generally prevail, but merely in some places over the Kullaw and other low tribes.

4. The Government have been always aware of its existence, and although it may never have been specially sanctioned it has been necessarily tolerated.

5. As far as regards the Marawars Mr. Hall in his able report, dated the 14th of January 1830 which was sent to Government with the report of the Zillah Udalut of the 17th June 1830 proposed a remedy which was transmitted by Government to the Board of Revenue, for their consideration and report; but the Court are not aware what was the result. It is clear however that nothing has been done, and that the condition of this race of people is the same as it was at that period.

See Para 52 Min: of Con: 24th Sept: 1830 No. 607.

6. That the system of surveillance is calculated to harass the people and to be a source of bribery and oppression cannot, the Court think, be denied, and there can be no question that every endeavour should be used for the improvement of the habits of the tribes in question, that it may be no longer requisite.

The

7.

The Magistrate of Madura it is observed reports that he is doing all in his power to "remove gradually the necessity for the practice so "properly reprobated on principle," but however expedient the degree of "interference with personal liberty" above described may be, it appears, as observed in para 9. of the Tondaree Adalut proceedings of 15th July 1835, to be unwarranted by Law: and consequently this Court, whose express province it is to enforce the provisions of the Regulations, cannot advocate or sanction its continuance.

8

If special provisions are required on the subject with reference to the peculiar character and habits of the Maravars, as is intimated in para 5 of the letter from the Magistrate of Tinnevelly, dated 5th February 1835 the enactment of them rests with the Legislature: but the Courts are bound by the Laws, and must prevent all infraction of it.

9.

It has been repeatedly pointed out by the Tondaree Adalut and the doctrine has been admitted by the Government, that it is by a strict adherence to the Regulations only, that their working can be ascertained, and that all laxity in this respect has a mischievous tendency to prevent improvements of the Laws, which would at once be brought about, when the prescribed adherence

adherence to them might be found to produce results injurious to the public interests.

Ordered, that Extract of these proceedings be sent to the Provincial Court of Circuit in the Southern Division for their information and for communication to the several Magistrates by Precept returnable in 10 days after receipt.

(Sent following Precept dated 8th No. 1270

Ordered also, that Extract of these proceedings with copy of the Reports accompanying the above return, together with the copy of an Extract of a letter from the Magistrate of Madura dated 3rd February 1835 and of the letter from the Magistrate of Tinnevelly dated 5th February 1835 both addressed to the Provincial Court of Circuit in the Southern Division be sent to the Secretary to Government to be laid before the Right Honorable the Governor in Council.

(Sent in No. 1271

Read letter, dated the 15th Ultimo, from the Acting 2nd Judge on Circuit in the Northern Division, reporting that he has been compelled to return for amendment to the Acting Joint Criminal Judge of Masulipatam, the list of Batta &c. to Witnesses &c. during the 1st Quarterly Sessions

24th October 1835.

Sessions of 1835.

(Here enter No. 1695)

Read letter dated the 12th Instant, from the Provincial Court of Circuit in the Northern Division, transmitting the Statement of Prisoners work furnished by the Magistrate of Guntoor for the Month of September 1835.

(Here enter No. 1888)

Read letter dated the 12th Instant, from the Acting 2nd Judge on Circuit in the Northern Division, reporting the opening of the Second Sessions of 1835, and the state of the Calendar at Chicacole.

(Here enter No. 1889)

Read letter dated the 12th Instant, from the 2nd Judge on Circuit in the Northern Division, forwarding a Statement of Batta to Prosecutors and Witnesses for the Second Sessions of 1835 at Guntoor.

(Here enter No. 1890)

Read letter dated the 17th Instant, from the Magistrate of Tanjore, submitting explanation required by the Foujdaree Adalut in their proceedings of the 29th September last relative to certain cases on the Criminal Reports for August.

(Here enter No. 1891)

Read

J. Uc.

24th October 1835.

Read Return dated the 14th Instant, from the late Acting 3rd Judge of the Provincial Court of Circuit in the Northern Division, to Precept of Foujdaree Adalut dated the 31st August 1835, requiring, with reference to case No. 16 Masulipatam Calendar for the 4th Quarter Sessions of 1834, to be informed of the general character and conduct of the Jail Jemadar "Syed Boorhanooddeen" prosecutor in that number.

(Here enter No. 1896)

Read letter dated the 13th Instant, from the Acting 2nd Judge on Circuit in the Northern Division forwarding a Statement of Batta paid to Prosecutors and Witnesses who attended before the Court of Circuit, for the Second Sessions of 1835, at Rajahmundry.

(Here enter No. 1897)

Read letter dated the 7th Instant, from the Magistrate of Trichinopoly, submitting explanation required by the Foujdaree Adalut in their proceedings of the 29th Ultimo, relative to a case on the Criminal Reports for August.

(Here enter No. 1899)

Read

24th October 1835.

Read Statement dated the 13th Instant from the Joint Criminal Judge of Tellicherry, showing the total number of Prisoners in the Jail at Cannanore specifying the manner in which the Convicts were employed during the Month of September 1835.-

Entd.

(Here enter No. 1903.)-

In a Court of the Foujdaree Adaulut.

Present,

Monday,
26th. October, 1835. Charles Mary Lushington Esqre. 1st. Puisne Judge,

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

and William Hudleston Esqre. 3d. Puisne Judge,

Read again Petition presented by Philip Dandarez, late Jail Dussadar, on the establishment of the Zillah Court of Chittoor, complaining of his having been ill treated and dismissed from his situation by the late acting Criminal Judge at that Station.

(Here enter Mr. P. No. 72 of 1835)

Read also Return dated the 14th. instant made by the Provincial Court of Circuit in the Centre Division to the precept of this Court of the 14th. Ultimo, requiring them to summon such witnesses as the Petitioner may be able or willing to adduce, to institute a full enquiry into the complaint, and to report the result (forwarding at the same time copies of all examinations &c.) for the information of the Foujdaree Adaulut.

(Here enter No. 1876.)

From

1. From the above return it appears that 14. of the 17. witnesses named by the Petitioner in support of his charge, appeared and were examined, that these witnesses clearly proved the assertion made in the petition presented to the Foujdaree Udalut, "that the usual period of rest (2 hours) allowed "to the convicts during the day had been "limited by order of the acting Criminal Judge "to one hour, to be entirely false, - and that as no evidance whatever was brought by the Petitioner in support of the grave charge of "assault and beating" the Provincial Court deemed it unnecessary to prosecute the enquiry further.-

2. The Court having perused the evidence submitted with the above return concur in opinion with the Provincial Court that the Petitioner has failed to establish his charge in respect to an assault or to shew that the usual rest of 2 hours allowed to the Convicts during the day was curtailed by order of the late acting Judge, the Petitioner is not therefore in the opinion of the Court entitled to further consideration, and they decline therefore to issue any orders for his restoration to the

the Service.-

3. The prayer of the Petition No. 72 of 1835 is consequently rejected, and the same Ordered to be Communicated to the Petitioner.-

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

Read again Petition presented on the 14th September last by Iyoo Iyengar of Tinnevelly.-

(Here enter No. P. No. 79 of 1835.)

Read also Return dated the 15th. to Precept of the 5th Instant calling upon the 1st Judge of the Provincial Court of Circuit Southern Division to state, if the said Iyoo Iyengar addressed to him any Petition during his last Circuit.-

(Here enter No. 1868.)

In the Petition presented to this Court

1. on the 11th Ultimo, the petitioner represented that he had met with no redress from the Judge who presided at the 1st Sessions of the present year, tho' he had complained to that Officer by petition, against the proceedings of a Police Officer who from corrupt motives had dismissed a charge preferred by

by Petitioner against certain parties who had robbed him.—

2. A precept was consequently issued to the 1st Judge of the Provincial Court of Circuit Southern Division, whose return shewing, that he had not received any Petition on the subject, the Court direct that the prayer of the Petition, for their intervention in his favor be rejected.—

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

Read Petition presented on the 12th Instant by Meenatchy and Venkatasamy Chetty of the zillah of Cuddalore.—

(Here enter M: P. No. 83 of 1835.)

1 The Petitioners, representing themselves to be, the former the sister of the second, and wife of the third, prisoner, and the latter father-in-law of the 4th prisoner, in Case No. 17 of the Cuddalore Calendar of the 2d Sessions of 1834, state the circumstances under which the said prisoners were apprehended, tried, and sentenced to 14 years imprisonment.—

2 They pray the Court to call for the

the record of the case and to order the release of the prisoners.—

3. The Cuddalore Calendar was duly submitted to the Court of Foujdaree Udalut and reviewed.—There being no appeal from the sentence of the Court of Circuit the Petition is rejected.—

Ordered, that Extract of these proceedings be furnished to the Petitioners upon their application.—

Read Petition presented by Soobboo Pillay of Cuddalore.—

(Here enter M: P. No. 84 of 1835.)

1 The Petitioner requests that he may be furnished with Copies of the depositions given on oath by the Prosecutors in Case No. 17 of the Cuddalore Calendar for the 2d Sessions of 1833 to enable him to institute proceedings against those persons for Perjury.—

2. Prosecutors and their Witnesses in the Criminal Courts are by Section VIII Regulation II of 1822 declared not liable to prosecution for Perjury, unless committed for Trial by the Criminal Judge; the Court therefore do not deem it proper to accede

accede to the prayer of the Petition.

Ordered that the above be communicated to the Petitioners and that extract from these proceedings be granted to him on his application.

Read Petition presented on the 15th Instant by Coollamottoo and 3 others of the zillah of Chingleput.

(Here enter No. P. No. 95.)

The Petitioners, representing themselves to be the heirs of the prisoners in Cases Nos. 11 & 12 of the Chingleput Calendar for the 1st Sessions of 1834, state the circumstances under which the said prisoners were apprehended, tried, and sentenced to 14 years imprisonment.

2. They pray the Court to order enquiry into the charges upon which, they allege, the prisoners in question were unjustly committed, and to pass orders thereon.

3. The Chingleput Calendar was duly submitted to the Court of Foujdaree Udalut and reviewed. There being no appeal from the sentence of the Court of Circuit, the Petition is rejected.

Ordered that Extract of these proceedings be furnished to the Petitioners upon their application.

Read the Coimbatore Criminal Reports prescribed by Section XXXV Regulation X 1816 for September 1835.

(Here enter No. 1844.)

Report V Case 148.

The Court cannot reconcile the transmission of this case by the Acting Joint Magistrate to the Criminal Court, with the remark there recorded, that there "is not a single tittle of evidence against the Prisoners," and they direct that the Acting Joint Magistrate be called upon for an explanation of the grounds upon which he sent it up. The Acting Joint Criminal Judge will therefore send copy of the case as it stands in the report of this paragraph to the Magistrate, who will make return direct to this Court.

2 With reference to the Circular Order No. 33 the Acting Joint Criminal Judge will explain why 30 Extra Peons have been entertained by him as a guard for 92 prisoners, worked outside the Jail.

3 The Magistrate of Coimbatore will be pleased to transmit for the information of the Court of Foujdaree Udalut copy of the order under which his Jail Establishment has been arranged on the scale

scale exhibited in the statement accompanying the above Criminal Reports of the Court at Coimbatore for September. The number of Pers, being 38 for the charge of 92 Prisoners, far exceeds the establishment authorized for any other Jail. The acting Joint Criminal Judge will forward to him copy of this paragraph and he will make return direct to this Court in 3 days after receipt of this order—

Ordered that Extract of these proceedings be sent to the acting Joint Criminal Judge at Coimbatore for his information and guidance by Precept returnable in 3 days after receipt.—

(Sent following Receipt No. 1276)

Read the Nellore Criminal Reports prescribed by Section XXXV. Regulation X 1816 for September 1835.

(Veranter No. 1271)

Suppl. Report Case 96.

1 The Court regret to observe that this case in which the prisoners were apprehended on the 15th June last still remains undecided.

Cases 120 121.

These cases of which the numbers and the charges are noted in the margin, as represented in the Reports, appear to the Court to be of frivolous and not of a serious nature; the sentence therefore of one years' imprisonment with

120. With having fraudulently obtained from the Prosecutor during the day time a Sand Watch Rs. 6 Value and running away with the same.

121. With having obtained fraudulently in possession of the Prosecutor's Sand Watch Rs. 6 value the day time and running away with the same.

with hard labor and to receive 150 Stripes with the "Cat-o-nine tails" under Clause 4 Section III. Regulation VI 1822" should be cancelled & a fresh sentence, commencing from the same date as that which is cancelled under these orders, passed under Section VII Regulation X 1816—

3. If there are other circumstances, not in the Report, which the Criminal Judge would wish to lay before the Court, he will be pleased to submit them for consideration, suspending pro tempore the execution of the present injunction. The amended sentence, if at once passed by him, should be reported for the information of this Court—

4 The Criminal Judge will observe in future that a concise explanation of the grounds of the order is required in each case, to enable the Court of Foujdaree Udalut to judge of the propriety of it. Reference merely to "evidence of witnesses" is insufficient.—

5. The Reports did not reach this office until the 19th instant and accordingly the attention of the Criminal Judge is directed to the Circular Order No. 40.—

Ordered that Extract of these proceedings

be

be sent to the Criminal Judge of Nellore for his information and guidance by Precept returnable in 3 days after receipt.

(Sent following Precept No. 1277)

Read the Chicacole Criminal Report prescribed by Section XXXV Regulation X 1816 for September 1835.

(Here enter No. 1872)

Report V Case 68

1. The Court are concerned to observe that a delay of 18 days in forwarding this case to the Criminal Court was the consequence of the reference by the Police Officers to the Joint Magistrate for instructions regarding it. In cases of reference, the opinion of the Officer referred to, as to its necessity, should accompany it to the Criminal Court to be repeated in the Report for the information of the Court of Foujdaree Adalut. The Acting Criminal Judge will furnish to the Magistrate copy of this case and of this paragraph for his information and future guidance.

2. No Report No. 8 having been transmitted by the Acting Criminal Judge the Court conclude that no cases for entry in it were before the Criminal Court. In order however that they may be satisfied that the omission in such cases is intentional,

the Circular Order of the 4th September 1820 requires a letter to be addressed upon the occasion to the Register to the Court of Foujdaree Adalut, should be observed.

3. The Acting Criminal Judge's attention is requested to the Circular Order No. 40. the Reports under review were not received till the 19th of the Month and there appears to be no reason why they should not have been despatched earlier than they were from the Criminal Court.

Ordered that Extract of these proceedings be sent to the Acting Criminal Judge of Chicacole for his information and guidance by Precept returnable in 3 days after receipt.

(Sent following Receipt No. 1278)

Read letter dated the 16th instant from the Acting Magistrate of Cuddapah submitting explanation required by the Foujdaree Adalut in their proceedings of the 26th Ultimo respecting three cases in the Criminal Reports for August.

(Here enter No. 1883)

Read Return dated the 15th instant from the Provincial Court of Circuit in the Western Division to Precept of Foujdaree Adalut dated the 8th October

for his information and guidance by Precept re-
-turnable in 3 days after receipt.

Sent following Precept No. 1779.

Read letter dated the 25th Ultimo
from the Provincial Court of Circuit in the
Southern Division transmitting copy of a letter
to their address from the Criminal Judge of
Salem, wherein that Officer refuses compliance
with the order of the Collective Court of Circuit,
in respect to a Criminal Case the proceedings
on which were submitted to them by order of the
1st Judge late on Circuit in the Southern Divisn

(Here enter No. 1762)

1.
The foregoing Correspondence has
arisen out of an order issued by the 1st Judge late
on Circuit in the Southern Division requiring the
reference to the Collective Court of the proceedings held
on a Criminal charge considered by the 1st Judge not
to have been sufficiently investigated by Mr.
Bannerman.-

2.
The Court of Foujdaree Adalut do
not deem it necessary to go into a consideration of
the circumstances of the case referred to, further
than to observe that as an application to the Court

of Circuit is open to all persons considering themselves
aggrieved by the acts of the inferior Criminal
Tribunals, the issue of the precept to the Criminal
Judge by Mr. Garrow, on the representation of the
Petitioner "Veerunnial", was but the exercise of legitimate
authority; and the Court are of opinion that the
reason assigned by Mr. Bannerman for dis-
-obeying the orders of the Collective Court of Circuit
is altogether insufficient, inasmuch as it is mani-
-fest that a mere review of a Report can in no
wise supersede the right of petition and subsequent
investigation sanctioned by the Regulations, and
the silence of the Foujdaree Adalut in respect to the
proceedings held in this case, when reviewing the
Monthly Criminal Reports in which the charge
was entered, cannot be understood as having "sanc-
-tioned" the Criminal Judge's "grounding" his deci-
-sion on certain cadjans obtained from the Pro-
-secutor's party.-

3.
The Cadjans in question are
spoken of in the Criminal Report as extrinsic to
the evidence, and from their not having been before
the Court, no opinion could be formed as to whether
or not they were even relevant to the charge.-

4.
The Court accordingly resolve to
direct

direct that instructions be issued to the Criminal Judge of Salem enjoining immediate compliance with the orders of the Provincial Court of Circuit dated the 9th. September last.—

5

The expression in the Criminal Judge's letter to the Provincial Court of this purport "that their "orders and general instructions" given for his guidance in this case seem to him "in direct repugnance to the whole spirit of the Regulation and the tone in which he requests to be "relieved "from the necessity of being guided by instructions "so plainly inculcating a systematic deviation of his "duty" the terms and spirit of his return of the 13th. July to the 1st. Judge's precept of the 9th. of the same month and his ultimate refusal to obey the orders of the Court of Circuit, afford instances of disrespect and insubordination which constitute in the present case of aggravated character misconduct such as the Court is limited to report to the Governor in Council under the provisions of Section XXXIX. Regulation X. and Section XXIX. Regulation VIII of 1802.

see also correspondence submitted to Govt. under date 14th. Novr. 1833.—

Ordered accordingly that a copy of

J. W.

27th. October 1835.

the foregoing letter from the Provincial Court of Circuit in the Southern Division and of its enclosures together with Extract from these proceedings be transmitted to the Chief Secretary to Government for the purpose of being laid before the Right Honorable the Governor in Council.—

Sent in No. 1280

Read return dated the 13th. Instant made by the Acting Criminal Judge of Combaconum to the Precept of this Court of the 9th. Instant calling upon the Acting Criminal Judge to report, with reference to the 7th. para. of the Report made by the 1st. Judge late on Circuit in the Southern Division, whether he would recommend the transfer to another Jail, of any portion of the Convicts now in confinement at that station.—

(Here enter No. 1277)

1.

In consideration of the crowded state of the Jail at Combaconum, and because there is not sufficient hard labour at that station for so many Convicts, the Acting Criminal Judge recommends that a portion of the prisoners be transfered to another Zillah.—

Ordered

2

Ordered therefore that the Acting Criminal Judge of Combaconum be directed thro' the Provincial Court of Circuit in the Southern Division to transfer one hundred of the Convicts now in confinement at Combaconum to the Jail of the Auxiliary Court at Cuddalore, together with the usual compliment of Guards.

3

The Provincial Court of Circuit will instruct the Acting Criminal Judge of Combaconum to make the necessary communication on the subject to the Acting Joint Criminal Judge at Cuddalore.-

Ordered that Extract from these proceedings be forwarded to the Provincial Court of Circuit in the Southern Division for their information and guidance by Precept returnable in 15 days from and after its receipt.-

(Sent following Precept No. 1281

Read the Chittoor Criminal Report prescribed by Section XXXX Regulation X. 1816 for September 1835.

(There enter No. 1870)

Suppl. Report Case 146 and Report V Case 165.

1.

The Criminal Judge of Chittoor having in the cases noted in the margin, entered into an unnecessary

unnecessary detail of evidence the Court direct that he be reminded that a concise, but distinct, note of the evidence is all that is required in the Criminal Reports.-

Suppl. Report Case 158.

2.

The prisoner in this case are re= presented in the report as detained before the Criminal Court in consequence of no answer having been re= ceived from the Magistrate to an application dated the 22nd of August. The Criminal Judge will re= transmit to the Magistrate copy of the case and of this paragraph, as the Court of Sudder Adalut await an explanation of the reason why no reply has yet been forwarded to the Criminal Court's ap= plication above alluded to. The Magistrate will submit this information by a return direct to this Court within 7 days after receipt of this order.-

Report V Cases 162 163 176

3.

The Criminal Judge will proceed in the same manner with respect to these three cases, regarding which further explanation from the Magistrate appears to the Court of Sudder Adalut to be requisite. In case 162 they request to be informed where the prisoner Chinneya Moodelly was, whether in confinement, or at large, from the

the date of his apprehension viz. 29th March to the 31st of August the date on which he left the Zalook=
The circumstances stated in the report do not satisfactorily account for the detention of the pri=
soners in case 163 in the Zalook and the Court ac=
=cordingly require further explanation on this head. In case 176. the detention of the prisoner from the 23rd of August till the 6th September remains yet unexplained.

It is observed that considerable delay has occurred in several of the cases in the report under review, and the Court trust that the Magistrate will use his endeavours to prevent it in future.

The Criminal Judge will furnish copy of this para=graph also to the Magistrate for his information.

Ordered that Extract of these pro=ceedings be sent to the Criminal Judge of Chittoo=gong for his information and guidance by Precept return=able in 5 days after receipt.

(Sent following Precept No. 1282)

F. U.

At a Court of the Foujdaree Udalut

Present,

Wednesday 28th October 1835. Charles May Lushington Esqre 1st Puisne Judge
John Bird Esqre ——— 2nd Puisne Judge
William Hudleston Esqre — 3rd Puisne Judge

Read letter, dated the 30th Ultimo, from the Acting 2nd Judge on circuit in the Northern Division, transmitting the record in Case No. 5 of the Guntoor Calendar 2nd Sessions of 1835.

(Here enter No. 1810)

Mr. Lushington and Mr. Hudleston

The Court of Foujdaree Udalut, having maturely considered the proceedings held before the Judge on circuit, the Futwa of the Pro=vincial 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 prisoners

1st "Mylah Rungadoo"

and

2nd "Meenegah Lingadoo"

of the crime charged on Strong Presumptive Proof and awarding Kohoobut: and under the provisions of Clause third Section IV, Regulation XV of 1803, sentence the prisoner

1st "Mylah Rungadoo"

who

who on a former occasion was convicted of Gang Rob
and sentenced to fourteen years imprisonment - to
be transported to such place beyond sea, as the Govern
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

2nd " Meenegah Lingadoo

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

(Sent following letter No 1238

Read Return, dated the 16th Instant,
from the Provincial Court of Circuit in the Western
Division, to Precept of the Foujdaree Udalut dated the
8th October 1835, forwarding to be communicated to the
Magistrates of Malabar and Canara, extract from
the Proceedings of the Foujdaree Udalut dated the
8th October 1835, and from a General Letter from the
Honorable Court of Directors dated the 17th September 1834

(Here enter No 1918.)

Read letter dated the 19th Instant
from the 1st Judge on Circuit in the Western Division
reporting the opening of the 2nd Sessions of 1835 at
Mangalore, and the State of the Calendar.

(Here enter No 1923)

Read

Read Return, dated the 22nd Instant,
from the 3rd Judge on Circuit in the Central Division,
to Precept of the Foujdaree Udalut dated the 17th October
1835, conveying their further observations and orders
on the Cuddapah Primary Calendar for the second
Sessions of 1835.

(Here enter No 1926.)

Read Return, dated the 19th Instant,
from the Additional Judge late on Circuit in the
Northern Division, to Precept of the Foujdaree Udalut
dated the 13th October 1835, transmitting Copy of an
Order of Government dated 22nd September 1835,
declining to grant any allowance to the Mooftees
at Rajahmundry and Chicacole for their attendance
at the Court of Circuit, for communication to those
Native Officers.

(Here enter No 1927.)

Read letter dated the 12th Instant, from
the Magistrate of Chicacole, submitting the explanation
required by the Foujdaree Udalut in their proceedings
of the 28th Ultimo, relative to certain cases on the
Criminal Reports for August.

(Here enter No 1928)

Read Statements dated the 1st Instant,
from the Magistrate of Tanjore of the labour of the
Prisoners at Negapatam and Myaveram Jails for

the

28th October 1835.

the month of September 1835.

Exts. Cml

JB

(Here enter No 1929/-

W.D.

F. U.

At a Court of the Foujdaree Udalut.

Present.

Thursday
29th October 1835.

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

Cml

JB

Read Letter dated the 6th Instant,

from the Third Judge on circuit in the Centre Division, submitting the English and Persian Record of Case No 18. on the Calendar of the Zillah of Cuddapah for the Second Sessions of 1835, called for in the 10th paragraph of the Proceedings of the Foujdaree Udalut under date the 13th Ultimo.

(Here enter F. U. No 1825 of 1835.)

1 Having referred to the original Futwa delivered on this case by the Mahommedan Law Officer of the Court of Circuit, the Court of Foujdaree Udalut observe, that there the testimony of the two prosecutrixes is pronounced "inadmissible" and not as stated in the Calendar "unentitled to credit."

2 This objection it was competent to the Court of Circuit to overrule.

3 But in the Column of Remarks in the Calendar it is stated that the prisoner was "distinctly recognized by the Prosecutrixes and their "witnesses who were acquainted with him prior to "the Robbery."

The

4. The Court of Foujdaree Udalut observe, that there are only two witnesses for the prosecution, of whom, as appears from the 17th and 25th pages of the English Record, the first, both before the Criminal Judge and the Court of Circuit, deposed that he did not recognize the prisoner: and it is because this witness did thus depose that the Law Officer in his Futwa declared that his testimony did not establish any crime against the prisoner.

5 In the preceding paragraph, special reference is made to the English Record, because, in the Persian Translation of the Proceedings before the Court of Circuit, the meaning of the first witness is, owing to the indistinct pointing of a single word, involved in doubt. That word (given in the margin) may be translated indifferently "I did recognize" or "I did not recognize": and the Law Officers of the Foujdaree Udalut have in their Futwa on the case, adopted the affirmative construction, which, as shown above, is at variance with the English Translation.

6. Under these circumstances the Court of Foujdaree Udalut resolve to return the English and Persian Translation of the Proceedings to the Third Judge with instructions first to explain the grounds on which he put the obviously improper second question, regarding the testimony of the first witness, and included

29th October 1835.

included him among those who recognized the prisoner at the Robbery: and secondly, by a comparison of the transcripts with the original Records, to clear up the ambiguity which at present rests on the evidence of the said first witness in the point noticed above.

Ordered, that Extract from these proceedings with English and Persian Record be sent to the Third Judge on circuit in the Centre Division by Precept returnable within twelve days from and after its receipt.

(Sent following Precept No. 1237

Read letter dated the 13th Instant from the 1st Judge of the Provincial Court of Circuit in the Centre Division, submitting copies of two Precepts issued to the Magistrate of the Northern Division of Arcot together with copies of the Returns made thereto, relative to a petition presented at the 3rd Quarterly Sessions by Ramasawmy Chitty of Poloor complaining against an Order passed by the Sub Collector, whereby, in confirmation of certain proceedings held by the Head of Police, Petitioner was dispossessed of a Shop which he alleges he possessed for the last ten years, and as the Magistrate has objected to the interference of the Court of Circuit on the ground that such act was done by the Acting Sub Collector in his Revenue Capacity, requesting the Opinion of the Court

of

of Tonjdaree Udalut on the papers submitted.

(Here enter No 1800)

The paper dated March 1835 exhibiting a "prosecutrix" "opponents" (the latter evidently prisoned because their release is mentioned) "Substance of the charge" and "Sentence", signed "Apparow Head of Police and Tahsildar," manifestly refers to a proceeding of the said Head of Police in his Capacity of Police Officer, and in following up those proceedings, by what the Sub Collector in his letter to the Magistrate, dated the 14th September 1835, terms his "decisions in the Case", that Officer must be taken to have acted in his Capacity of Joint Magistrate and cannot be permitted to decline the Jurisdiction of the Court of Circuit upon the ground that he so acted in his "Revenue Capacity."

2.

The "Sentence" as it is termed, of March 1835 signed by the Head of Police and Tahsildar is illegal, and of no validity; and if "Davaroy Chitty and his son Ramasawmy Chitty" were (as would appear from "the Sentence") placed in confinement, the case falls clearly within the cognizance of the Court of Circuit, inasmuch as the "Collector" has no concern with the proceedings of the "Head of Police."

3.

The 1st Judge will apprize the Magistrate that the Court will not permit a Police proceeding to be withdrawn from the cognizance of the

the Judicial Authorities merely because the Acting Sub Collector may mix up with it a Revenue proceeding, as appears to have been the case in the present instance; and the Court of Circuit will at the same time intimate to the Petitioner, that he has his action, against the party in possession, for the Shop, and against the Public Officers for damages on account of their official acts not warranted by the Regulations.

Ordered, that Extract from these Proceedings be forwarded to the 1st Judge of the Provincial Court of Circuit in the Centre Division for his information and guidance.

(Sent in No 1288

Read letter, dated the 9th Instant from the Additional Judge of the Provincial Court of Circuit in the Northern Division, Submitting Copies of the 1st and Supplemental Masulipatam Calendars for the 3rd Quarterly Sessions of 1835.

(Here enter No 1874)

From the remarks on Case No 3 of the 1st Masulipatam Calendar the Court conclude that the Additional Judge considered the 1st prisoner convicted, and that the trial in this case so far as regards the prisoner named "Sheik Pareed" is to be referred to the Tonjdaree Udalut in Consequence

No 3

of

of the Judge on Circuit not being competent to sentence to punishment on a Futwa of Johmut—

2. The prisoners concerned in Case No 3 of the Supplemental Calendar the Court perceive have been required to give Security for their good behaviour and appearance for 18 Months, but with reference to the Abstract of the evidence before the Criminal Court as given in the Calendar the Additional Judge should explain why he did not consider the evidence of the Prosecutor and the 1st, 2d and 7th witnesses sufficient for their Conviction.

3. In Case No 5 of the same Calendar it should have been explained why the attendance of the 1st witness could not have been procured in time sufficient to have enabled the Additional Judge to complete the trial of the Case ere the close of the 3d Quarterly Sessions.

4. The Calendars laid before the Additional Judge at the 3d Quarterly Sessions the Court of Foujdaree Udalut perceive contain only those Cases which were committed for Trial during the previous quarter, whilst in the first Month of the 3d Quarter there were no less than 18 Cases with thirty four prisoners reported under Commitment for trial, all of which ought to have been disposed of in August. this mode of

of preparing the Calendars to be submitted at the Quarterly Sessions is altogether opposed to the practice enjoined in the Circular Order of the 22d March 1830, and entirely defeats the object for which the Sessions were ordered to be held permanently throughout the Quarter.

5. Repeated deviations from the course prescribed in the Circular Order of the above date, induced the Court of Foujdaree Udalut in the 8th para. of their proceedings of the 24th February 1835, to point out to the Acting 3d Judge who presided at the 4th Quarterly Sessions of 1834, that any future "failure in the due observance" of those Orders would "render it imperative on the Court to record the severest "censure of such neglect:" and they desire therefore to be informed why those orders have not been attended to.

Ordered, that Extract from these proceedings be forwarded to the Additional Judge of the Court of Circuit in the Northern Division for his information and guidance by precept returnable in 20 days from and after its receipt.

(Sent following Precept No 1289

Read the Vizagapatam Criminal Reports prescribed by Section XXXV Regulation X. 1816 for September.

(Here enter No 1909)

The

29th October 1835.

Report V
Case 50.

1.

The six prisoners in this case were transmitted to the Native criminal court on the following charge "that the 1st, 2nd, 4th and 6th beat and abused two of the Complainants; that the 1st prisoner robbed a neck ornament from off the neck of the 1st Prosecutor's daughter of the value of 12 Rupees and that the 3rd and 5th prisoners abused and beat the 1st and 2nd Prosecutors." The 3rd and 5th were released for want of evidence, but the other four were each sentenced by the Native criminal Judge under Section VII. Regulation X. 1816 to "pay a fine of 5 Rupees, or otherwise be in Confinement two months."

2.

From the representation of the circumstances thus stated in the Report, "the witnesses deposed that by a bit of the 1st prisoner's hand only" "the neck ornament fell off, but it had not been proved that the first prisoner robbed it: however the witnesses on the part of the Complainants and two witnesses on behalf of the prisoners, stated that these prisoners and Complainants quarrelled and scuffled, and that they slightly beat and abused each other;" it appears to the Court of Foujdaree Adalut that both parties were equally in the wrong.

3.

If the accused were the aggressors the fine is not unjust, but the term of imprisonment should

J. A.
29th October 1835.

should not, in the judgment of the Court, have exceeded one week. They accordingly resolve to direct the release of the 1st, 2nd, 4th and 6th prisoners. The Native criminal Judge will explain for the satisfaction of the Court whether their Conclusion, that the accused were the aggressors, is correct.

4.

He will likewise explain whether there is any omission in the Charge in this Case.* The Court Conclude that it was meant to charge also an intent to steal as it now stands it amounts to nothing.

*"For entering the Prosecutor's house in the day when no one was there." Case 52.

Cases 52, 55, 56

5.

The Native criminal Judge will furnish to the Magistrate Copy of these Cases, together with Copy of this and the following paragraph, and the Magistrate will make return to this Court direct.

6.

In Case 52 the necessity of the reference, which partly caused the 28 days delay of it in the Jalook, should have been explained. In Cases 55 and 56 no explanation having been given of the detention of the prisoners in the Jalook for 21 days, the Court request it may now be supplied.

7.

The Native criminal Judge will forward his Reports earlier in future, in order that they may be under the Consideration of the Court

of

of Foujdaree Udalut, as required by the Circular Order No 40, by the 15th of the Month.

Ordered, that Extract of these proceedings be sent to the Native Criminal Judge at Vizagapatam for his information and guidance by Precept returnable in 6 days after receipt

(Sent following Precept No 1290)

Sandoll.

At a Court of the Sudr and Foujdaree Udalut.

Present,

Friday 30th October, 1835. Charles Mag Lushington Esqre — 1st Puisne Judge,

John Bird Esqre — 2d Puisne Judge,

William Biddulph Esqre — 3d Puisne Judge,

Read extract from the minutes of Consultation in the Public Department, dated 25th September 1835.—

(Vide enter No. 1027 of 1835)

With this extract is transmitted a letter of the 11th Ultimo from the Additional Sessions Judge of Cuttack, Ruthandi, and Mun Gholam Hoosyn, with its original enclosures, and it is observed, that the Judges of the Sudr Court "will be last able to determine whether the cases have been satisfactorily and finally disposed of, or whether ulterior steps should be taken to bring to trial the persons, to whom Mun Gholam Kofsani acted as Vakeel."

And in para: 2 of the minutes of Consultation the sentiments of the Judges are solicited

2.

solicited "on the proposition of the additional Govern-
"ment Commissioner to appoint two accredited agents,
"to act on behalf of such persons, as are obliged to
"have recourse to Vakils in presenting their claims
"in his office;" and the Judges are further requested
"to state whether a consideration of the above papers
"has suggested to their minds the expediency of
"investing the additional Government Commissioner
"with the power of inflicting summary punish-
"ment on persons, who in their examinations
"before him may be guilty of perjury."—

3. The 7th case on which the sentiments of the Conjeeveram Vedantut are required is that of Dakera, who was charged with perjury, under the provisions of Section II Regulation III of 1826, in that he wilfully and deliberately delivered two contradictory depositions on oath, one on the 15th July 1830 before Mr. Brown, the other on the 26th May 1834 before Mr. Daniel, stating in the former deposition, that

his eldest brothers name was "Yenkoo," his fathers name "Darah," and his Grand fathers name "Goorooo;" and in the latter, that his younger brothers name was "Dary," his fathers name "Yerapoo," and his Grand fathers name "Goorumoorty."—

4. The charge was dismissed by the Criminal Judge on the ground, that the witnesses, sent to establish the fact, that the accused had given the two depositions in question, failed to do so.—

5. Upon the dismissal of the charge on this ground no remark need be made: but the additional Commissioner in his letter to the Criminal Judge, dated the 8th April 1835, and in his letter to the Secretary to Government in the Public Department, dated the 11th Ultimo refers to the "Cheeras" "taken from the copies of the Crabobs," which are stated to be "descriptive rolls of the persons and parentage "of servants in the employ of their late Highnesses "the Crabobs of the Carnatic," as evidence of the lineage

lineage of the individuals, therein stated to be described.—

6. It is not apparent to the Court of Enquiries Gedalut that this point affects in any way the case of Pakuru; but the Additional Commissioner has in his letter compared his case with that of Kuttiandi who stood in Nº 8 of the Chingleput Calendar for sessions of 1835 committed for perjury; and from the issue of the two cases he deduces "the necessity of enacting a "regulation for the punishment of persons who may "prosecute fictitious claims" before the Additional Commissioner in the case of Kuttiandi the question of the admissibility of the "Chehras" above described, as legal evidence of the facts entered in them, comes distinctly and regularly for determination.—

7. Kuttiandi stood charged, in Nº 8 of the Calendar abovementioned with having committed perjury in wilfully and falsely deposing that his father's name was "Pitchay", his grandfather's name "Nagah", and his paternal Uncle's name "Molaih", whereas in truth and in fact "Molaih's" father's name was "Iramikeya".—

The

8. The 2d Judge of Circuit was of opinion that the indictment in this case was not sustainable because the prisoner "might have been mistaken about "his Grand-father's name and deposed as he did "without any corrupt intention": and it is also remarked that "the evidence that Molaia's father's name was "Iramikka is not very satisfactory - The Perawi Chehra "from the Kabob Duftors is not the 2d Judge conceives "evidence at all, nor is the petition of Molaia's widow to "Mr. Grad."—

9. This is the "petition" here mentioned, the Court of Enquiries Gedalut conclude, that the Additional Government Commissioner refers as being, in common with the Chehra, "taken from the duftors of the Kabob," admissible evidence, on the trial, of the lineage of the original petitioner.—

10. The Court of Enquiries Gedalut entirely concur with the 2d Judge in opinion, that neither the contents of the Chehra nor of the petition form admissible legal evidence of the lineage, therein stated, available to establish a charge of perjury, alleged to have been committed in assigning to the person referred to in such Chehra, or petition, a lineage varying therefrom.—

11. As for so admitting a statement in

in a "petition", whether prepared by the party, or by his legal representatives; it seems hardly necessary to enlarge upon the violation of all principle which such a proceeding would involve, the petition may contain a statement, designedly or accidentally, false; but whether true or not, to make its evidence to establish a charge of perjury against a man, for swearing to a different statement of the matters of fact, would be in the opinion of the Conjoint Tribunal wholly indefensible.

12. Nor would the Court support a proposition to enact a law, making the contents of a descriptive roll in the Kandy archives evidence of the lineage therein given available to establish a charge of perjury, assigned upon a deposition to a different purport as to the matters of fact therein set down.—

13. It does not appear that there is any bar to the introduction of falsehood into the Chekra, that any one can swear to the truth of its contents, or that they were even verified on oath, when the Chekra was prepared.—

14. As to the inadmissibility of the Cashin

for the purpose stated, without such an enactment the opinion of the Conjoint Tribunal as already observed, is clear.—

15. Referring to Bakeer's case the additional Commissioner observes, that when the perjury may be assigned on the witness having given two contradictory depositions on oath, on a matter of fact material to the issue of a claim, "the circumstance of the whole of "the ministerial servants hitherto employed in this "office, with the exception of one writer and one Moonahee, "having either retired, or been removed from their "situations, will render the conviction of a party under "the provisions of Section II Regulation III of 1826 "equally difficult and improbable."

16. Clause second of the Section here cited provides that no other evidence shall be requisite for conviction in the cases in question "than clear "and satisfactory proof that the party or witness "having been duly sworn," "wilfully and deliberately "caused the two contradictory depositions to be taken "down in writing, and that before he affixed his "signature or mark thereto their contents were "distinctly read over to him."—

The

17.

The Court of Conjeeveram Zillah observed that according to the practice in England in such cases, it is requisite that the deposition on which the perjury may be assigned should be produced at the trial for perjury, "and it must be proved "either that the party was sworn to it, or that "the name subscribed to it is his hand writing, "and that the name subscribed to the joint "is the name and hand writing of a master, or "other person having authority for that purpose"

18.

The existing practice in the Courts under this Regulation is for the writer of the Deposition, and the person employed in administering the oath according to the native form, to appear to prove the deposition: but it is an undoubted fact that the Court of Circuit rely most upon the signature of the Judge at the foot of the deposition, as proof of its authenticity.

19.

It appears to the Court that the difficulty represented by the Additional Government Commissioner would in time to come be obviated by the introduction of a rule to the effect that proof of the signature of the officer taking the deposition

deposition to a distinct certificate appended thereto, that the deposition was deposed on oath and distinctly read over to the deponent before he signed it, would be sufficient evidence to prove such deposition, when put in on a trial for perjury.—

20.

Should it appear to the Right Honorable the Governor in Council that any such alteration of the existing mode of proceeding would be proper, the Court of Conjeeveram Zillah conceive that it should be introduced by a legislative enactment.—

21.

It may, perhaps, be deemed fit to refer the matter for the consideration of the Sudder Law Commissioners.—

22.

In the terms of the minutes of Consultation the Court of Conjeeveram Zillah are of opinion, that the Cases of Pakeera and Kuttandi have been "satisfactorily and finally disposed "of."—

23.

The Case of Ameer Ghoolam Hoosyn is of a different description, and the question which the Government call for the opinion of the Court involve questions of greater difficulty.—

Etc

24.

This person, as stated in the Additional Government Commissioners letter of the 2d July 1835 to the Criminal Judge, "as the Vakeel of the alleged widow "daughter" of a living original creditor, procured from Mr. Commissioner Daniel the certificate upon the treasury for the payment of the amount principal and interest of the said original claimants "Madar Bey's claim".

25.

This letter from the Additional Commissioner contains a Statement of various circumstances tending to shew, that Imer Gholam Hoosyn is "in the practise of setting up claimants to represent "cases to be adjudicated in this Office" and that the two females "were of course the mere tools" of Imer Gholam Hoosyn.—

26.

In his answer, dated 15th July 1835, the Criminial Judge observes that "there can be no "doubt, that the persons, who appeared as the heirs "of Madar Bey preferred a false claim and that the "two persons who came forward and swore to the "claimants being the heirs of Madar Bey, perjured "themselves".—

27.

The Criminal Judge after stating, that the prisonier acknowledged that "he was the Vakeel

"Vakeel for these claimants, and that he received the "money on their account, and which he paid them", alludes to the other evidence of the lawful claimants themselfs, and of witnesses, who swore that the prisonier had appeared as the Vakeel of the heirs of the said claimant and for others, and that he had been seen at different times at the Additional Commissioners Catcherry. and the Criminal Judge then added, "it "is necessary in this case that evidence should be "adduced to shew that the prisonier Imer Gholam "Hoosyn was a participator in this fraud; for his "appearing merely as a Vakeel for the parties will not "attach any criminality to him, for no Vakeel is "answerable for the truth and justice of his clients "case".—

28.

The Additional Government Commissioner in his answer to the above letter, dated the 15th July 1835 observes, with reference to the evidence which would be produced before the Criminal Court to prove the existence of the "system of setting "up false claimants" and the circumstance of the prisoners connexion with the servants of the

"the Additional Commissioner's Ostober," which gave
"him the means of practising this fraud. That it
should be considered "incumbent upon Omar Ghola
"Hossain to prove that the order upon the treasury
"for the amount of the claim was actually paid
"to his client;" "that he was their tool, and not his
"alleged clients the mere tools of himself," also that
the information on which he acted was obtained from
them; and the examination of the two women
is proceed in vein to the said gruemier's con-
=viction: and after some further remarks the
Additional Gouernment Commissioner concludes
with expressing his hope that the Criminal
Judge will "abstain from declaring that, under
"the cloak of being a Vakeel, persons can with
"impunity practise frauds upon the Gouernment
"and the Public."

29. In his reply of the 17e July 1835 to
this letter the Criminal Judge states, that "there
"can be no doubt, from the evidence of the two
"women examined before the Superintendent of Police,
that

"that information" respecting "claims before" the
Additional Gouernment Commissioner "is surreptitiously
"obtained and acted upon, and that Omar Ghoolam
"Hossain attended at the Courts when the meetings were
"held for the purpose of instructing false claimants to
"and witnesses." That "the claim of the two women
"is clearly false, and therefore it may be presumed
"that this claim was got up in the mode mentioned
"by the two men, but there is no legal proof
"that it was. every man must be tried on a specific
"charge and evidence must be adduced to bring
"this charge home to him; collateral evidence is then
"good for corroboration of the direct evidence, but
"alone it is good for very little."

30. The Criminal Judge, in a subsequent
part of this letter observes, that "with respect to the
"women they certainly cannot appear as evidence against
"Omar Gholam Hossain, for they were evidently parties
"in the fraud, and can be tried, not only on that charge,
"but also for subornation of perjury."

31. The report of the case, furnished by
the Criminal Judge, shows that Omar Ghoolam
Hossain stood charged before the Criminal Court
"with having on the 3e July 1834 appeared before
"the Additional Gouernment Commissioner, and on

"a false pretence procured a certificate for the payment
"of Rupees 350:13:3, due as arrears of wages by the late
"Nabobs of the Carnatic to Meeran Beg, the original creditor
"in A.D. 2929, and thereby defrauding the Crim."

32. The charge was examined on the ground
that there was nothing in the evidence which proved
"that the prisoner was aware of the fraud and falsity
"of the claim set up by the two women, or that he
"was in any way a party to it."

33. With reference to the question in the
Extract from the Minutes of Consultation, recited in
Para 1 of this minute, the Court of Sanjeore Zedatut are
of opinion that the case of Mun Gholam Hoosyn has
been "satisfactorily and finally disposed of."

34. The Court of Sanjeore Zedatut agree with the
Criminal Judge in his opinion given in Para: 30 of
these proceedings, that the two women can be tried
for the fraud, and are also liable to a prosecution
for subornation of perjury.

35. On this latter charge they can, & ought
according to a recent decision of the Sanjeore Zedatut
be brought to trial, although the persons, who
have committed the perjury, have eluded apprehension.

36. The Court of Sanjeore Zedatut are
further

further of opinion that Meer Gholam Hoosyn and those
two women are liable to a prosecution for a conspiracy
to defraud the Government and Meeran Beg, and that
proceedings on this charge should, with reference
to Section V. Regulation IX of 1833, be instituted against
them in the Criminal Court at Chingleput.

37. The evidence already brought forward
would appear to prove 1st that a false claim was set
up to the arrears due to Meeran Beg; 2nd that three
two females attended at the Commissioner's Office
to prefer it, in the manner usual with females
who do not appear in public: 3rd that they produced
two persons to swear, that they were the Heirs of
Meeran Beg: 4 that Meer Gholam Hoosyn, as their
representative, received the amount of the claim
from the Additional Paymaster Commissioner.

38. With this evidence of a fraudulent
conspiracy before him the Court of Sanjeore Zedatut
consider that the Criminal Judge would be bound
to commit the said three persons for trial before
the Court of Circuit.

39. With reference to Para: 2 of the
Minutes of Consultation the Court of Sanjeore Zedatut
are

are of opinion that the punishment of Death under the rules which obtain in the established Criminal Courts and the extention to the Provincial Commissioners Office of the provisions of Section II. Regulation VII 1802 would be likely to prove an advantageous measure

40.

And upon the suggestion with which the Minutes of Consultation conclude, the Court of Foujdaree Adawlut are of opinion that it would be most objectionable to alter the prescribed mode of proceeding in cases of perjury, before the Provincial Government Commissioners — by trial before the Court of Circuit.—

Ordered, that extract of these Proceedings be sent to the Chief Secretary to Government for the purpose of being laid before the Right Honorable the Governor in Council and that the several original papers, which accompanied the above Extract from the Minutes of Consultation be returned.—

(Sent in No. 1291)

J. H.

At a Court of the Foujdaree Udalut.

Present,

Friday 30th October 1835.

Charles May Lushington Esqre 1st Puisne Judge.
John Bird Esqre ------- 2nd Puisne Judge
William Hudleston Esqre 3rd Puisne Judge

Read the Sirsee Criminal Reports prescribed by Section XXXV. Regulation X. 1816 for the Month of September.

(Here enter No 1906)

The Court of Foujdaree Udalut observe that there are only 6 prisoners in the Jail under the Charge of the Native Criminal Judge, and that one Extra Peon has been entertained by him throughout the Month, for the Custody of the five who are liable to "be worked outside." — Considering where there are so very few prisoners, that no Extra Peon is requisite, the Court direct that the Native Criminal Judge be required in future to employ a portion of the fixed guard in this duty.

Ordered, that Extract of these Proceedings be sent to the Provincial Court of Circuit in the Western Division for communication to the Native Criminal Judge at Sirsee, by Precept, returnable in three days after receipt.

(Sent following Precept No 1792)

Read the Masulipatam Criminal Reports

Reports prescribed by Section XXXI. Regulation X. 1816 for September.

(Here enter No. 1907.)

Report V. Case 76. 1. The crime in this case having been committed in the Chingleput Zillah, the Acting Joint Criminal Judge should have specified in the Report, the Authority upon which he took Cognizance of it. He will now submit an explanation on this point.

Case 77. 2. The charge in this case being defective, the Acting Joint Criminal Judge's explanation, whether or not there is any omission or clerical error in it, is requisite. On the charge as it stands in the Report, the prisoner was not punishable.

Case 79. 3. The Court of Foujdaree Adalut having ruled on the 9th February 1835, that Regulation IX. of 1832 does not apply to witnesses supporting a false charge, the prisoner in this Case should be released if in Confinement on receipt of these Orders. The Acting Joint Criminal Judge will furnish the Magistrate, for the information of the Head of Police of Ellore who sent up the Case, with a Copy of it as it stands in the Report and of this paragraph.

4. The Acting Joint Criminal Judge will

will in future place the Supplemental Report before the Report No V, and transmit them within the period prescribed by the Circular Order No 40. In the present month they were not received till the 22nd.

5. The Acting Joint Criminal Judge is expected in future to transmit the reports so as to reach Madras by the 15th of the month, as directed by the Circular Order No 40.

Ordered, that Extract of these Proceedings be sent to the Acting Joint Criminal Judge at Masulipatam for his information and guidance by Precept returnable in three days after receipt. (Sent following Precept No 1293)

J. Ub.

At a Court of the Foujdaree Udalut

Present,

Saturday,
31st October, 1835. Charles May Lushington Esqre 1st Puisne Judge.

John Bird Esqre ——— 2nd Puisne Judge.

William Hudleston Esqre 3rd Puisne Judge.

Read return by Criminal Judge at Chingleput dated the 22nd, to Precept of the 21st Instant conveying the Court's observations and orders on the Chingleput Criminal Reports for September.—

(Here enter No. 1919.)

From the above return it appears—

Report
Case 160. 1. that in the case of theft noted in the margin, the 1st prisoner was sentenced under Clause 4th Section III Regulation VII 1822 on the following grounds "The 1st prisoner" was the widow of the deceased son of the Prosecutor, lived in Prosecutor's house, and was under his protection; She was, contrary to the trust vested in her, a principal in the robbery committed in the Prosecutor's house, the Criminal Judge therefore conceived that under the above circumstances she was liable to punishment "under Clause 4th Section III Regulation VII 1822"—

The

2

The Court of Foujdaree Adalut does
that the Law does not allude to a relation and as the
must be construed strictly, they are of opinion that
the case as regards the said 1st prisoner Moorthy
falls properly under Section VII Regulation X 181
The Criminal Judge, therefore, cancelling the pres
will pass a fresh Sentence of 6 Months imprison
ment without irons, to take effect from the date of
that which has been already recorded by him
in the Report for the 31st September 1835."

Ordered that Extract of these pro
=ceedings be sent to the Criminal Judge at Chin
=glepet for his information and guidance by Precept
returnable in 2 days after receipt.

(Sent following Precept No. 1302

Read return dated the 13th Instant by
the Acting 2nd Judge on Circuit in the Northern Divisio
to Precept of the 30th April last, requiring him to examine
certain of the Calendars which came before him, &
with the view of proposing a remission or mitigation
of the punishment in cases committed during the
famine in which there is reason to believe that
the offenders were prompted to crime by the pressure
of

of want.

(Here enter No. 1910)

The Acting 2nd Judge, with a few

1.

exceptions marked in a Statement (E) which have
been caused by the lower authorities failing to sup=
=ply to him the means of reviewing them, lays
before the Court for their orders the cases in the
Calendars for the 3d Quarterly Sessions at Masulipa=
=tam of 1833, and for the 1st Sessions of 1834 at Guntoor
and Rajahmundry.

The Nellore and Guntoor Calendars

2

for the 1st Sessions 1833 and the Calendar for the 4th
Quarterly Sessions at Masulipatam it is stated,
contain no cases that fall within the scope of the
above orders, and those in the Rajahmundry Ca=
=lendar for the same Sessions are represented as
included in the Statement (E.)

The Court proceed to the consideration

3

of the Tables of cases forwarded by the Acting 2nd
Judge.

The proposed mitigation in this

4.

Table B
Mas. Cal. 3d Qr. Sessn. Sept. 1833
Case No. 3

case is approved of and the Court accordingly
direct that the prisoner "Dona Verodoo" be sentenced
to be imprisoned and kept to hard labor in irons

on the public roads or other public works for the
period of (18) eighteen months from the date of this
order.-

Case 10. 5.

In this case the Circuit Judge
explains that "no Robbery took place owing to
apprehension". The Court concur with him as to
the propriety of the remission of the sentence, and they
therefore direct the prisoners,

1st "Yeardah Pudmiah,"

and

2nd "Chomoolee Pudmiah"

to be forthwith released.-

Case 14. 6.

This was a Robbery of 5 Rupees
during the height of the famine, and the pri-
soner having already suffered nearly 2½ Years
imprisonment, the Court resolve to remit the
punishment and to order the prisoner "Badee Venkis"
to be immediately discharged.-

Case 15. 7.

The crime charged is inaccurately
stated in this case which was not "high way
Robbery by a Gang" but robbing a house of property
valued at 35 Rupees. The Court direct that the
proposed mitigation be ratified and that the
prisoner

prisoner "Volagolaty Cantadoo" be sentenced to be
imprisoned and kept to hard labor in irons on
the public roads or other public works for the
period of (2) two Years from the date of this order.-

Without further explanation re-

Case 12 8.

specting this case the Court are not prepared to
authorize the proposed mitigation. Since two of
the Robbers were killed, the case must have
been of a very serious nature. The Acting 2nd
Judge will call upon the local officer for more
ample information, to enable the Court to determine
as to the propriety of acceding to the present proposal
to mitigate the sentence.-

The remission of the sentence in

Case 26. 9.

this case is suggested by the Circuit Judge; and
the Court, concurring in his view of it, direct that
the prisoner

"Sora Venkoo"

"Yera Boyena Amaroya"

be at once released.-

The Court resolve in this case to

Case 27 10.

mitigate the sentence recorded in the Calendar
the prisoner having been in jail since June

1833, and no violence, it appears, having been used by him- He accordingly direct that the prisoner "Tota Narrydoo" be sentenced to be imprisoned and kept to hard labor in irons on the public roads or other public works for one year from the date of this order-

Table C. 11

Guntoor Calendar 1st Sessions 1834- Case 13.

The Court concurs with the Circuit Judge in his opinion regarding this case and they direct that the prisoners

1st "Perekasetty Venkatasah"

and

2nd "Wommaraw Veeriah"

be sentenced to be imprisoned and kept to hard labor in irons on the public roads or other public works for one year from the date of this order-

Case 25. 12.

In case 25 also they coincide in the view of the Acting 2nd Judge and therefore desire that the prisoners

1st "Vamaka Lutchmoodoo"

2nd "Kurrah Moosaladoo"

and

3rd "Gungala Woolluchy"

be sentenced to be imprisoned and kept to hard labor

labor in irons on the public roads or other public works for (3) three years from the date of this order-

This Trial was called up- but

Case 82. 13

the Court at that time only considered whether the evidence was sufficient to convict and being satisfied on that point the sentence was left undisturbed. The prisoners being convicted only of theft of grain during the severity of the famine the Court direct that they be sentenced to be imprisoned and kept to hard labor in irons on the public roads or other public works for the period of (2) two years from the date of this order-

1st "Gundlumm Ranyah" and 2nd "Elumbaty Venkiah"

The prisoner in this case also appear to fall within the scope of the order of Government, and the Court therefore direct that they be sentenced to be imprisoned and kept to hard labor in irons on the public roads or other public works for the period of (3) three years from the date of this order-

Case 73. 14

1st "Tanta Ranyah" and 2nd "Ganemmala Venkiah"

In regard to this case- a robbery of trifling amount- the prisoner having been in Jail since June 1833 the Court concur with the Circuit Judge, who proposes the remission of the sentence-

Case 81 15.

sentence. It will be his duty accordingly to cause the prisoner "Ganguenty Gooravadoo" to be forthwith discharged.

Case 90. 16. The Court of Zoydaree Adalut are willing to extend the clemency of the Government to the prisoner in this case also, and they therefore desire that he may be immediately released.

"Sevaudy Karoydoo"

Case 92. 17. In this case the Circuit Judge proposes a mitigation of the prescribed punishment, and the Court concurring in his opinion direct that the prisoner "Vuddapully Venkatamurtee" be sentenced to be imprisoned and kept to hard labor in irons on the public roads or other public works for the period of (1) one year from the date of this order.

Case 95 18. This case is also affected by the orders of Government and the Court, considering that the prisoner, "Sullavalagoo Ramoodoo", may with propriety be at once released. They direct that he be discharged.

Case 109. 19. The Court conclude that the prisoner "Munda Venkadoo" has been already liberated

Y. 16
31st October 1835

liberated on consequence of the mitigated sentence sanctioned, having expired.

In the above Table (C) the Acting

Vol 3. 14. 32. 47. 48 and 99

21. 2nd Judge has entered cases already brought specially under the notice of the Court for mitigation. It was quite unnecessary again to bring them forward and he has rendered himself open to blame for his carelessness in this respect.

Table D Case 32 Rayshmundry Circuit 1st Sessn. 1834

21 This appears to have been a robbery of valuable drugs and could not have been committed for food; and the Judges not considering the Prisoner entitled to any mitigation of the sentence resolve to leave it undisturbed.

Case 63. 22. The case noted in the margin being one of theft of grain in which remission of the sentence appears proper, the Court direct that the prisoner "Kakala Subbayah" be at once released.

The Court having recorded their orders

23 on the cases which appear to them to be contemplated by the orders of Government upon which their Precept of the 30th April last was founded, deem it proper to direct the Acting 2nd Judge to instruct the Officers upon whom it may devolve to carry this

31st October 1835.

the intentions of Government into effect, to intimate to the prisoners in open Court the grounds upon which mercy has been extended to them.

Ordered that Extract of these proceedings be sent to the Acting 2d Judge on Circuit in the Northern Division for his information and guidance by Precept returnable in 10 days after receipt.

Sent following Precept No. 1383.

Read Order of Government dated the 20th Instant conveying the general concurrence of the Right Honorable the Governor in Council in the observations of the Tanjore Adalut contained in paras 21–23 and 29 of the Extract from their proceedings of the 8th October 1835.

(Here enter No. 1934).

F. No.

At a Court of the Tanjore Adalut.

Present,

Monday, 2d November, 1835.

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

Read petition presented by "Soonkoo Moodoosetty" and "Cota Venkataramanapah Setty" inhabitants of Palmanair, and brothers of the sureties of "Tammanah" and "Chengalappah," Renters of the Sayer limits of the zillahs of Chittoor, Cuddapah, Salem and Bellary — representing that certain of their property had been seized and sold in auction on account of a balance due to the Circar by the above Renters, the property of the Renters, pointed out by the Petitioners, had been withheld from sale, thro' fraud practiced by the Collectors' Sheristadars; — that representing these circumstances to the Board of Revenue and a balance being still due to the Circar, the Sayer Renter Chengalappah was required to appear before the Collectors, — that Chengalappah being accompanied by one "Sinna Basavappa," the latter person was pointed

pointed out by the Sheristadar as the Sayer Renter, and accordingly confined as a Revenue Defaulter that representing to the Board of Revenue that the actual Renter was still at large, a reference was made to the Collector, which ended in the Commitment of "Chinna Basavappa" to take his Trial before the Court of Circuit on a charge of Forgery - and a copy of this case as entered in the Calendar the Petitioners pray may be granted to them on stampt Papers for the purpose of its being produced before the Board of Revenue -

(Here enter M: P: No. 86 of 1835)

The Court of Foujdaree Udalut (C.)
being of opinion that a compliance with the prayer of the above petition would be objectionable, resolve accordingly to reject it -

Ordered that the above be communicated to the Petitioners and that extract from these proceedings be furnished to him on their application -

Read Petition presented on the 19th Instant by Ponney of the Zillah of Chingleput -

(Here enter M: P: No. 87 of 1835.)

The Petitioner represents the

circumstances

circumstances under which, she alleges, her son Ponnun has been unjustly sentenced in No. 2 of the Chingleput Calendar 2d. Sessions of 1835, and prays for his release -

2. The Court observe that the case in question was disposed of by them and the prayer of the Petition cannot be granted -

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

Read petition presented by Vellee Khan on behalf of himself and the other Peons and Duffadars of the Zillah of Cuddapah who have been transferred from the Jail at that Station along with the Convicts placed under the orders of Lieutenant Cotton -

(Here enter M: P: No. 88 of 1835.)

1. The Petitioners represent that their Salary as fixed by the Government is insufficient for their support at the Presidency, and they request therefore that the Court will direct that their pay be increased or allow them Batta during their stay at Guindy -

Any

2.

Any representations that the petitioners may have to make on this subject should be preferred to their immediate Superior Lieutenant Cotton—

Ordered that the above be communicated to the Petitioner and that extract from these proceedings be furnished to them on their application—

Read letter dated the 15th Ultimo from the 2d. Judge on Circuit in the Southern Division transmitting the record of trial in Case No. 10. Salem Calendar 2d. Sessions 1835—

(Here enter No. 1908.)

Mr. Bird
Mr. Budleston

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-Agat and Mooftees of the Foujdaree Udalut, confirm such part of the said Futwa of the Cazee-ool-Agat and Mooftees aforesaid as convicts the prisoner—

1st. Palany Cauvden

and under 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—

and

And being of opinion that the proof against the prisoners—

2d. Appachee Cauvden,
and
3d. Chennah Cauvden,

is sufficient to convict them of the crime of wilful Murder, the Court do, under the authority with which they are vested by Clause First, Section II, & 3 Regulation I of 1818 convict them thereof, and sentence them to be transported to such place beyond sea as the Governor in Council shall appoint there to be imprisoned and kept to hard labour in irons on the public roads or other public works for and during the period of their natural lives respectively—

(Sent following letter No. 1304)

Read letter dated the 15th Ultimo from the Acting 2d. Judge on Circuit in the Northern Division submitting copy of the Vizagapatam Calendar for the 2d. Sessions of 1835.

(Here enter No. 1920.)

The punishment to which the prisoner

No. 5.

1.

in Case No. 5 has been sentenced appears so inadequate to the crime of which he has been convicted, that

the

the Court of Foujdaree Udalut resolve to direct that an English and Persian Translation of the record of the Trial be laid before them by the acting 2d Judge.

2. The acting 2d. Judge will at the same time explain, to what instructions he refers in his remark, that "the facts of this case were "enquired into as directed by the orders of the upper Court."

3. Under the circumstances stated in the Column of Remarks on Case No. 2, the Court of Foujdaree Udalut resolve under the authority vested in them by Clause third Section III Regulation I of 1825. to sanction the mitigation of punishment proposed by the acting 2d. Judge, and they accordingly direct that the prisoners.

"Bufsoo poolaty Bauliah"
and
"Cosainah Dheergabon"

be imprisoned and kept to hard labour in irons on the roads or other public works for and during the period of 7 years.

Vide 4. The sentence passed upon the prisoner convicted in Case No. 9 is illegal and must be set aside.

The

5. The circumstances of aggravation necessary to be established in cases of Burglary and Theft in order to the infliction of the enhanced penalties of Clause 4th Section II. and Clause 2d Section III. Regulation VII. of 1822. are wounding attempt at Murder &c., and as explained in the Circular Order of the Foujdaree Udalut of the 19th June 1823, such enhanced punishment cannot be extended to Thefts or Burglaries committed by persons of notoriously bad character, or formerly convicted of a heinous crime.

6 The case would appear to fall within the provisions of Section XXI. Regulation VII. of 1802, and if the Sentence of 7 years imprisonment with labour should be considered too severe, a mitigation of the punishment should be proposed under Section IV. Regulation I. of 1825.

7. In case No. 1 the grounds of the postponement of the Trial should have been entered in the Column of Remarks on the Calendar, the reference to separate extracts of proceedings is inconvenient and should be discontinued.

Ordered that extract from these proceedings

proceedings be forwarded to the acting 2d. Judge on Circuit in the Northern Division for his information and guidance by Precept returnable in 10 days from and after its receipt.-

(Sent following Precept No. 805)

J.W.

J. W.

At a Court of the Foujdaree Adalut.

Present,

Wednesday 4th November 1835.

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

Read the Rajahmundry Criminal Reports prescribed by Section XXXV Regulation X 1816 for September.-

(Here enter No. 1921.)

With reference to the following remark

Report V Case 64.

1

of the Sudr Ameen who disposed of this case.- "The property found on the 1st. prisoner being less than 50 Rupees, the 1st. prisoner is Sentenced to Six months' imprisonment with hard labor in irons under Clause Sixth Section II. Regulation VI. of 1822." the Court of Foujdaree Adalut direct that it be pointed out to him, though the remark itself is irrelevant, that the amount of property stolen, not that of property found, determines the jurisdiction under Clause Second Section II. Regulation VI. of 1822.-

Case 65.

2.

In this case the Court regret to observe that the prisoner was detained in the Jail 39 days, and that eventually there was "no evidence" whatever to implicate

implicate the prisoner. The Criminal Judge will furnish to the Magistrate copy of the case and of this paragraph, and the Magistrate will fully explain by return direct to this Court, the cause of this great delay.

Case 66.

3. The Criminal Judge will proceed in the same manner with regard to this case, an explanation of the 24 days' delay in which the Court await from the Magistrate, who will also inform the Court, under what provision of the Regulations the accused was sent to the Criminal Court, the following charge. "For having on the 6th August 1835 preferred a false and malicious complaint before the Collector against the Revenue Ameen and a Village Curnum, stating that they collected the arrears of Rupees 400 from Several Ryots, and themselves embezzled the Same without bringing it into the Circar's accounts."

Case 67.

4. If the circumstances of this case have not been already brought to the attention of the Magistrate, the communications required under the Circular Order of 21st May 1833 should be made by the Criminal Judge immediately. The insufficiency of the enquiry into the case by the Head of Police of Coconada is obvious, and the prisoner ought not to have been sent up to the Criminal Court. It is observed that 4 other charges, in the report against the

the same prisoner are proved to be impounded. The conduct of the Head of Police, it appears to the Court, should not be passed over by the Magistrate unnoticed.

Case 73.

5. In this case the charge is against certain Peons for allowing a prisoner to escape, and their proceedings thus described in the Report. "The Peons generally trust to an understanding existing between themselves and the prisoners, not only as a sufficient guarantee against their escaping, but also to look out and give the first intimation to them of the approach of any of the European authorities." appear to the Court so highly censurable, that they direct the attention of the Criminal Judge be especially required to the Subject. Peons so acting, the Court are of opinion, should be dismissed, whether prisoners escape or not.

6. The Court direct that the Criminal Judge be called upon to explain the delay in the transmission of the Reports under review. The Circular Order No 40 requires the Criminal Reports to be forwarded so as to arrive at the Presidency by the 15th of the months in the present instance they appear not to have been prepared till the 16th, and they did not reach the Court till the 26th Ultimo.

Ordered, that Extract of these proceedings be sent to the Criminal Judge at Rajahmundry.

Rajahmundry for his information and guidance by
precept returnable in 5 days after receipt-

(Sent following precept No 1318)

Read letter dated the 23d Ultimo
from the Criminal Judge of Cuttack, to precept of
Soujdaree Udalut dated the 7th October 1835, relative
to a case on the Criminal Report for August-

(Here enter No 1940-)

Read letter, dated the 26th Ultimo
from the Judges of the Provincial Court of Circuit in
the Centre Division, to precept of Soujdaree Udalut
dated the 8th October 1835, directing them to impress
the minds of the Several Magistrates the importance
of accuracy in the returns of crimes and misdemeanors
and of the persons supposed to have been concerned in
them-

(Here enter No 1951)

Read letter, dated the 26th Ultimo
from the Judges of the Provincial Court of Circuit in the Centre
Division, to precept of Soujdaree Udalut dated the 8th
October 1835, desiring them to communicate the
instructions contained in para 2 of a dispatch from
the Honorable Court of Directors dated 17th September
1834, to the Several Magistrates for their information
and guidance, relative to the redress of the system
of

of village Police-

(Here enter No 1952-)

Read letter, dated the 26th Ultimo,
from the Judges of the Provincial Court of Circuit in
the Centre Division, to precept of the Soujdaree
Udalut dated the 8th October 1835, directing them
to call upon the Several Magistrates in the Division
to report in what manner Prisoners, Sentenced by the
Heads of Police to imprisonment with labor under
Clause first Section V Regulation XIII of 1832 are worked,
and by what means the Sentences are enforced-

(Here enter No 1953-)

Read letter dated the 26th Ultimo,
from the 3d Judge on Circuit in the Centre Division
reporting that the day appointed for opening the 2d
Sessions of 1835 at Chingleput is the 30th Instant-

(Here enter No 1954-)

Read letter, dated the 29th Ultimo,
from the 2d Judge on Circuit in the Southern
Division, forwarding a Statement of Batta paid
to the Prosecutors and Witnesses in attendance
before the Circuit Court in the zillah of Salem
2d Sessions of 1835.

(Here enter No 1959-)

Read return dated the 27th Ultimo,
from

from the Acting Joint Criminal Judge at Guntoor, to precept of Joydance Udalut dated the 23d. October 1835, sending back Criminal Report V, because the entry opposite Case Nº 105 in "Column punished" has no relevancy to the charge-

(Here enter Nº 1960)

Read return dated the 27th. Ultimo, from the Officiating Criminal Judge of Bellary, to precept of Joydance Udalut dated the 21st. October 1835, having reference to certain cases on the Criminal Reports for August-

(Here enter Nº 1964.)

Read return dated the 29th. Ultimo, from the Criminal Judge of Salem to precept of Joydance Udalut dated the 24th. October 1835, on the Criminal Report for September-

(Here enter Nº 1965.)

Read return dated the 17th. Ultimo, from the Provincial Court of Circuit in the Northern Division, to precept of Joydance Udalut dated the 8th. October 1835, forwarding for communication to the Magistrates, the Extract from a General letter from the Honorable Court of Directors under date the 17th. September 1835, relative to the System of Village Police

(Here enter Nº 1967.)

Read

Read further return, dated the 22d. Ultimo, from the Acting 3rd. Judge on Circuit in the Northern Division, to precept of the Joydance Udalut dated the 22d. January last, from the Head Assistant Magistrate in charge of Guntoor, directing the grant of a reward to the two individuals, "Veerunnah and "Vencayah" in Case 62. Guntoor Calendar 1st. Sessions of 1834 of 70. Rupees each-

(Here enter Nº 1969.)

Read letter dated the 26th. Ultimo, from the 3d. Judge of the Provincial Court of Circuit in the Western Division, transmitting the Original death Warrant Nº 8 in case Nº 1. on the Second Additional Calendar of Sellichery for the 3d. Quarter Sessions of 1835.

(Here enter Nº 1971.)

Read letter dated the 29th. Ultimo, from the 1st. Judge of the Provincial Court of Circuit in the Centre Division, forwarding the Statement of Batta paid to Prosecutors and witnesses during the third Quarter Sessions of 1835 at Chittoor-

(Here enter Nº 1972-)

Read letter dated the 27th. Ultimo, from the Magistrate of Malabar, transmitting the copies of letter to and from the Assistant & Magistrate

6th November 1836.

Magistrate Mr. Owen, reporting the result of the enquiry instituted concerning case No. 56. referred to in paras 5 of the Extract from the proceedings of the Sorjdaree Adalut dated the 8th August 1835.

(Here enter No. 1976.)

5/8/1

WR

113

WR

No. 46.

At a Court of the Coyjbaree Adalut.

Present,

Friday, 6th November, 1835

Charles Gray Lushington Esqre 1st Puisne Judge,
John Bird Esqre 2d Puisne Judge,
William Rudleston Esqre 3d Puisne Judge,

Read letter dated the 23d Octbr. from the Provincial Court of Circuit in the Southern Division, transmitting copy of a letter from the Acting Joint Criminal Judge of Coimbatore, reporting the result of the reinvestigation of the cases Nos. 72 and 73 and 56 of 1835 of the Criminal Side of the Auxiliary Court.

(Here enter No. 1938.)

1. The Prisoners in these cases stood charged with the massacre of 58 Coorumbers on the Neilgherry Hills, and in accordance with the orders of the Coyjbaree Adalut of the 8th August 1835 have been apprehended and again forwarded to the Acting Joint Criminal Judge for disposal; the previous examination of these cases by the late Acting Joint Criminal Judge having been considered most imperfect and unsatisfactory.

2. In his letter dated the 14th Octbr. the Acting Joint Criminal Judge reports that no additional testimony of any kind has been brought forward

forward against the prisoner in No. 72 and that he has been informed by the Assistant Magistrate that none is obtainable; the same remarks he states will apply to the evidence in No. 73 in which case also all the witnesses retracted that part of their former depositions which bore upon the prisoner.

3.

But in this latter case (No. 73) the prisoner Kane, it appears, has committed to take their trial before the Court of Circuit upon the evidence of the "prosecutrix" who identified them as being the same persons that entered her hut, in company with another man armed, beat her cruelly and robbed the rest of the inmates. All in number.

4.

The witness in case No. 73 who before the Acting Joint Criminal Judge "swore positively" to the death of the Prosecutrix, should also in the opinion of the Court be committed to take his trial for perjury in the Southern Division.

5.

A similar course of proceeding should, in the opinion of the Superintendent, be observed in respect to such of the prosecutrix and other witnesses examined in the 3 cases, who may be considered by the Acting Joint Criminal Judge to have been "guilty of gross perjury". And in case of the conviction of

of any of these persons, the Judge on Circuit will use his discretion in respect to the punishment to be awarded, and if he should consider it proper, with reference to the peculiar circumstances of their cases, he will apply for permission to mitigate or to remit the punishment.

6.

The remaining prisoners in Cases Nos. 72. and 73, assault as those concerned in Case No. 56, must; under the circumstances stated be released, unless the Magistrate of Malabar should consider it just and necessary to require from them personal recognizances or security for keeping the peace, under the provisions of Clause first Section V Regulation VI of 1827; and in suggesting this course of proceeding to the Magistrate of Malabar, the Provincial Court will require the Acting Joint Criminal Judge to retain the prisoners until the determination of the Magistrate may be communicated to him.

7.

The arrangements made by the Acting Joint Criminal Judge for the confinement of the prisoners while under examination, are considered by the Court of Sudder Adawlut judicious; and the proceedings held by the Acting Joint Criminal Judge in these cases reflect great credit upon

6th November 1835.

upon Mr. Bourdillon:-

Ordered, that extract from these proceedings be forwarded to the Provincial Court of Circuit in the Southern Division to be by them communicated to the Acting Joint Criminal Judge at Combatore for his information and guidance:-

(Sent in No. 1311)

Sec'y's

C.G.

At a Court of the Conjeeram Adalut

Present,

Monday, 9th November, 1835. Charles May Lushington Esqr. 1st Puisne Judge,
John Bird Esqr. ——— 2d Puisne Judge,
William Huddleston Esqr. ——— 3d Puisne Judge,

Read petition presented by "Lunka-
=ranarania Ennen" of Ennemelly:-

(Here enter Dr. C. No. 89 of 1835.)

The petitioner, who represents himself to be the Son-in-Law of the Zemindar of Chokkumpatty complains against the orders of Government requiring the confinement of the said Zemindar in the "Hill Fort at Ghooty; and on the grounds that sufficient cause has not been shewn for having recourse to such a measure, prays that the Court will issue orders for his release:-

Ordered, that the Petitioner be informed that the Court of Conjeeram Adalut are not authorized by Regulation II of 1819 to take into consideration any petition of this nature, even if preferred by a duly authorized person:- and the Petitioner does not shew that he has authority to present a petition on behalf of the Zemindar of Chokkumpatty:-

Ordered, therefore that the Petition
be

be rejected, and that extract from these proceedings be furnished to the Petitioner on his application.-

Read petition presented by Sutchmah of the Zillah of Cuddapah.-

(Here enter Rr: P: No. 90 of 1835.)

The Petitioner complains of the Husband named "Bhagavan" having been unjustly sentenced by the D. M. Court of Circuit in Case No. 18 of the Cuddapah Calendar for the 2nd Sessions of 1835 to 14 years' imprisonment, and she prays in consequence that orders may be issued for his release.-

Ordered, that the Petitioner be informed that the case in question is under the consideration of the Superior Authority, and that no object can be attained by her remaining in attendance on the Court.-

Ordered, that extract from these proceedings be delivered to Petitioner on her applica-tion.-

Read petition presented by Ramagoonoo-vapa Chitty of the Zillah of Chittoor.-

(Here enter Rr: P: No. 92 of 1835.)

1.

The petitioner represents that he has failed in obtaining redress from either the Village Moonsiff, the Head of Police or the Magistracy before each of which authorities he alleges he preferred a charge

of

of assault against two Golla smiths named Gaeambrachary and Ramasamy Acharry; and the petitioner further complains of having been confined for 3 days by the Head of Police for having brought his complaint a second time to the notice of that officer, and of having been confined in the Canah for 10 days by order of the Magistrate of Chittoor for the noise made by Petitioner on receiving a blow from a Peloyet of the Magistrate's establishment.-

Ordered, that the Court resolve to transmit copy

2.

of this Petition to the Provincial Court of Circuit in the Centre Division requiring them to obtain an explanation from the Magistrate of Chittoor.-

Ordered, that the above be commu-nicated to the Petitioner and that extract from these proceedings be forwarded to the Provincial Court of Circuit in the Centre Division for their information and guidance by precept returnable in 15 days.-

(Sent following Precept No. 1324

Read petition presented by Philip Dandrig late a Sail Duffadar on the Establishment of the Criminal Court at Chittoor.-

(Here enter Cl. P: No. 93 of 1835.)

The petitioner prays that the Court will call for the depositions of the witnesses adduced in his

9th November 1835.

Chini in support of the charge preferred by Baltiome &
against the late Acting Criminal Judge at Chittoor - and
upon consideration of those papers that they will post
orders for his being reinstated in his situation -

Ordered, that the Petition be informe
that the orders of this Court of the 25th Ultimo were passe
upon consideration of the evidence he had procured
before the Provincial Court of Circuit in the Centre
Division, and the Petitioner having failed to establish
the charges preferred by him against the late Acting
Criminal Judge of Chittoor, is not in the opinion of
the Court entitled to further
consideration -

Ordered therefore, that the prayer of
the petition be rejected, and extract from these
proceedings furnished to him on his application -

Read letter dated the 12th Ultimo from
the Second Judge on Circuit in the Chittoor Division tran=
=mitting the English and Persian Translation of the Proceedings
in case No. 5 on the Salem Calendar for the second
Sessions of 1835 -

(Here enter No. 1886)

Mr. Bird,
and
Mr. Sudleston,

The Court of Sudder Adawlut, on a
deliberate consideration of all the circumstances of the
case in evidence before them, being of opinion that
the

9th November 1835.

the proof against the prisoner
"Raumen"
is sufficient to convict him of the crime of wilful murder, inf
as, 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 1832, sentence him to suffer
death by being hanged at the usual time and place
of execution -

1.

The Court of Sudder Adawlut deem it
necessary to notice with censure, the irregularities which
mark the proceedings held in this case by the Criminal
Judge of Salem, by whom, excepting only the examination
of the prisoner, not one of the acts required by Clause
First, Section IX, Regulation X of 1816 was performed -

Neither the complainant nor any of the

2.

persons stated to have any knowledge of the crime
charged against the prisoner were examined in his
presence, and the examinations of the witnesses in
case No. 13 on the Salem Calendar for the first Sessions
of 1835 formed the sole ground of commitment -

There appears nothing on the Record

3.

to show that the unauthorized proceedings of the
Criminal Judge attracted the notice of the Second
Judge on Circuit; but the Court of Sudder Adawlut
are

are unwilling to believe that an officer of his experience could have passed over in silence such irregularities.—

Ordered, that extract from these proceedings be sent to the 2d Judge on Circuit in the Southern Division for his information, and for the purpose of being communicated to the Criminal Judge of Salem for that officer's future guidance.—

(Sent following letter No. 1325

Read return by the Criminal Judge at Bellore dated the 29th to Precept of the 26th Ultimo enclosing the orders of the Court of Sessions Adalut on the Bellore Criminal Reports for September 1835.—

(Here enter No. 1955)

Suppl. Report Cases 120 and 121.

1.

Under the circumstances represented in the above return, the Court of Sessions Adalut are of opinion that the cases noted in the margin being of theft have been correctly disposed of, and that the sentence recorded in the Report should stand confirmed.

2.

With reference to the concluding paragraph of this return the Court direct that the Acting Criminal Judge be informed that under the Circular Order No. 40 it is expected that all the Criminal Reports should be before them by the 15th of the month, and that from the Courts nearest the Presidency they should be transmitted early — and not detained so that they may

may arrive, making allowance for the usual Despatch on the 15th.—

Ordered, that extract of these Proceedings be sent to the Criminal Judge at Bellore for his information and guidance.—

(Sent in No. 1326

Read return by the Criminal Judge of Cuddapa dated the 29th, to Precept of the 23d Ultimo conveying the orders of the Court of Sessions Adalut on the Cuddapa Criminal Reports for September.—

(Here enter No. 1966)

Taking into consideration all the circumstances of the case No. 144, the Court of Sessions Adalut are not of opinion that the order for the requisition of security recorded in it should now be altered.—

Report V Case 144.

Ordered, that extract of these proceedings be sent to the Criminal Judge of Cuddapa for his information and guidance.—

(Sent in No. 1327

Shumbaroa Ramanaia Canon of Tinnevelly, moves the Court to return the enclosures in his Miscellaneous Petition No. 89 of 1835.—

Ordered accordingly.—

4 Prd.

J. C.

At a Court of the Foujdaree Udalut

Present,

Tuesday 10th November 1835

Charles Mary Pushington Esqr. 1st Puisne Judge

John Bird Esqr. ——— 2nd Puisne Judge

William Hudleston Esqr. 3rd Puisne Judge

The Court of Foujdaree Udalut

observe that no Return has yet been made by the late acting Third Judge late on Circuit in the Northern Division to their Precepts dated respectively the 7th and 16th September 1835, the former conveying their observations and orders on the last portion of the Guntoor Calendar for the first Sessions of 1835, and on the Supplemental Calendar of the same Zillah and Sessions: and the latter, their instructions on the review of the Primary Calendar, and of the First and Second Supplemental Calendars for the Zillah of Nellore for the First Sessions of 1835.

2. In the Extract from the Proceedings of the Foujdaree Udalut under date the 16th September 1835, the late Acting Third Judge

was

was required to transmit for that Courts consideration and final Judgment the English and Persian Translations of the Records of Case No. 6 on the Primary Calendar, and in Case No. 1 on the First and Case No. 3 on the Second Supplemental Calendar of the Zillah of Nellore while their proceedings under both dates involved questions regarding the mitigation of sentences, and the reference of Trials of which it would be obviously unjust and improper any longer to delay the decision.

3. The Court of Faujdaree Adalut, deem it necessary in consideration of the foregoing circumstances to direct that the late Acting Third Judge be required to make immediate Returns to the Precepts in question, and at the same time to report the grounds on which he has omitted to conform within the prescribed period to the orders issued for his information and guidance.

Ordered, that Extract from these proceedings be sent to the late Acting Third Judge

10th November 1835. Judge late on Circuit in the Northern Division by Precept returnable within three days from and after its receipt.—

(Sent following Precept No. 1331 Ldge.

Read Return dated the 30th Ultimo Ldge.

from the Provincial Court of Circuit in the Southern Division, to precept of Faujdaree Adalut dated the 21st October 1835, conveying further observations respecting the vexatious surveillance by the Village Police over the lowest grades of the people referred to in the 12th para of the Circuit Report of the late third Judge.

(Here enter No. 1962)

Read letter dated the 30th Ultimo from the 2nd Judge on Circuit in the Southern Division, forwarding Statement of Batta paid to Prosecutors and Witnesses during the Second Sessions of 1835 at Combaconum.—

(Here enter No. 1978)

Read Return dated the 3rd Instant from the Criminal Judge of Chingleput to Precept of Faujdaree Adalut dated the 31st October 1835 on the Criminal Reports for September.

(Here enter No. 1979)

Read

Read Return dated the 30th Ultimo
from the Acting Criminal Judge of Combaconum
to Precept of Foujdaree Udalut dated the 21st October
1835, on the Criminal Reports for September.

(Here enter No. 1980)

Read letter, dated the 29th Ultimo
from the 1st Judge on Circuit in the Western &
Division, reporting that Thursday the 3rd December
next has been fixed on for opening the Second &
Sessions of 1835 at Honore.

(Here enter No. 1982)

Read Return, dated the 29th Ultimo,
from the Acting Joint Criminal Judge at
Tellicherry, to Precept of Foujdaree Udalut &
dated the 23rd October 1835 on the Criminal
Reports for September.

(Here enter No. 1983)

Read letter dated the 26th Ultimo,
from the Acting 2nd Judge on Circuit in the
Northern Division, forwarding the Statement of Batta
to prosecutors and Witnesses appearing before the Court of
1st Quarter Sessions of 1835 at Masulipatam.

(Here enter No. 1984)

Read

J. No.
10th November 1835.

Read Return, dated the 28th Ultimo
from the Joint Criminal Judge of the Auxiliary
Court at Tinnevelly, to Precept of Foujdaree &
Udalut dated the 23rd October 1835 on the &
Criminal Reports for September.

(Here enter No. 1986)

and

F. U.

At a Court of the Foujdaree Udalut

Present

Thursday
12th November 1835

Charles Mary Lushington Esqre 1st Puisne Judge.
John Bird Esqre 2nd Puisne Judge.
William Hudleston Esqre 3d Puisne Judge.

Read letter dated the 14th Ultimo,
from the Third Judge on circuit in the Centre Division,
submitting the English and Persian Translations
of Case No 10 of the Cumbum Calendar for the Second
Sessions of 1835.

Here enter No 19047

The Court of Foujdaree Udalut,
having maturely considered the proceedings held
before the Judge on circuit, the Futwa of the Pro-
-pincial Law Officer, and the Futwa of the Cazee-
-ool Coozat and Mooftees of the Foujdaree Udalut,
confirm such part of the said Futwa of the Cazee-
-ool Coozat and Mooftees aforesaid as acquits the
prisoner

Mr Lushington
and
Mr Hudleston

1st "Vumbaraze Chinniah"

and accordingly direct that he be set at liberty.

And being of opinion that the
proof against the prisoners

2nd "Boya Canacadoo"

and

and

3d Vencateegadoo

is sufficient to convict them of the crime of Wilful murder, the Court do, under the authority with which they are vested by Clause First, Section II. Regulation I of 1818 convict them thereof, and in Conformity with the provisions of Section X, Regulation VIII of 1802 Sentence the prisoner

2d Boya Canacadoo

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

3d Vencateegadoo

to be transported to such place beyond Sea as the Gover=nor in Council shall appoint, there to be imprisond and kept to hard labour in irons on the public roads or other public works for and during the period of his natural life.

The Court of Foujdaree Udalut deem it necessary to call the particular attention of the Third Judge on Circuit to the instructions contained in their Circular Order of the 26th November 1833, entirely neglected on the present occasion — which require that the fact "that the deceased at the time of making the (dying) declaration was conscious of his danger and had given up all hope of recovery" shall be invariably

invariably investigated "whenever such declaration may be in evidence in a case of homicide."

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

(Sent following letter No 1336

Read return from the Acting Joint Criminal Judge at Coimbatore, dated the 31st to Receipt of the 26th ultimo conveying the orders of the Foujdaree Udalut on the Coimbatore Criminal Reports for September.

(See entry No 1987)

Adverting to the concluding paragraph of the above Return the Court direct that it be pointed out to the Acting Joint Criminal Judge at Coimbatore that, altho' sanction was duly given on the 27th May last, for entertaining the Extra Peons× alluded to by him, no order has been issued in supersession of the Circular Order No 33. which specifies, that where the Extra Peons exceed in number the due proportion to the prisoners notified in Column 7 of the "Statement of labor", the Court expect a full explanation.

The Acting Joint Criminal Judge will therefore in future cause the requisite particulars to be entered in a note at the foot of the Statement.

Ordered

× "for prisoners working in the Paper Manufactory outside the Jail" — "conveying food to prisoners working outside" — "making baskets and who select their own Materials"

12th November 1835.

Ordered, that Extract of these proceedings be sent to the Acting Joint Criminal Judge for his information and future guidance.

(Sent in No 1337)

Read return, dated the 6th Instant, from the Provincial Court of Circuit in the Southern Division to Precept of Foujdaree Udalut dated the 8th October 1835, requiring the Magistrates to submit in future with their half Yearly Returns of Crimes and misdemeanours a report stating how far such returns are considered to be correct, and on which side allowance needs to be made for error.

(Here enter No 1998)

Read return, dated the 4th Instant, from the Criminal Judge of Chittoor to Precept of Foujdaree Udalut dated the 27th October 1835, on the Criminal Reports for September.

(Here enter No 2002)

Read return, dated the 2nd Instant, from the Criminal Judge of Malabar to Precept of Foujdaree Udalut dated the 24th October 1835 on the Criminal Reports for September.

(Here enter No 2003)

Read letter, dated the 30th Ultimo, from the Acting Second Judge on Circuit in the Northern

2

F. U.

12th November 1835.

Northern Division, intimating his intentions to propose mitigation or remission of Sentences in Cases of prisoners whose offences were perpetrated during the last Quarter of the Year 1832.

(Here enter No 2005.)

At a Court of the Conjeveram Adalut

Present

Friday 13th November 1835.

Charles Gray Lushington Esqr 1st Puisne Judge,

John Bird Esqr ——— 2d Puisne Judge,

William Hudleston Esqr ——— 3d Puisne Judge,

Read letter dated 5th Instant from the 2d Judge late on Circuit in the Centre Division, transmitting the Trials in Cases Nos 3 and 14 of the Cumbum Calendar 1st Sessions 1836—

(Here enter No 1785)

No 3.

The Court of Conjeveram Adalut, having

* Mr Bird
Read letter dated 27th Ult.o from the Provl Court of S.C.D.r transmg with reference to this Court's letter of the 10th Inst.o the Persian translation of the Criml & Circuit Proc.s in Cases Nos 3 & 14 Cumbum Calr 1st Sessns of 1835—
(Here enter No 1939)

maturely considered the proceedings held before the Judge on Circuit, the Extra of the Provincial Law Officer and the Extra of the Cazee-ool-Cozat and Mooftees of the Conjeveram Adalut, are of opinion that the prisoners.

1st Coloochetty,

2nd Nooma Bungaroo,

3rd Boocheegadoo,

and

4th Mootturaza Ankadoo,

are not convicted on presumptive proof or on the evidence of credible witnesses, or on their own confessions, notwithstanding the Existence of their Law Officers; and

&c

do accordingly acquit them, and in conformity with the provisions of Clause First Section V Regulation VIII of 1831 and Clause Sixth, Section II, Regulation XV of 1810 direct the the prisoners

2d Nonna Rungadoo,

3d Roothegadoo,

and

4th Moottaradoo Anthadoo,

be set at liberty.—

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

1st Coloorkutty

the Court direct under the provisions of Clause First, Section V Regulation VIII of 1831 and Clause sixth, Section II Regulation XV of 1803, that he be required to finish two sureties in (50) fifty Rupees each surety for his good behaviour and appearance when required within (2) two years and that in default thereof he be detained for (2) two years in confinement.—

Mr. Reid. No 4.

The Court of Sujdaree Adaulut, having maturely considered the proceedings held before the Judge on Circuit, the Return of the Provincial Court Officers, and the Return of the Cazee-ool-Cozat and Mooftees of the Sujdaree Adaulut confirm the said Returns

of

of the Cazee-ool-Cozat and Mooftees aforesaid acquitting the prisoners

1st Conabadoo,

and

2nd Cottegadoo,

and accordingly direct that they be set at liberty.—

Read following letter No 1346

Read letter dated the 6th instant from the Acting 2nd Judge of the Provincial Court of Circuit in the Centre Division, submitting copy of the Chittoor Calendar for the 4th Quarterly Sessions of 1835.—

(Here enter No 1996)

In consideration of the circumstances

1.

under which the Robbery was committed the Court of Sujdaree Adaulut resolve to sanction a mitigation of the punishment to which the prisoner in case No 1 have rendered themselves liable, though not to the full extent recommended by the Acting 2d Judge.—

The Robbery having been attended

2.

with wounding - imprisonment for 2 years, would not, in the opinion of the Sujdaree Adaulut be a sufficient punishment for the crime of which the prisoners have been convicted, they direct therefore that the prisoner named "Mooneredy"

"Mootiyalgandoo"

"Gonnoorahah"

"Vinatarady"

"Conaregany", and

"Mootiyaloo"

&c

13th November 1835.

be imprisoned and kept to hard labour in irons on the Roads or other Public works for and during the space of 5 years.—

Ordered, that extract from these proceedings be forwarded to the Acting 2d Judge of the Provincial Court of Circuit in the Centre Division by Precept returnable in 5 days from and after its receipt.—

Sent following Precept No. 1347

Ex. J.

J. C.

At a court of the Foujdaree Udalut

Present,

Saturday
14th November 1835

Charles May Lushington Esqre 1st Puisne Judge.
John Bird Esqre ..... 2nd Puisne Judge
William Hudleston Esqre ..... 3rd Puisne Judge

Read letter dated the 30th September 1835 and received on the 12th Ultimo, from the Acting Second Judge on circuit in the Northern Division, submitting the English and Persian Translation of the Record in case No 21 on the Guntoor Calendar for the second Sessions of 1835—

(Here enter J. C. No 1824 of 1835.)

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

Mr Lushington and Mr Hudleston

"Cottapully Lutchmedamy"

is sufficient to convict her of the crime of Wilful Murder, do, under the authority with which they are vested by Clause First, Section II Regulation I of 1818, convict her thereof, and 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.

A.J.

1

At the 11th page of the English Translation of the Record of this Case, appears the following entry:-

"Meddy Pandy Ramadoss the 15th Witness for the prosecution States that he does not know the meaning of an oath being young: orders, upon noticing the infancy of the child were therefore given to examine him without being sworn."

2.

The Circular Order of the Foujdaree Adalut of the 15th April 1819, directs that "an infant is in no case to be admitted as evidence without oath" and that "whenever a person of tender age may be brought before the Court of Circuit as a Witness, the Judge presiding at the trial do satisfy himself, by personal examination, whether or not the party be sensible of the nature and obligation of an oath, and of the consequences of perjury, by the results of which examination he will be guided in the admission or rejection of the evidence of the witness" and that of the 16th May 1831 directs that "when the deponent may not be able to specify his age, or may evidently give a false statement regarding it, the apparent age be invariably inserted."

3

The Court of Foujdaree Adalut cannot but deem the Acting Second Judge is neglect of the rules laid down for his guidance to be

deserving of severe reprehension; more especially when it is considered that the question pending before the Court of Circuit was of life and death and that the Statements of the witness abovementioned were most important, though, through the culpable remissness of the Presiding Judge they were rendered unavailable.

The Court of Foujdaree Adalut direct

4

that the Acting Second Judge do call the attention of the Acting Joint Criminal Judge of Guntoor to their Circular Order above quoted and also to that of the 12th July 1835, in which latter is prescribed the mode of proceeding to be adopted by the Committing Officer whenever the evidence of a person of tender age shall appear to him to be material: and that he do enjoin upon him in future a strict adherence to the instructions therein contained.

In the 11th paragraph of his letter

5

referring the trial the Acting Second Judge states that he is "fully aware" that his Order in regard to the second prisoner was "irregular," and adds that he has "nevertheless acted up to what appeared a duty."

The Court of Foujdaree Adalut

6

are unable to perceive with what object the Judge on Circuit "in liberating the second prisoner" called upon him "for Security in 50 Rupees to appear if required

"required by the Judges of the Upper Court" as the Presiding Judge thought proper to confirm the Futwa of acquittal and to discharge the second prisoner, he must have known, that he had put it out of the power of this Court to deal with him.

7 Nevertheless the Court of Foujdaree Udalut are of opinion that in confirming the acquittal of the prisoner in question, the Judge on circuit exhibited a great want of judgment.

8 In conclusion, the Court of Foujdaree Udalut observe that the concluding passage in the Futwa of the Mahamedan Law Officer of the Court of circuit is mistranslated: it should have been rendered "therefore the second prisoner is not convicted "of the crime charged, and is entitled to his release"

Ordered, that Extract from these proceedings be sent to the Acting Second Judge on circuit in the Northern Division for his information—

(Sent following Letter No 1314)

Read again letter dated the 22d August last from the 1st Judge late on Circuit in the Southern Division, transmitting the record in Case No 5 on the Coimbatore Calendar for 1st Sessions of 1835 called for under date the 28th July 1835—

(Here enter No 1531.)

Read

J. U.

14th November 1835

Mr Lushington and Mr Bird

Read again return, dated the 23d Ultimo, from the 1st Judge late on circuit in the Southern Division, to precept of the Foujdaree Udalut of the 10th September 1835, requiring further evidence to be taken in case No 5 Coimbatore Calendar 1st Sessions of 1835.

(Here enter No 1935.)

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 prisoners

1st Raudy Naicken
2nd Cawlen
and
3d Letchmee

on strong presumptive proof and awarding, Oohoobut, and in conformity with the provisions of Clauses third and fifth Section IV Regulation XV of 1803, sentence the prisoners

1st Raudy Naicken
and
2nd Cawlen

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

and

and during the period of (14) fourteen years: and the prisoner

3d Letchmee

to be imprisoned and kept to labour suitable to her sex without irons for and during the period of (2) two Years.

(Sent following letter No. 1350

Read letter, dated 16th ultimo from the Provincial Court of Circuit for the Western Division, transmitting the copy of a letter, of the same date from the Acting Joint Criminal Judge of Malabar, soliciting instructions as to the proper course to be pursued in a case, "where witnesses, who have given a clear deposition "in the Talook Cutcherry, when put upon their oath in the "Criminal Court, any knowledge of the charge laid "against the prisoner."

(Here enter No. 1924)

1 In the 4th paragraph of his letter the Acting Joint Criminal Judge observes, that "several "such cases came before "him" in Tinnevelly and a "charge was framed against the witnesses, under the "analogy of Regulation III of 1826 simply accusing "them of having given two Contradictory depositions "before two public Authorities, purposely leaving it "indifferent which of the two depositions were true.

The

"The usual question was put to the Zillah Moofty and "upon his declaring the crime punishable under the "Mahomedan Law, the case was disposed of, under "Section VII. Regulation X of 1816. The Foujdaree Adalut "disapproved of the sentence and called for explana- "tion, but having quitted the Court "the Acting Joint Criminal Judge" never heard whether that "which" he "afforded was considered as satisfactory."

And the Acting Joint Criminal

2 Judge concludes with observing, that "if it were "ruled, that all persons, giving evidence in the Talook "against a prisoner do in effect prefer a charge against "him, the case will readily come under Regulation "IX of 1832."

The Court of Foujdaree Adalut

3 direct that paras 2, 3, and 5 of their proceedings, under date 15th December 1834, which respect the Tinnevelly cases, mentioned by Mr Sparkes be transmitted to the Provincial Court for that Officer's information.

With reference to the concluding para:

4 of the Acting Joint Criminal Judge's letter, the Court of Foujdaree Adalut direct that he be informed, that Regulation IX of 1832 has been ruled not to apply to witnesses, but to "the party by whom the charge

shall

"shall have been preferred" only. The suggestion in this para: however, read in connexion with the Statement in para: 3, that in the cases intended in the reference, "generally speaking," the Talook deposition is "correct," is anything but clear, as the remedy, proposed, would of course apply to false depositions in the Talook alone.

5 In the cases described by the Acting Joint Criminal Judge, if the evidence before the Criminal Court upon oath be false, the parties so deposing are punishable under the provisions of Regulation VII of 1811:- but if the falsehood be contained in their evidence before the Police Officer, there is no provision of the Regulations, which renders them liable to punishment.

6 The Court of Foujdaree Adalut are in possession of the fact, that the enactment of Regulation IX of 1832, rendering Complainants in such cases punishable, was regarded by the Legislature as of doubtful expediency, and they are not prepared to submit to the Government the recommendation that the provisions of Section II of that Regulation shall be extended, as suggested in the 5th para: of the Acting Joint Criminal Judge's letter of the 16th Ultimo.

7 The Provincial Court of Circuit remark in their letter, that they concur with the Acting

F. C.
14th November 1835.

Acting Joint Criminal Judge" in opinion that it is "very desirable persons" acting in the manner described by him "should not pass altogether unpunished."

Upon receiving from the Provincial

8 Court of Circuit a communication of the particular provisions, which they would propose for the purpose of punishing persons giving before the Criminal Court on oath, evidence, at variance with their previous unsworn testimony before the Police Officer, the Court of Foujdaree Adalut will be prepared to take their propositions into consideration, and to lay them before the Government agreeably to the Standing Orders of the 3rd May 1820.

Ordered, that Extract from these proceedings be forwarded to the Provincial Court of Circuit in the Western Division to be by them communicated to the Acting Joint Criminal Judge of Malabar.

Sent in No 1357

Read Return, dated the 21st Ultimo, made by the 1st Judge on Circuit in the Western Division, to the precept of this Court of the 10th Ultimo, containing the observations and orders of the Foujdaree Adalut on the Malabar Calendar for the Second Sessions of 1835

(Were entered No 1933)

The

1

The 1st Judge in the 2nd para of the above Return has directed the attention of the Foujdaree Udalut to case No 29 of the Malabar Calendar for the 1st Sessions of 1835, wherein the Acting 2nd Judge in like manner over ruled the objection of the Mahomedan Law Officer to the Evidence of the Witnesses admitted to a conditional pardon, and passed Sentence on the prisoner.

2

At the time of the review of the Calendars for the 1st Sessions of 1835 the Court of Foujdaree Udalut had not gone into a formal discussion of the Question whether a Judge of Circuit is competent to over rule the objection to the evidence of an accomplice as "unreasonable and insufficient" under Section VIII. Regulation I of 1825, and the Court therefore resolve to leave the Sentence passed by the Acting 2nd Judge who presided at the 1st Sessions of 1835 undisturbed.

3

The Court of Foujdaree Udalut are surprised that "the 1st Judge should have taken umbrage at the remarks contained in the 23d, 24th, 25th and 26th paras of their proceedings of the 10th Ultimo" the Higher Court did not on that occasion record their "decided disapprobation" of the suggestion contained in the 3d para of the 1st Judge's letter of the 18th September last, but merely observed that

that having "taken a view of the case not entirely in accordance with that of the Presiding Judge" the Foujdaree Udalut did not "deem it necessary" "to issue an order of the nature suggested by the 1st Judge".

4

Nothing contained in the observations recorded on that occasion was calculated to wound the feelings of the 1st Judge, nor in fact will the remarks themselves bear such an interpretation; and the Court trust that on further consideration Mr Shakespear will see the impropriety of neglecting to perform a positive duty merely because the Foujdaree Udalut did not entirely agree with him on a subject referred for their Consideration.

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

Sent in No 1352

Read letter, dated the 3d Instant, from the 1st Judge on Circuit in the Western Division, forwarding with copies of letters the original Death Warrant in case No 2 on the Additional Calendar of the Zillah of Malabar for the Second Sessions of 1835

(Here enter No 2010.)

Read Return, dated the 6th Instant from

from the Provincial Court of Circuit in the Western Division to Precept of Fonjdaree Udalut dated the 31st October 1835, requiring the Native Criminal Judge of Canara in future to employ a portion of the Foot Guard for the Custody of Prisoners employed outside the Jail when there may be any fear.

(Here enter No 2023)

Read letter, dated the 7th Instant, from the Acting 2d Judge on Circuit in the Northern Division, furnishing the Statement of Battas to prosecutors and Witnesses attending before the Court of Circuit at Chicacole during the Second Sessions of 1835

(Here enter No 2027)

Read petition, dated the 3rd Instant, from the Acting 2nd Judge on Circuit in the Northern Division, to Precept of Fonjdaree Udalut dated the 7th July 1835, on the subject of the release of the Prisoners confined on requisition of Security for Offences committed during the late famine, under certain restrictions.—

(Here enter No 2028)

V. 16.

At a Court of the Foujdaree Udalut.

Present,

Monday, 16th November 1835. Charles Gray Buckingham Esqre 1st Puisne Judge
John Bird Esqre ——— 2d Puisne Judge
William Huddleston Esqre ——— 3d Puisne Judge.

Read Petition presented on the 26th Ultimo

Petitioner by Pleader.—

(Here enter Mr. P. No. 91)

The Petitioner, representing hereof to be the Brother of three of the Prisoners in Case No. 25 of the Cuddapah Calendar for the 2d Sessions 1834, alleges that the crime for which the sons have been sentenced to 14 years imprisonment was committed by them in consequence of their want of the means of subsistence during the famine, and prays that they may be released.—

2. The case in which the sons of the Petitioner are concerned has been fully considered by the Court of Foujdaree Udalut, and they observe that the crime was committed in April 1834, which was after the famine. They cannot therefore issue orders to return the judgment recorded in the Trial.—

Ordered accordingly that the Petition be rejected and that extract of these proceedings be furnished to the Petitioner upon his application.—

Read

16th December 1836.

Read Petition presented by D. Juggonath of the Zillah of Rajahmundry.—

(Here enter Mo. D. No. 94 of 1835)

Read also Petition presented by D. Tummapah of the Zillah of Rajahmundry.—

(Here enter Mo. D. No. 95 of 1835)

D. Juggonath who is Agent to Petitioner to see the Cousin of Dorla Putty Swamiah, and Petitioner Matapah, Prisoners in Case No. 6 of the Rajahmundry Calendar for the 2nd Sessions 1835, urge and contend that their relations named above have been unjustly confined in irons by order of the Judge who presided at the Trial; and that they may in consequence that the Court will call for the records of the Trial, and issue a precept directing their release.—

Ordered that the Petitioner be informed that the case in question is under reference to the Sunjarees Adalut and will be disposed of in due course, and that their further attendance on the Court is unnecessary.—

Ordered further that extract from these proceedings be furnished to the Petitioners on their application.—

Read Petition presented on the 2nd Instant by Cohanamapa Hereddy of the Zillah of

16th December 1836.

of Guadoor.—

(Here enter Mo. D. No. 96 of 1835)

The Petitioner before addressed the Court on the same subject as on the present occasion, and the Court finding nothing in the Petition now before them to indicate an alteration of their former order of the 7th September last, direct that it be rejected and that the Petitioner be referred to the said order.—

Ordered that extract of these proceedings be given to the Petitioner on his application.—

Read again Letter dated 27th August last from the 2d Judge on Circuit in the Southern Division, transmitting the record in Case No. 3 of the Guadoor Supplemental Calendar for the 2d Sessions of 1835.—

(Here enter No. 1565)

Read also return dated 29th Ultimo from the 2d Judge on Circuit in the Southern Division, to Precept of Sunjaree Adalut dated the 16th September last requiring further evidence to be taken in Case No. 3 on the Guadoor Supplemental Calendar 2d Sessions of 1835.—

(Here enter No. 1958)

The Court of Sunjaree 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-Cozzat and Mooftees of the Sunjaree Adalut, confirm the said Futwa of the Cazee-ool-Cozzat and Mooftees aforesaid, acquitting the Prisoners Mottalobbhanden

Mr Cushington and Mr Bird

and

and accordingly orders that he be set at liberty.

(Sent following letter & No. 1355

Read return dated the 8th Instant by the Acting Joint Criminal Judge of Ramechhatum to Precepts of the 30th & 31st ultimo conveying the result of the Conjoint Gaol at the Ramechhatum Criminal Sessions for September

Report V
Case 76.

1. (Here enter No. 2015)

The Acting Joint Criminal Judge having been called upon to explain the cause of the having taken cognizance of this case, wherein the crime charged was represented to have been committed on the 2nd of Chingleput, states, in his above return, "that with "respect to case No. 76. the crime took place in another "District however the prisoners, prosecutrix and "witnesses were all attached to the Camp of the 47th "Regiment and were all present in Ramechhatum, "which accounts for the having been sent to this "Court."—

2.

These grounds do not appear to the Court of sufficient to be sufficient to justify the proceeding of the Acting Joint Criminal Judge, and he will therefore release the prisoner if in con= finement on receipt of these orders, on cancel the bail bond, if the prisoner has already furnished security.—

3.

With reference to the concluding paragraph of the above return the Court direct that it be

S.H.
16th November 1835.

Mr. Sprontson out to the Acting Joint Criminal Judge that their observation upon case 77 was, that "the charge" not the "sentence" was incorrect, and he will now be pleased to rectify the error.—

Ordered that a extract of these proceedings be sent to the Acting Joint Criminal Judge at Masuli= =patam for his information and guidance by Precept returnable in 3 days after receipt.—

(Sent following Precept & No. 1356

Read the Guntoor Criminal Reports for prevailed by Section XXXV Regulation X 1816 for the months of October.—

(Here enter No. 2021)

Report V
Case 107.

1. The 1st and 2d prisoners in this case were charged with "causing the other prisoners" to maltreat and inflict unlawful punishment upon "Ramurla "Dangadoo and 19 others" and the 3d, 4th, 5th and 6th prisoners with "inflicting unlawful punishment upon the aforesaid Ramurla Dangadoo and 19 others according to the order of the above two prisoners"— The explanation by the Head Assistant Magistrate of their detention before him from the 15th and 23d September to the 3d October is not considered satisfactory.—

2. The Acting Joint Criminal Judge released the 3d and 6th prisoners and, under Section III Regulation VIII 1816, sentenced the 1st prisoner" to pay a fine of 50 (fifty)

Rupees

Rupees to be commuted in failure of payment to 6 months imprisonment — the 2nd to pay a fine of 30. Rupees, and the 4th and 5th fifteen 20. Rupees, each, or in default of payment, to 3. months imprisonment.—

3. The Court conclude that the result of the case has been communicated to the Magistrate and that the whole of the convicted prisoners have been eximised from the public service; the acting Criminal Judge will however report upon this point.—

Cases 108 109

4. The charges recorded in the cases are respectively "Driving away clandestinely 2 She Buffaloes" "Driving away felloniously a Bullock" The Court have to observe that if cattle stealing was intended the charges should have been so expressed. The Acting Criminal Judge will bear this observation in mind in future similar cases.—

5. The Court are concerned to observe that so many as 54. prisoners are represented as sick at the close of the Reports under review; they trust that all practicable means have been used to render the state of the Gail more healthy.—

Ordered, that extract of these proceedings be sent to the Acting Joint Criminal Judge for his information and guidance by Dawk returnable in 3 days after receipt.—

(Sent following Dawk No. 1337

Read

Read letter dated the 28th October 1835 from the Second Judge on Circuit in the Southern Division transmitting the copy of the Salem Calendar for the second Sessions of 1835.—

(Here enter S.D. No. 1961 of 1835)

Case No. 3. 1. Under all the circumstances of this case, as they appear in abstract in the Calendar, the Court of Sujdaree Adalut resolve to accede to the recommendation of the Presiding Judge that the prisoner

"Calanyandy"

be admonished and released.—

Case No. 7. 2. Of the seven prisoners in this case, the first and second were charged as follows: that they, on the 23d June 1835, in the village of Vapum pollium, in the Talook of Carandoory, in the Zillah of Coimbatore, beat one Valun, the husband of the prosecutrix with a stick and shoe: and the remaining four prisoners that they held the hands and the lock of hair of the deceased, by order of the first prisoner, in the view of making him deliver the leather which had been stolen from the third prisoner's house, and sent him under a guard to bring the above leather, when he from fear of being beaten effected his escape on the road

and

16th November 1835.

and threw himself into a well and died. The first prisoner was further charged with having beaten the first and second witnesses who are concerned in the theft with a shoe in order to make them deliver the aforesaid letter.

3. The Presiding Judge concurred with the Mahommedan Law Officer of the Court of Circuit in convicting the first six prisoners, of whom the first as "being a Moneygar whose duty it was to defend the "prisoners from ill treatment" was sentenced to two years, the second to one year, and the remaining four prisoners to six months' imprisonment with hard labour in irons.—

4. It appears to the Court of Sudder Adalut that the punishment inflicted by the Court of Circuit was inadequate, more especially when the frequent occurrence of similar acts of barbarity in the Southern Division is taken into consideration.—

Case No 11. 5. The Court of Sudder Adalut concur in the view taken of this case by the Presiding Judge, and resolve, as recommended by that officer to authorize the unconditional release of the first prisoner.

"Rauma Reddy."

(No 211)

Circular Order No 55. 6. The Court of Sudder Adalut have to direct that to the Precept of the Court of Circuit requiring explanation

explanation of the absence of the Prosecutor and the second witness in case No 8 on the Calendar, the Criminal Judge made Return to the following effect "that "in regard to the second witness's absence, it is reported "that when a summons was taken to his Village he "had gone to another village, and that on summons "being sent to the latter place, it was found that "he had returned to his own village whence he has "ultimately been sent hither. As the two villages are "not thirty miles from each other, strength in different "Cahooks, the eminent delay which has caused this "witness to be too late should not have occurred, "and would not, if the Police, on finding that the "witness was not in the first village, had immediately "followed the witness to the other village, or communicated with the neighbouring Tahseeldar instead "of merely reporting his absence to this Court, and "awaiting a circuitous order to summon the witness in "the other village whence he had in the mean while "departed. It seems generally that several postponements "of cases might be averted, if Police officers "and even Magistrates were, in the event of parties "or witnesses having gone to other jurisdictions to communicate at once with the authorities thereof instead "of merely reporting to the Court, which may be a

Sundries

"hundred miles in the wrong direction) that the requisi-
"-tion party or witness has gone to such other jurisdiction"
7.

The Court of Enjoare Edatut considering the suggestion contained in the concluding paragraph of the above Return to be worthy of general adoption, resolve to direct that the same be communicated to the four Provincial Courts of Circuit who will immediately furnish transcripts of this and of the preceding paragraph to the several Magistrates in their respective Divisions, with instructions to exact from their future Police subordinates a strict adherence to the mode of proceeding recommended by the Criminal Judge, and approved by the Enjoare Edatut.—

Ordered, that extract from these proceedings be sent to the second Judge on Circuit in the Southern Division by Exprès returnable within five days from and after its receipt.—

(Sent following Precepts No. 1358

Ordered further that copies of the sixth and seventh paragraphs of these proceedings be sent to the four Provincial Courts of Circuit, to be by them communicated to the several Magistrates in their respective Divisions for the information and future guidance of these Officers.—

(Sent in No. 1359

Ordered

Ordered also, that copies of the sixth and seventh paragraphs of these Proceedings be sent to the Chief Secretary to Government for the purpose of being laid before the Right Honorable the Governor in Council.—

(Sent in No. 1360

Read letter dated 10th Ettinis from the Provincial Court of Circuit in the Southern Division forwarding the translates of the two Cases referred to in Mr. Bannerman's letter of the 17th September last of which a copy was forwarded with the Provincial Courts letter of the 25th September last.—

(Here enter No. 1828)

Read return dated 3d Instant from the Acting Criminal Judge of Chercole to Precept of Enjoare Edatut dated the 26th October 1835 on the Criminal Reports for September.—

(Here enter No. 2013)

Read return dated 4th Instant from the Criminal Judge of Madura to Precept of Enjoare Edatut dated the 27th October 1835 on the Criminal Reports for September.—

(Here enter No. 2014)

Read return dated 6th Instant from the Magistrate of Enjore to Precept of

of Fouzdaree Udalut dated the 24th October 1835 directing that in addition to fining the Police Officer who was concerned in the detention of the Case No 102 of the Combaconum Criminal Report No X for the month of June last, that it be intimated to him that his dismissal from the public service will be ordered by the Court on any future misconduct on his part.—

(Here enter No 2076)

Read letter dated 9th Instant from the Criminal Judge in the Zilla of Chittoor, forwarding statements of work performed by the Convicts at Vellore and Arcot, and a Copy of a Letter from the Officer Commanding Arnee dated the 17th Instant.—

(Here enter No 2077)—

Ext No

JB

F. 16.

At a Court of the Fouzdaree Udalut.

Present,

Tuesday, 17th November, 1835.

Charles Mary Lushington Esqre 1st Puisne Judge
John Bird Esqre ..... 2nd Puisne Judge
William Hudleston Esqre ... 3rd Puisne Judge

JB

Read Return dated the 30th Ultimo made by the Acting Second Judge on Circuit in the Northern Division to the precept of this Court dated the 8th of October 1835 conveying their observations and orders on the Guntoor Calendar for the Second Sessions of 1835.

(Here enter No 2001.)

In the 3rd para of this Return the Acting 2nd Judge states that he "was not aware that the Judges intended their orders of the 19th of June 1823 to apply to cases wherein a previous conviction for housebreaking or theft had been taken" and "suggests for the consideration of the Judges whether an anomaly is not clearly apparent upon Regulation VI of 1823 in the following instance.

Under the provisions of Clause 2nd Second, Section III of the aforesaid enactment it is provided by a parenthetical Clause that persons charged with theft ("although not attended with

with the aggravating circumstances above mentioned among which wounding stands prominent, shall yet, if of notorious bad Character or if previously convicted of a heinous offence, be liable to the penalties prescribed by Clause 3rd and 4th Section II. Regulation VI of 1822, viz^t to a period of imprisonment not exceeding 14 Years with Stripes and inland banishment."

3

"If then" observes the Acting 2nd Judge "a previously convicted thief be thus liable, why not a previously convicted Burglar? the introduction of the parentheses above referred to into the body of Clause 4th Section II of the above enactment, and the recision of the latter part of Clause 5th of the above, would clear the Code from this Contradictory reading; the recision of the latter clause indeed appears the more necessary, for as it adverts to theft it is flatly opposed to the parenthetical reading which obtains in the second Clause of the III or following Section."

4

Had the Acting Second Judge read with attention the Circular Order of the Sudder Adalut dated 19th June 1823 he would have perceived that according to the Construction given by the Court to Clause Second Section III. Regulation VI of 1822 the

the words of that Clause between "ensuing Sessions" and "such persons," must be taken to be parenthetical; Clause 5th Section II of the Regulation being directly opposed to any Construction of Clause Second Section III which would go to authorize an enhancement of the penalties declared by the Regulations in force for simple Burglary or theft in any case "not accompanied "with wounding or other Corporal injury nor with an "attempt to commit murder."

The meaning of the Court may

5

however be rendered more intelligible to the Acting 2nd Judge by pointing out that the words "such persons" contained in Clause 2nd Section III should have immediately followed the word "Session" so as in Section III to restrict the new penalties specified in Clauses 3rd and 4th Section II in the same manner as they are restricted in that preceding Section itself, to cases attended with wounding or other Corporal injury or attempt to commit murder by strangling or other means; and with this reading it will the Judges trust be clear to the Acting 2nd Judge that Section III does not provide for an enhanced punishment on notoriously bad characters or those previously convicted of theft beyond that which is prescribed by Section XXI

Regulation

Regulation VII of 1802

6 With reference to the 1st para of the above Return and adverting to the letter from the Acting 2nd Judge on Circuit dated the 30th of September last and to the Guntoor Calendar 2nd Sessions of 1835, the Court of Foujdaree Udalut direct that the sentence passed upon the 1st prisoner in Case No 4 of the above Calendar be calculated from the date of his original Commitment to Jail; and in consideration of the youth of the 2nd prisoner the Court resolve to sanction the mitigation of punishment proposed by the Acting 2nd Judge, and they direct accordingly that the prisoner named

"Hutkha Uncadoo"

be imprisoned and kept to hard labour in irons on the Roads or other public works for and during the period of [4] four years.

7 In consideration of the circumstances under which the Robbery in Case No 7 of the same Calendar was committed, the Court resolve to sanction the mitigation of punishment proposed by the Acting 2nd Judge and they direct accordingly that the prisoners named,

"Soolah Unkadoo"

"Davarapully Chinnacoladoo"

"Davarapully Peradoo"

and

"Davarapully Cotadoo"

be imprisoned and kept to hard labour in irons on the roads or other public works for and during the period of [4] four Years.

8 On the same grounds the Court resolve under the authority vested in them by Clause 3d Section III Regulation I of 1825 to sanction a mitigation of the punishment to which the 1st prisoner concerned in Case No 9 of the Guntoor Calendar has rendered himself liable and they direct accordingly that the prisoner named

"Doodacoola Khroodavund"

be imprisoned and kept to hard labour in irons on the roads or other public works for and during the period of [5] five Years.

9 The Robbery charged in Case No 12 having also been committed during the famine the Court of Foujdaree Udalut resolve under the authority vested in them by Clause 3d Section III Regulation I of 1825 to sanction the mitigation of punishment proposed by the Acting 2nd Judge as regards the 1st and 2d prisoners concerned in that Case and they direct therefore that

"Annavarapoo Veeradoo"

and

"Canty Veeradoo"

&c

be imprisoned and kept to hard labour in irons on the roads or other public works for and during the period of /5/ five Years

10

The Court of Foujdaree Udalut being of opinion that the imprisonment which the prisoner concerned in Case No 15 has already undergone is a sufficient punishment for the crime of which he has been convicted viz: a Robbery committed during the famine of a Cloth and Jaggery value at 12 4 re- solve under the authority vested in them by Clause 3d Section III Regulation I of 1825 to remit all further punishment, and accordingly direct that the prisoner "Mulem Veeradoe"

be unconditionally released.

Ordered that Extract from these proceedings be forwarded to the Acting 3d Judge on Circuit in the Northern Division for his information and guidance by precept returnable in One week from and after its receipt.

(Sent following Precept No 1361

Read the Coimbatore Criminal Reports prescribed by Section XXXV Regulation X 1816 for Octoba-

(Here ends No 2025)

Report V
Case 156

The date of the apprehension of the prisoners in this Case was not, it appears from the Report

Report, furnished to the Joint Criminal Court at the time they were forwarded by the Assistant Magistrate. In such cases it is the duty of the Acting Joint Criminal Judge to apply to the Magistrate for the information which is always expected in the Criminal Reports.

The Acting Joint Criminal Judge

Cases 160
161
162
163
165.

2

will furnish the Magistrate with Copy of these Cases as they stand in the Report, and of this paragraph for his information. The same Police Officer appears to have forwarded the Cases 160 and 161 and his necessity of a Caution from the Magistrate. The Police Officer also who forwarded the Cases 162 and 163 should be warned by the Magistrate against the transmission of similar Cases to the Joint Criminal Court. The Case 165 appears to have been sent up without any evidence; and in the five following Cases in the Report, charges without proof are represented against the same prisoner (Palany) The Magistrate will be pleased to report direct to this Court what notice he may take under the Circular Order of 21st May 1823 of the Conduct of the Police Officers by whom so many unsupported charges have been transmitted to the Joint Criminal Court.

Ordered,

Ordered, that Extract of these proceedings be sent to the Acting Joint Criminal Judge at Coimbatore for his information and guidance by Precept returnable in 3 days after receipt.

(Sent following precept No 1362

Read Return dated the 30th Ultimo from the Acting 2d Judge on Circuit in the Northern Division to Precept of Fougdaree Udalut dated the 14th October 1835 conveying their sanction of the proposed mitigated sentences in cases No 16 and 20 and Case No 1 on the Guntoor Supplemental Calendar for the Second Sessions of 1835

(Here enter No 2000)

Read letter dated the 12th Instant, from the Magistrate of Chingleput, submitting explanation required by the Fougdaree Udalut in their proceedings of the 21st Ultimo, relative to certain Cases on the Criminal Reports for September.

(Here enter No 2037)

Read Return dated the 5th Instant, from the Provincial Court of Circuit in the Northern Division, to Precept of Fougdaree Udalut dated the 8th October 1835 directing the Provincial Courts of Circuit to enjoin upon the several Magistrates strict attention to

to the instructions contained in paras 7 and 8 of the above proceedings.

(Here enter No 2053)

Read Return dated the 5th Instant from the Provincial Court of Circuit in the Northern Division, to Precept of Fougdaree Udalut dated the 16th October 1835, revising the sentences passed in certain cases by the late Second Judge on Circuit in the Second Sessions of 1833 and First Sessions of 1834 in the Zillah of Nellore.

(Here enter No 2054)

Read Criminal Reports dated the 1st Instant from the Acting Criminal Judge in the Zillah of Combaconum for the month of October 1835.

(Here enter No 2064.)

Read letter dated the 11th Instant from the Acting Joint Criminal Judge at Coimbatore submitting a Statement of the labour of the Convicts employed under the Magistrate of Coimbatore during the month of October 1835

(Here enter No 2071)

Read Statement dated the 8th Instant from the Acting Joint Criminal Judge at Tellicherry shewing the total number of Prisoners in the Jail at Cannanore, specifying the manner in which the

7th November 1835

the bowrees were employed during the month of
Ord. October 1835

(Here enter No 2072)

Read letter dated the 11th Instant
from the Officiating Criminal Judge in the Zillah
of Bellary forwarding a Statement shewing the
number of Deaths which have occured in the Zillah
Jail of Bellary in each month from the 1st January
1832 to the 31st March 1835.

Here enter No 2061

At a Court of the Foujdaree Adalut.

Present,

Wednesday 18th November 1835.

John Bird Esqr. ... 2nd Puisne Judge
William Hudleston Esqr 3rd Puisne Judge

Ord.

Read letter dated the 22nd Ultimo
from the Additional Judge Presiding at the
Moorshedabad Third Quarter Sessions of 1835
submitting an English and Persian Trans-
lation of the Proceedings held in Case No 3
on the Calendar of that Sessions.

(Here enter F.A. No 1937 of 1835.)

Mr Bird
and
Mr Hudleston

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 wal Cozat and Mooftees of the
Foujdaree Adalut, confirm the said Futwa
of the Cazee wal Cozat and Mooftees afore-
said convicting the Prisoner

Shaik Fareed

on strong presumptive proof and awarding
Tazeer, 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.

It appears from the 170th page
of the English Record that to the question
put

put by the Court of Quarter Sessions to Puttu
Lectarama Shastrolu the eighteenth witness
for the Prosecution, relative to the knowledge
possessed by the Prisoner "Shaik Tareed"
the Telugoo Language, the following reply
was given: "She" the Prisoner first stated
"that he was unable to speak the Telugoo
"She said in Gentoo that he wanted state in
"Moosulmanee language. I then told him
"that he should state in the same manner
"as if he knew the Telugoo language. after
"wards he stated in Telugoo words with con
"siderably"-

2 The Court of Sanjeeree Moodeliar
seem it proper to direct that the encumbent
of the Ellore Head of Police, be made know
to the Magistrate, in order that a proceeding
so irregular and so unfair towards the ad
cused may be visited by his immediate of
ficial superior with the censure which
it merits.-

3 The Court of Sanjeeree Moodeliar
do not understand the concluding para
graph of the additional Judge's letter of
reference. That Officer first quotes properly
Clause second, Section VI Regulation XV
of 1803: his subsequent reference to
Clause seventh, Section II of that Regula
tion is to the Court of Sanjeeree Moodeliar
unintelligible.-

If

4. If the Prisoner be considered convicted of having been an "accomplice", the case is provided for by Section XVII, Regulation VIII of 1802. but it is not clear to the Court of what, precisely, the Additional Judge does consider him convicted.-

5 If the Additional Judge did in point of fact concur in the Futwa of "Sabuk", he should have known that that was no conviction at all, but, as has been frequently declared by the Sunjeeree Moodeliar, tantamount to a futwa of acquittal.

Ordered, that Extract from these proceedings be sent to the Additional Judge of the Provincial Court of Circuit in the Northern Division for his information and guidance.-

Sent following letter No. 1365

Read the Tellicherry Criminal Reports prescribed by Section XXXV Regulation X 1810 for October.- Sent No. 3036

With reference to the observations of the Acting Joint Criminal Judge on this case the Court of Sunjeeree Moodeliar but have only to observe that their orders on the subject alluded to are clear and distinct, and that no further instructions appear to be necessary.-

Suppl. Report Case 94.

Ordered, that Extract of these

F. U.

18th November 1835

these proceedings be sent to the Acting Joint Criminal Judge at Tellicherry for his information.

Sent

/Sent following letter No. 1366

F. U.

At a Court of the Foujdaree Udalut

Present,

Thursday 19th November 1835.

Charles Mary Lushington Esqre 1st Puisne Judge.
John Bird Esqre ---------- 2nd Puisne Judge
William Hudleston Esqre ---- 3d Puisne Judge.

Read letter dated the 26th Ultimo,

from the Provincial Court of Circuit in the Southern Division, submitting copies of letters, received from the Magistrate of Tanjore, Salem, and Coimbatore, containing the explanations required by the Foujdaree Udalut on certain points connected with the Criminal Statements for the 1st half of the Year 1835.

/Here enter No. 1941/

In explanation of the punishment of Stripes inflicted by the Native Police in the District of Coimbatore, the Magistrate in his letter, dated the 6th of August last, states, that "the Acting Joint Magis-"trate has explained that all cases wherein Stripes "were inflicted were referred to him by the Heads of "District Police; and he considered that Claude 2nd "Section IV Regulation IV of 1821, and the Orders of "the Foujdaree Udalut under date the 30th January "1824 gave authority to the Magistrate to depute the Heads of District Police to inflict Stripes in

cases

"cases of Petty Thefts referred to him without personal
"investigation;" at the same time the Magistrate observes
that "under the modification of clause 1st Section IV
"Regulation IV of 1821 the Court may be of opinion that
"Heads of District Police cannot be deputed by the
"Magistrate to carry into effect a sentence of punishment
"which they themselves are prohibited from inflicting
"by Clause 1st Section V Regulation XIII of 1832, and that
"in all cases, referred to the Magistrate, wherein the
"punishment of stripes, which Heads of District Police
"are now not empowered to inflict, may appear requisite
"the Parties and Witnesses should necessarily be for-
=warded to the Magistrate for further investigation
"and punishment." — and intimating that pending
instructions on the subject "directions will be given
"that all cases wherein the infliction of Corporal pu-
="nishment is considered necessary may be disposed
"of after personal enquiry by the Magistracy."

2. The question here raised was discussed by the Foujdaree Udalut on the 16th July last, on a similar reference from the Joint Magistrate in charge of the Zillah of Canara, when the legality of the proceeding was recognized on the grounds that though clause 1st Section IV Regulation IV of 1821 has been specifically modified by clause 1st Section V Regulation

Regulation XIII of 1832, the provisions of the remaining Clauses of that Section are still in force, and that the punishment awarded under Clause 2nd is not imposed by the Head of Police, but by the Magistrate.

The Acting Joint Magistrate should,

3. however, clearly understand that the powers of refer-
=ence vested in the Head of Police by Clause 2d
Section IV Regulation IV of 1821 are limited to petty cases
of Theft where the property stolen may not exceed 5 Rupees;
and to avoid future references for explanation, it would
appear desirable that the heading under the letter D, in
Column No 14 of the Statement No 1 should be altered
to "Flogged under the orders of the Magistracy"

Ordered, that Extract from these
proceedings be forwarded to the Provincial Court
of Circuit in the Southern Division for the informa-
=tion of the Magistrate of Coimbatore.

(Sent in No 1369 — .

Dd. Ans 92P

F. U.

At a Court of the Foujdaree Udalut.

Present,

Friday
20th November 1835.

Charles Mary Lushington Esqre 1st Puisne Judge.
John Bird Esqre ---------- 2d Puisne Judge
William Hudleston Esqre -- 3d Puisne Judge.

Read return dated the 14th Instant,
made by the 2nd Judge on circuit in the Southern Division,
to the Precept of this Court of the 17th Ultimo, containing
the observations and orders of the Foujdaree Udalut
on the Combaconum Calendars for the 2nd Sessions
of 1835.—

Here enter No 1999

The 2nd Judge will amend the "fresh
"warrant" issued in case No 33 by omitting such part
as directs the Acting Criminal Judge of Combaconum
to expose the prisoner "to hard labour", pending the
reference of her trial to the Court of Foujdaree
Udalut — The Court are at a loss to conjecture
upon what grounds it could have been so ordered.

Ordered, that Extract from these
proceedings be forwarded to the 2nd Judge on Circuit
in the Southern Division for his information and
guidance by precept returnable in 5 days.

(Sent following Precept No 1373

Circular

Circular Order
No. 56.

The Court of Foujdaree Udalut considering it expedient, that the construction of Section III. Regulation XV of 1803, ruled by the Foujdaree Udalut on the 7th of September 1829, should be circulated for general information—resolve to direct that the following paras of a Letter addressed to the Additional Judge on circuit in the Centre Division, be furnished to the 4 Provincial Courts of Circuit for their information and guidance, a Copy being also furnished by the Provincial Court to the Judge now on circuit in each Division—

Para 2—

"Highway robbery, by a single unarmed
"person does not come within the definition of "robbery by
"open violence" as defined in clause first Section III Regula-
"tion XV 1803, but is distinct from it. According to the
"Mahommedan Law, it would be punishable by the
"amputation of two limbs, and consequently / under the
"Commutation directed in the Regulations / 14 Years'
"imprisonment.—Though intimidation may be used
"by a single unarmed robber, it is only when he is
"armed with an "offensive weapon", or accompanied
"by others in "a gang," that the Clause in question
"applies—In cases of a single unarmed robber the

"the Mussulman law exclusively applies."

"Where the prisoner is fully convicted

3.

"by the Law Officer, and sentenced to discretionary pun-
"ishment, if the Regulations have denounced the
"penalty to be adjudged, no second Futwa is requisite.
"But if the conviction is incomplete, and the ac-
"quittal proceeds on the incompetency of the Witnesses
"on any of the grounds specified in Section VIII Regu-
"lation I 1825, a second Futwa should be taken."

"It is only in cases where the

4.

"Regulations have not annexed a specific penalty
"to the Offence, that in the event of conviction, and
"sentence by the Law Officer to discretionary punishment,
"it becomes necessary, in crimes to which the Mussulman
"law has annexed a specific punishment /Hudd/, as it
"does in all cases of Robbery by a single unarmed
"person to take a second Futwa, under Clause third
"or fourth, Section II Regulation XV 1803 according
"as the said specific sentence of Hudd may be
"opposed by the obstacle of a conviction under
"/ghalib oozun/ strong presumption, or by a
"/shoobah/ scrupulous distinction. In either case,
"by means of a second futwa, the British Code
"overcomes these obstacles."

"Clause Seventh of the said

5.

Section

"Section applies to Cases of Conviction and Sentence to
"discretionary punishment, in crimes to which neither
"the Code of Regulations, nor the Mahommedan law
"have annexed any specific penalty, under which
"description may be classed many of the higher descrip
=tions of fraud, or misdemeanour."

6

"The difficulty into which you have
"been led seems to have arisen from your not distin=
="guishing robbery by a Gang, or by a person offensively
"armed, to which the Regulations annex a specific
"penalty, from robbery by a single person unarmed
"offensively for which they do not provide, but to
"which the Mussulman law affixes the specific
"penalty of Hudd."

Ordered accordingly, that Extract
from these Proceedings be furnished to the Provin=
=cial Courts of Circuit in the Northern, Centre,
Southern and Western Divisions for their infor=
=mation and guidance by precept returnable in
5 days from and after its receipt

(Sent following Circular precept 8th 37th

the 1st Judge on Circuit in the Western Division, Sub=
=mitting, with reference to the letter from this Office
addressed to the Criminal Judge of Malabar under
date

Read letter dated the 8th Instant, from

date the 20th Ultimo, the pair of Dies and the three
Rupees which the prisoner in case No 3 of the second
Additional Malabar Calendar for the 2nd Sessions
of the present year, was charged with having made
and forged.

(Here enter No 2009.)

The Court of Foujdaree Udalut

1.

having ascertained, by a reference to the Mint, that
there can be no doubt but that the Rupees in question
were struck from the Dies which accompanied the
1st Judge's letter of the 3rd Instant, they direct that
the Criminal Judge of Malabar be instructed to
recommit the prisoner —

"Vattanchopitte Manderevala pil Amod"

to take his trial before the Court of Circuit at the
ensuing Sessions.

The Court of Foujdaree Udalut

2.

further direct, that the two dies and the three
Rupees be returned to the 1st Judge on Circuit
in the Western Division, for the purpose of being
forwarded to the Criminal Judge of Malabar.

Ordered, that Extract from these
proceedings be forwarded to the 1st Judge on Cir=
=cuit in the Western Division for his informa=
=tion and guidance by precept returnable in 5
days

days from and after its receipt

(Sent following Precept No 1375

Read Extract from the Proceedings of the Provincial Court of Circuit in the Centre Division, representing that certain Peons composing the Jail Guard at Pomanallee having complained to the Provincial Court of Circuit of their dismissal by the Magistrate of Chingleput, the Criminal Judge of the Zillah was "directed to investigate "the cause of the Petitioners removal and to pass "such decision on the case as he may consider "proper and equitable" - that the Criminal Judge has made return to the effect that he is unable to carry the injunctions of the Provincial Court of Circuit into effect, in consequence of the Magistrate having disputed his authority to interfere with his Orders, regarding the appointment and removal of the Guards attached to the Convicts employed under his charge - that the Precept of the Provincial Court was founded on the Proceedings of the Foujdaree Udalut dated the 1st March 1834, wherein it was ruled "that the Guards attached to Convicts "employed at Military Stations are still subject to the "appointment and removal of the Criminal Judge," and considering the occasion on which those orders were issued

"a parallel" case to the present, they refer the question for the decision of the Foujdaree Udalut.

(Here enter No 2022.)

In the 2nd para: of his letter to the Criminal Judge of Chingleput dated the 20th Ultimo, the Magistrate argues, that if it is "competent" to him "under the provisions of Regulation X of 1832 to punish "prisoners in order to maintain good order and discipline "in the Jail under his authority - it follows as a matter "of course, in order to strengthen his hands, that he "must have complete authority over the Peons and "others guarding the said Prisoners."-

1.

It has been the practice of this Court to consider, that the Magistrate possesses the authority, for which Mr Maclean contends, in so far at least as respects the appointment and dismissal of the Peons transfered with the Convicts placed under his control, and it would be obviously inconvenient to deny him this power.

2.

The Provincial Court are in error in supposing, that the case of the Peons transfered with the Convicts to Arnee "is a parallel one" - the Peons who accompanied the prisoners employed under the Orders of the Commanding Officer at that Station were borne on the establishment of the Criminal

3.

Court

Court and paid by the Criminal Judge of Chittoor, and were consequently still subject to the authority of the Criminal Judge; those transferred with the Cowrie placed under the Orders of the Magistrate of Chingleput are paid by himself, and the Court of Foujdaree Udalut construe the order of Government of the 18th March 1831 to restrict the power to interfere with the removal of Peons so employed, to the Court of Sudr Udalut, to be exercised when deemed "necessary."

4 The Court therefore resolve to depute the Provincial Court of Circuit in the Centre Division to call upon the Magistrate of Chingleput to account for the dismissal of the Peon named in the Petition which accompanied this reference, and to report the result of the investigation for the final Orders of the Foujdaree Udalut.

Ordered, that Extract from these proceedings be forwarded 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 1376

Read the Chingleput Criminal Reports prescribed by Section XXXV Regulation X of 1816 for October

Report V
Case 181.

1. /Here enter No 2046/

In this case, wherein a Police Peon is charged with "allowing a prisoner to escape from his custody

20th November 1835.

"custody" whilst "under the examination of the Jafsildar," the Court of Foujdaree Udalut are of opinion that the Police Officer, should have sent the prisoner to the Criminal Court and not to the Magistrate. The Acting Criminal Judge will furnish the Magistrate with Copy of the case and of this paragraph, with a view to the prevention of future similar Cases being delayed in the Jalook.

The Court await the expected explanation of the delay of this Case before the Jafsildar

Case 208

2. from the 4th to the 22nd October - If not early communicated to the Criminal Court, the Acting Criminal Judge will transmit to the Magistrate Copy of the Case and of this paragraph for his information.

Ordered, that Extract of these Proceedings be sent to the Acting Criminal Judge of Chingleput for his information and guidance by Precept returnable in 3 days after receipt

/Sent following Precept No 1377

Read the Mangalore Criminal Reports prescribed by Section XXXV Regulation X 1816 for the month of October

/Here enter No 2046/

The explanation of the detention in the Jalook of the Prisoners in these Cases being, in the opinion of the Court of Foujdaree Udalut, insufficient,

Report V
Cases 106, 107.

1.

the

the Acting Criminal Judge will be pleased to furnish Copies of the Cases and of this paragraph to the Magistrate, who will make return direct to this Court in 8 days after receipt of this Order, and afford further information respecting the delay, than is given in the Report under review.

Case 114.

2

The commitment of this Case of "escape" being contrary to the Circular Order No 29 the Acting Criminal Judge should dispose of it himself, the sentence however should not be recorded until the result of the trial of the prisoner upon the other charge, whereon he has been correctly committed, is known.

Ordered, that Extract of these proceedings be sent to the Acting Criminal Judge at Masulipatam for his information and guidance by Precept returnable in 4 days after receipt.

/Sent following Precept No 1378

Read the Honble Criminal Reports prescribed by Section XXXV Regulation X 1816 for the month of October.

/Here enter No 2047/

Report V
Case 70

1

There being nothing in the Report to shew upon what grounds the 1st Prisoner in the Case noted in the Margin was convicted, the Court of Foujdaree Udalut direct that the Acting Joint Criminal

Criminal Judge be now called upon to supply the omission.

The Acting Joint Criminal Judge

2

will, in future, place the Supplemental Report before the Report No 5.

Ordered, that Extract of these Proceedings be sent to the Acting Joint Criminal Judge at Honore for his information and guidance by Precept returnable in 3 days after receipt.

/Sent following Precept No 1379

Read return, dated the 10th Instant, made by the Additional Judge of the Court of Circuit in the Northern Division, to the Precept of this Court dated the 29th Ultimo, conveying their observations and Orders on the Masulipatam Calendar for the Third Quarter Sessions of 1835.

/Here enter No 2055/

In the 3d para: of the above return

1

the Additional Judge states, that of the Proceedings "of the Foujdaree Udalut of the 25th February 1835," "which "are supposed to contain instructions for the guidance "of the Judges presiding" "in regard to the mode of "preparing the Calendars for the Quarterly Sessions," no copy is to be found "in the Court," and that he "never" "heard of them till he saw them quoted in the Foujdaree Udalut"

20th November 1835.

"Udalut proceedings under petition."

2

The Proceedings of the Tongdare Udalut of the 24th February 1835 were addressed to the Acting 3d Judge who presided at the 4th Quarterly Sessions of 1834, and the Court of Tongdare Udalut desire therefore that the Provincial Court of Circuit will call upon Mr. Wyey to explain why all papers received by him during those Sessions were not punctually deposited in the records of the Provincial Court in conformity to the Circular Orders of the Tongdare Udalut under date the 6th September 1831 and 8th June 1827; and that they will at the same time require that Gentleman to furnish to the Register for the information of the Judges of the Provincial Court of Circuit, all orders and instructions which may have been addressed to him individually by the Court of Tongdare Udalut during the period for which he has officiated as a Judge of Circuit should such papers have not been already laid before the Provincial Court

Ordered, that Udalut from these Proceedings be forwarded to the Provincial Court of Circuit on the North-ern Division for their information and guidance by Precept returnable in 10 days from and after its receipt.

(Sealed & followed) Precept the 1330

* Copy of which are again furnished for the information of the Provincial Court.

E. 46.

At a Court of the Tongdare Udalut

Present

Monday, 23d November, 1835.

Charles Gray Lushington Esqre 1st Puisne Judge,
John Bird Esqre ——— 2d Puisne Judge,
William Hudleston Esqre ——— 3d Puisne Judge,

Read petition presented on the 9th Instant by Bonny of the Zilla of Chingleput.—

(Here enter Mrs. C. No. 97 of 1835.)

The Petitioner states, with reference to her former Petition, presented on the 19th Octr, that she has been given to understand that the case No. 2 on the Chingleput Calendar 2d Sessions 1835 was returned by the Tongdare Udalut to the Lower Court for correction, and she prays that upon it being returned, her Petition may be considered, and that orders may be issued for the release of her son Connam, who is a Prisoner in the said case.—

The Court direct that the Petitioner be informed, that the trial to which she refers will be disposed of in due course, as soon as it has been received from the Cazamajor, and that she should not remain in vain attendance on the Court.—

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

Read

Read letter dated the 12th Instant from the Criminal Judge at Rajahmundry, transmitting the "Statement of Labor" of the prisoners at Cumulchettah.

(Here enter 2078)

The Court of Enquiry directed that column 9 of the above Statement is not in the modified form required under the Circular Order of the 29th August 1831, and they recommend that the Criminal Judge be instructed to forward a copy of the correct form to the Superintendant Cumulchettah, with the request of the Court that it may be adopted, and that the expenses of the food and clothing of the prisoners in the aforesaid Column, and also that a note may be added at the foot of the statement, in future, shewing the number of the sick prisoners, as well as the mortality.—

Ordered, that extract of these proceedings be sent to the Criminal Judge at Rajahmundry for his information and guidance

By Precept returnable in 8 days after receipt.—

(Sent following Precept No. 1383

Read the Criminal Calendar for the month prescribed by Section XXXV Regulation X 1816 for the month of October.—

(Here enter No. 2046)

23d November 1836.

Report V

Case 68

In this case is recorded the following observation of the Joint Criminal Judge. "The prisoner has no house nor relations but supports himself by casual donations from those who venture to employ him as a Barber. He appears to be an Idiot, but as there is no proof of his being insane on the day when he robbed the Prosecutor he is sentenced to two months imprisonment under Clause 4th Section III Regulation VII 1822."

2. It appears to the Court of Enquiry on Evidence, that under the admission of the letter of the Criminal Procedure, the Joint Criminal Judge erred in passing sentence upon him. The Joint Criminal Judge will now cancel it and order the prisoner to be detained in custody under the medical charge of the Civil Surgeon, "he should not however be kept with the convicts and he should be subjected to as little restraint as possible consistent with his safety."

3. In the event of any relative being found willing to take charge of the said prisoner Pitchey, he should be delivered over to the party.—

Ordered, that extract of these proceedings be sent to the Joint Criminal Judge at Timmerly for his information and guidance by Precept returnable in 3 days after receipt.—

(Sent following Precept No. 1384

Read

Read the Calendar Criminal Report prescribed by Section XXXV Regulation X 1816 for the month of October.—

Report V
Case 80.

1.

(Here enter No. 2042)

Although the prisoner in the case noted in the margin was apprehended on the 6th October, his Police examination is represented to have been taken on the 15th of that month. The Court of Enquiry enjoin strict that explanation be called for of the cause of delay during this interval. The Acting Joint Criminal Judge will accordingly furnish a copy of the statement of this paragraph to the Magistrate, who will make return direct to this Court, within 8 days after receipt of this order.—

2.

In the Statement of Extenuating Circumstances played at the Cossaboa Sessions, the non-appearance of the Presidency having been inserted, the Court direct that the Statement be returned for correction.—

3.

The Acting Joint Criminal Judge will have noticed in his letter accompanying the Report under review, that no "Supplemental" Report had to be expected.—

Ordered, that extracts of this Proceedings be sent (together with the Statement of Extenuating) to the Acting Joint Criminal Judge of Cossaboa for his

F. 46
23d November 1835.

information and guidance by Precept returnable in 3 days after receipt.—

(Sent following Precept No. 1385

Read the Salem Criminal Reports prescribed by Section XXXV Regulation X 1816 for October.—

(Here enter No. 2043.)

It appears to the Court of Enquiry that

Report I
Case 121

1.

Could that the facts proved would have justified the conviction of the first prisoner in this case, despite the confession established. They will not therefore now disturb the Criminal Judge's order for the requisition of security from him.—

In this case the cause of the detention

Case 129.

2.

in the Gaol of the prisoners should have been ascertained from the Magistrate of Erichinpoly. The Court of Enquiry do not consider that the Criminal Judge will now furnish to that officer a 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 130.

3.

From the circumstances represented in the Report, the case noted in the margin appears to the Court of Enquiry to be one of fraud. The Assistant Criminal Judge will therefore cancel the sentence

sentence recorded, and has an amended sentence
under Section VII Regulation X 1816 be committed the
prisoner if he is of opinion that the punishment
under that provision of the law is inadequate to the offence
The officer in charge of the Court will be pleased to
report what may have been done under these orders.

Ordered, that extracts of these proceedings
be sent to the Criminal Judge of Calcutta for his
information and guidance by Courier returnable in
3 days after receipt.—

(Cut following Result No. 1386

Read the Chittra Criminal Plots
prescribed by Section XXXV Regulation X 1816 for October 1885.
(Here enter No. 2045.)

Supplemental Report 1.

The Court observe that the cause of delay
is entered in each case in this Report; and this seemingly
direct it to be pointed out to the Criminal Judge, that
when the explanation has been only given in the
Report V in the Column headed "explanation of delay",
the repetition of it in the Supplemental Report is
unnecessary.—

Suppl. Report
Case 177.

2.

The grounds of suspicion upon which the
requisition of security from the 1st and 2nd prisoners in this
case has been made, not being given in the Report, the Court
direct that the Criminal Judge be now invited to supply the
omission.—

The

The Criminal Judge will furnish the

Report V
Cases 183 and 194.

3.

Magistrate with copy of these cases and of this paragraph
it appears to the Court of Enquiry Dacoity that the reasons
assigned for the detention of the prisoners in the Calcutta
are far from satisfactory, particularly in No. 194. The
Magistrate will report anew to this Court what notice he
may take of the conduct of the Police officers who forwarded
the two prisoners concerned in it, after a detention of
upwards of a month.—

Case 191

4.

The grounds of commitment should
be specified, for the information of the Court of Enquiry
Dacoity, in all cases: a short, but distinct note of the
evidence is all that is necessary, but an allusion to
what is recorded, as in this case, in the "declarations
given before the Head of Police and Criminal Court,"
is obviously insufficient.—

A similar remark applies to the

Case 192.

5

following case No. 192.—

The Court remark that in recording

Case 210.

6.

his sentence in this case and his order in some other
cases, the Criminal Judge considers it proper to use
form of words such as "The Court having had under
consideration all that had been adduced in the Case".
In the Criminal Reports however it is not expected that
a form of this nature should be adopted, the object

to

to be kept in view is conciseness, consistent with perspicuity, and the Criminal Judge will bear this observation in mind in framing his orders in future.—

Ordered, that extract of these proceedings be sent to the Criminal Judge of Chittoor for his information and guidance by Precept returnable in 4 days after receipt.—

(Sent following Precept No. 1387

Read the Madura Criminal Reports prescribed by Section XXXV Regulation X of 1816 for October—

(Here enter No. 2165)

Report V

Case 106.

1.

The reference in the Column headed "explanation of delay" in this case and in others, in the Reports under review, to the "Translation of Cahcheris" Reports" is not considered by the Court of Enquiry & Redress satisfactory—the Criminal Judge will, therefore, proceed in future, as is usual in the other Courts, in regard to this point and record the explanation in the appropriate Column.—

2.

Cases 106 107 109 112

Referring however to the Reports in question, the explanation of the delay in the cases No. 106. 107-109 and 112 appear to the Court sufficient and the Criminal Judge will furnish to the Magistrate copy of the cases of the said translations, and of this paragraph for his information and for any further

F.B.

30th November 1836.

further explanation in respect to case 109, that he may be able to transmit the Magistrate will make return direct to this Court within 10 days after receipt of this order. It is observed in the last case that there was "no proof whatever against the prisoners."—

Ordered, that extract of these proceedings be sent to the Criminal Judge at Madura for his information and guidance by Precept returnable in 3 days after receipt.—

(Sent following Precept No. 1388

Read the Cudapah and Chingleput Criminal Reports prescribed by Section XXXV Regulation X 1816.—

(Here enter No. 2044)

Cudapah Suppl. Report Cases 111 and 112.

111

In the Report of the cases noted in the margin, it is stated that the "examination" was not finished. Under this circumstance the reason why the Criminal Judge could not conclude the investigations should have been specified for the information of the Enquiry & Redress.—

Case 158.

The fact of this case having been sent up without any evidence against the prisoners should, with copy of the case, be communicated to the Magistrate, if he has not already been so made

made acquainted with it.—

The Cumbum Criminal Reports do not call for any remark.—

Ordered, that extract of these proceedings be sent to the Criminal Judge of Cuddapah for his information and guidance.—

(Sent in Ltr. No. 1389

Read the Calicut Criminal Reports prescribed by Section XXXV Regulation X 1816 for the months of October.—

(Here enter Ltr. No. 2166)

Reports V

Case 310—

With reference to the explanation of the detention of the prisoners in this case in the Talook, the Court direct that the Principal Sheristadar who forwarded it, that in the Circular Order 24th January 1822 the non appearance of other suspected persons" is declared to be an insufficient ground for the infringement of Clause 4th Sec. XXVII Regulation XI. 1816. The Criminal Judge will accordingly furnish the Magistrate with a copy of the case and of this paragraph for his information and guidance.

The Court direct that the Criminal Judge be called upon for an explanation of the detention of 14 Prisoners in Jail for want of Bail.

It is observed that the number of prisoners on Bail is

is stated to be 257/11 for whom 64 Bonds are authorized, whereas only 46 Bonds are represented in the "Statement of Extra Bonds" as employed during October. It occurs to the Court that "Kolkars" may not have been procurable.—

Ordered, that extract of these proceedings be sent to the Criminal Judge at Calicut for his information and guidance by Receipt returnable in 3 days after receipt.—

(Sent following Receipt No. 1390

Read again extract from the Minutes of Consultation under date the 7th April 1835, conveying the observations and orders of the Right Honorable the Governor in Council, on the extract from the Proceedings of the Sudder Adalut under date the 29th November 1834, on review of the administration of Criminal Justice under the Presidency of Fort St. George during the half year ending the 31st December 1833.—

(Here enter P.C. dt. 536 of 1835)

Read also Return dated the 13th June 1835 from the Provincial Court of Circuit in the Centre Division to the Precept of the Court of Sudder Adalut under date the 29th May 1835 calling for a Return to former orders requiring an explanation from the Criminal Judges of Balcore and Cuddapah of certain entries in the Half yearly Criminal

Criminal Statements for the second half of the year 1833.—

(Here enter P.R. No. 985 of 1835)

Read also Return dated the 15th June 1835 from the Magistrate of Cuddapah, submitting the information required in the 16th paragraph of the Extract from the Minutes of Consultation under date the 7th April 1835.—

(Here enter P.R. No. 1018 of 1835)

Read also Return dated the 13th June 1835 from the Provincial Court of Circuit in the Northern Division, submitting the copy of that from the Magistrate of Vizagapatam, furnishing the information required in the 6th paragraph of the Extract from the Minutes of Consultation above quoted.—

(Here enter P.R. No. 1031 of 1835)

Read also letter dated the 22d June 1835 from the Provincial Court of Circuit in the Western Division, transmitting the copy of a Return from the Joint Magistrate in charge of Cuncum of the "an increase in the Statement for the last half "year 1833 as respects the number of persons "brought before the Heads of District Police for petty offences.

(Here enter P.R. No. 1019 of 1835)

Read

P.R.
23rd November 1836.

Read also letter dated the 29th June 1835 from the Provincial Court of Circuit in the Eastern Division, submitting the explanation of the Magistrate of Erichinfoly on the point referred to in the 5th paragraph of the Extract from the Minutes of Consultation above quoted.—

(Here enter P.R. No. 1111 of 1835)

Referring to the fourth paragraph of the Extract from the Minutes of Consultation, in which it is stated that "the Government "would be glad to know if there is any thing "peculiarly favorable to the institution of false "complaints before the District Police in Chittoor and "Erichinfoly as also in Canara," and Vizagapatam. the Court of Circuit observe that the Magistrate of Erichinfoly reports that "there do often "appear to be certain circumstances peculiarly "favorable to the institution of false complaints before "the Police in Erichinfoly. Extract from "there being "no Tribunal for the decision of petty Civil suits "under 10 Rupees for the Cowle and summons of "Erichinfoly, containing a population little short "of 100,000 souls." The Magistrate remarks that "it is "a very common practice for parties having some "matter of complaint of a Civil nature to be assisted,

"to mix up with it a charge of assault, theft, or some
"breach of the peace, in order to bring the case before
"the Police, with the hope either that some decision may
"be obtained in their favour; that their offended though
"fear of the consequences of the violence of false
"witnesses may be induced to compromise the matter.
"as in the investigation of these sort of cases the real
"matter of complaint is found to be of a civil nature
"and the rest of the charge entirely groundless, they
"are dismissed as false complaints." The Magistrate
therefore deems it "advisable to appoint some reputable
"and duly qualified inhabitant of the Cot, to the
"office of Moonsiff, with the same jurisdiction as
"granted to Village Moonsiffs by the annexed Regulation
"enacted for this purpose." The Magistrate further
states that "notwithstanding a considerable
"number of cases entered in the Calendar, to swell the
"no of false complaints, is the great source of the
"delay of the Criminal Court from which part of
"the District" and after detailing the process
which the parties usually have recourse "to avoid
"the serious inconvenience and loss they are subjected
"to in attending the Court at Cuddapah" he adds
that "it must be obvious that this circumstance
"of parties to prevent offences to conviction must

greatly

"operate as an encouragement to crime," and that he
"has no hesitation in saying that the want of a
"Criminal Court in this District acts as a serious
"disadvantage to the administration of Criminal
"Justice."—

2. The proposition for appointing a Moonsiff for the Cum of Cuddapah with the powers specified can be carried into effect only by a Legislative enactment: and of this measure, with reference to the second paragraph of the letter from the Secretary to the Government of India dated the 7th September 1835, in which it is stated that "it is deemed desirable, whenever practicable, to avoid "legislating for particular occasions" the Court of Sudder Adawlut are not prepared to recommend the adoption. Moreover in the concluding paragraph of his Return the Magistrate states that "the "number (of false complaints) "have greatly increased "since the period referred to in the Proceedings "under reply: and it is hoped that the practice "will be still further checked by the strict "observance of the provisions of Section II. Regulation "IX of 1832 which has been enjoined on all the "subordinate Police officers." The Court are desirous of drawing the particular attention of Government

to

to the remarks of the Magistrate relative to the inconvenience at present sustained by Prosecutors and witnesses from the absence of any Court of Enquiry in the General Cutcherry of those numerous, the Court of Enquiry deduct comm.—

3.

The Joint Magistrate in charge of Canara states "that upon an examination of the "accounts he finds that the number of persons "brought before the Heads of Districts Police for "petty offences during the last half year of 1835 are "incorrectly made out and underrated in the half yearly "Statements: and that "had the accounts been "correctly made out, the proportion of persons in regard "in charge is not of those that would fall complaints "are peculiarly prevalent in Canara that amidst "that Complaints are very frequently made maliciously "and a great number of persons wrongfully inlisted "in them." This affords sufficient to show that the low "of inhabitants furnishing among the people is the "source of constant quarrels" as to the exemption "to and cultivation of land" which are magnified into charges of "dacoity" and the names not only of the offenders but of all the other relations in this interest and of the respondents are introduced into

"into it."—

The Magistrate of Pyzgipatam states

4.

explains that a frequently large number of false complaints instituted before the Police of that District "to the more than 100 charges are against persons for cases "connected with the customs. Complaints when made "by the Lyer Renters against individuals or by individuals "against the Renters, seldom proceed further than the "complaint; for it almost invariably happens that "between the period when the complaint is made "and the summons served, the parties have entered "into an amicable arrangement of their differences which, "as the cases are generally of a petty nature are permitted "to be filed. This circumstance appears to have swelled "the accounts now alluded to, and made the number "of persons charged in Cases in conformity with "those committed"

5.

In the sixth paragraph of the extract from the Minutes of Consultation, the Lyer of the Cutcherry Record are requested to call upon the present Magistrate to report particularly whether "office in Pyzgipatam is really an evil such as "mistaken as to operate in a manner as prejudicial "to the public interests as to render compromise "which, but for this cause, would not be entered into

"into". Mr. Fuge has accordingly reported that although
"the distance from many parts of the district to the
"Magistrate's office is certainly a serious objection yet
"the Magistrate's office is as centrally situated as the
"well could be, and the distance is not found to
"deter those who feel themselves aggrieved from coming
"there" The present Magistrate further suggests that
"there are other causes than those mentioned by his
"predecessor, as tending to swell the number of
"Razeemahs considerably; among which particularly
"is the circumstance of the numerous Zemindars and
"Renters of Villages in this Province who, whenever the
"Magistrate" for their own interest wish to prevent
"the necessity of parties and Villagers being obliged
"to attend at the Magistrate's office whenever called for
"may be, more especially at the critical season
"or time of harvest" and who possess "with to maintain"
"their own influence and thereby endeavour to remit
"the parties &c."

6. Referring to the eleventh paragraph of the Extract from the Minutes of Consultations the Court of Sudder Adawlut have the honor to submit the "explanation called for of the great "difference observable in the Returns of Committals "cases in the Zillahs of Bellary and Cuddapah".

The

23d. December 1835.

The Criminal Judge of Cuddapah has furnished a
circular statement and at the same time reports that
"an error has been committed by the officer who drew up
"the former statement by which 1690 instead of 735 are
"entered as having been sent up in cases cognizable
"by the Criminal Court." The officiating Criminal Judge
of Bellary states "with respect to the fact of 691 persons
"having been released by him out of 1674 sent up by
"the Magistrate. He can only refer to his records to prove
"that no one has been released who could legally
"have been punished or committed. He has in reference
"to the observation directed the attention of the Principal
"Magistrate to cases forwarded by the Native Police
"without a shadow of evidence. On instances often
"when a man confesses guilt, and misleads sound
"that they are sent back off to Court without any
"attempt to support the misdeclaration"

7. The Court of Sudder Adawlut consider the explanation of the officiating Criminal Judge to be sufficient though at the same time they observe a want of uniformity on the part of the Native Police of that district which it would be desirable to have corrected.

8. Referring to the seventeenth paragraph of the Extract from the Minutes of Consultations the Court

Court of Tinnevelly Ordered that the Magistrate of Cuddapah has reported that the information he has received bears to the suspicion that Mr Lewis alluded to the Kurnool district as the place of refuge for offenders. The Magistrate says that several instances have occurred of offenders escaping by flight to that country when the efforts of the Magistrate have been ineffectual in procuring their apprehension.

9. In conclusion with reference to the twentieth paragraph of the extract from the Minutes of Consultation, the Court of Tinnevelly Ordered that they have to report that under the authority of 1816, they authorized the offer by the Magistrate of Madura of a reward of five hundred Rupees for the apprehension of the Dacoits, and of one hundred Rupees for the apprehension of each of the inferior offenders, in the case of murder alluded to in the extract from their proceedings under date the 29th November 1834. The Court regret however to observe that the efforts of the Police have not been attended with success.

Ordered, that extract from the proceedings be sent to the Chief Secretary to Government

Government for the purpose of being laid before the Right Honorable the Governor in Council, together with copies of the following documents.

Return from the Criminal Judge of Cuddapah - Dated 20th 1836.
" " Criml. Judge — Bellary — " 21st 1836.
" Magistrate of Vizagapatam — " 9th 1836.
" " — Cuddapah — " 16th 1836.
" Joint Magrs of Canara (no charge) — " 20th 1836.
" the Magistrate of Trichinopoly — " 23d 1836.

Sent in No 1391

J. U.

At a Court of the Tongdaree Zillah.

Present,

Tuesday 24th November 1835. Charles May Lushington Esqr. 1st Puisne Judge.

John Bird Esqr. ——— 2d Puisne Judge.

William Hudleston Esqr. 3d Puisne Judge.

Read letter dated the 30th Ultimo from the Third Judge on Circuit in the Centre Division, submitting the copies of the Bellary Primary and Supplemental Calendars for the Second Sessions of 1835.—

Ordered that the Case No. 985 of 1835 be here entered.—

The Court of Tongdaree Zillah

Primary Calendar Cases Nos. 2 and 3. direct that the Officiating Criminal Judge of Bellaree do required to take immediate measures to ascertain where the Prosecutor and the first and second witnesses in case No. 2, and the Prosecutors in case No. 3 now are, and where they are likely to be at the time when their attendance will be requisite at the next ensuing Sessions of Gaol Delivery.—

The Court of Tongdaree Zillah

Case No. 7. are of opinion, that in this case there were no sufficient grounds for committing the Prisoners to take their trial before

F.U.
24th November 1835

Before the Court of Circuit.

Case No: 8.

3 The Futwa returned in this case by the Mahommedan Law Officer of the Court of Circuit is radically defective. It should declare only the evidence of the eighth and ninth witnesses is inadmissible: and it does not declare that if the testimony of the first, second and ninth witnesses had been admissible, the Prisoner would have been convicted.

4 The Presiding Judge will require the Mahommedan Law Officer to deliver a Futwa according to the Regulations declaring whether or not the Prisoner is convicted on the evidence of the first, second and ninth witnesses admissible.

5 Should the Prisoner be declared to be convicted, the case will fall under the provisions of Clause third, Section II Regulation XI of 1803.

6 At present there is no legal conviction at all, unless such conviction be declared by the Mahommedan Law Officer, and English and Persian Translation of the proceedings must be submitted for the consideration and final judgment of the Sunnee Court

In

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7 The translation of the Futwa as given in the Calendar, is inaccurate throughout; a correcter translation will be found appended to these proceedings, from which it is clearly apparent the impropriety of the conviction as it now stands, by the Court of Circuit: whose second question, moreover, it is scarcely necessary to add, is both irrelevant and illegal.

Case No: 9. 8 The Court of Sunnee Adaulut are of opinion that the sentence prescribed by the Hindoo Judge is insufficient for the punishment of the offence of which the Prisoners in this case have been convicted: namely. Gang Robbery with open violence: and resolve accordingly to direct that the Prisoners,

1st Monah,
2nd Chitrah,
3rd Ramjee,
4th Lingah,
5th Dungee,
and
6th Bejah,

be imprisoned and kept to hard labour in irons on the public roads or other public works, for and during the period of [illegible] seven years.

In this final futwa in both

Cases No: 15 & 16. 9 the

24th November 1835.

the cases noted in the Margin. the Mahommedan Law Officer of the Court of Circuit declared the Prisoner convicted on strong presumptive proof of an intent to commit Gang Robbery, and liable in consequence to Sookoobut: and the presiding Judge signifying his approval of the finding sentenced the Prisoner in each case to three years imprisonment with hard labour in irons under clause seventh Section II Regulation XV of 1803:

The Court of Sudder Dewanny Adawlut observe that the case falls under the provisions of Clause Third, Section IV Regulation XV of 1803, in which is prescribed the punishment of persons "by whom as in the present instance any violent attempt shall have been made to commit Robbery, though not effected", or who may be "convicted of having been present, aiding and abetting at such attempt to rob".

If it were to seem, from this citation of the above provision, the Presiding Judge considers the Prisoners convicted of assisting only, the reference of both cases for the consideration and final Judgment of the Sudder Dewanny Adawlut, becomes necessary: but, if so concurring

24th November 1835

concurring in deeming the accused convicted of an attempt to commit robbery, he shall nevertheless be of opinion that the full penalty prescribed by Law is more severe than the ends of Justice require, he is at liberty to apply for such mitigation of the sentence as may appear to him to be just and expedient.

Case No. 19.

The Court of Sudder Dewanny Adawlut having maturely considered all the circumstances of this case as they appear in abstract on the Calendar together with the recommendation of the Presiding Judge, resolve, under the authority vested in them by Clause Third, Section III Regulation I of 1825 to sanction the mitigated sentence proposed by that Officer, and accordingly direct that the Prisoners,

1st Nuneegangoo,

2d Potteegangoo,

and

3d Singapoo (Satary)

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. 20

Under the peculiar circumstances which mark this case, the Court of Sudder Dewanny Adawlut deem it proper

to direct that an English Translation of the proceedings be prepared and submitted for their consideration with as little delay as possible.

Case No. 20 14

The Presiding Judge in a "Note" affixed to his remarks on this case, states that "the manner & form seem to have been only inflicted in order to induce them to point out the property."

15

In the opinion of the Court of Tanjore Vaalut, mere "waiting" is alone sufficient to constitute the act "committed" both criminal and aggravated "waiting."

Case No. 27. 16

Under all the circumstances of this case the Court of Tanjore Vaalut deem it proper to direct that the Presiding Judge do require the officiating Criminal Judge of Pattucottah to ascertain whether the witnesses in question are anywhere to be found: should they be forthcoming the officiating Criminal Judge will cause their immediate attendance before himself 17 and will take their depositions upon oath: & transmit the same to the Third Judge on Circuit whose duty it will be then to close the proceedings.

Case

Should the efforts of the Acting Criminal Judge prove unavailing, the Third Judge will in like manner close the Trial without further delay, and will in either case report the result to the Tanjore Vaalut.

In this case the Mahomme-

Case No. 28. 17

dan Law Officer of the Court of Circuit convicted the Prisoner of "want of caution" and the Presiding Judge concurring in the finding sentenced him to pay a fine of Ten Rupees to the Circar or to be confined in custody for three months under clause first, section XXXII Regulation VII of 1802.

It appears to the Court of

Tanjore Vaalut that under all

18

the circumstances of this case, further punishment than is involved in the imprisonment already undergone is unnecessary: and they accordingly resolve to direct that the fine be remitted, and the Prisoner

Defendant

be immediately and unconditionally

set

let at liberty.

Ordered that Extract from
these proceedings be sent to the Thirsday
on Circuit in the Centre Division by
precept returnable within seven days
from and after it's receipt.

Translation of the Evidence delivered by the
Mahommedan Law Officer of the Court
of Circuit in Case No. 8 on the Before
Calendar for the second Sessions of 1835

1 The Prisoner,
"Venkatamma"
both on his arraignment and defence
before the Court of Circuit, denies the
Charge preferred against him by the
Complainants "Vencata Ramagacharlu"
and "Venkatachala"; that he, the said
Prisoner, removed the fastening of a
room in the house of the first complai-
nant, entered the room and stole therefr
some golden and silver ornaments, rega
money, moveables of various kinds
to the value of two hundred and nineteen
Rupees and three annas, belonging to the

first

first complainant: and some golden and silver
ornaments to the value of one hundred
and twenty Rupees, four anas and six
paice, belonging to the second Complainant
which had been deposited in the house of
the aforesaid first Complainant: the
total value of the property stolen amounting
to three hundred and forty two Rupees, one
ana and six paice.

2 The Kyfeyat Examinations, contain,
and the Prisoners' confession of the crime
before the Head of Police, is sworn to by the
fourth and fifth witnesses.

3 The first and second witnesses
apprehended the Prisoner and found upon
him the property which is sworn by the
sixth and seventh witnesses to belong to
the Complainants.

4 The eighth and ninth witnesses
declare that the Prisoner acknowledged
the offence before the Head of Police of
Ghooty.

5 But, according to the Mahom-
medan Law, their evidence is inadmissible.

6 If, of the abovementioned wit-
nesses, the testimony of the first, second and

ninth

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with were admissible the Prisoner would
by it, when taken in conjunction with the
collateral circumstances of the discovery
of the stolen property, be liable to Corpo-
the punishment of Three months to
the crime of Theft, being barred in his
favour, by reason of the absence of eye-
witnesses and of the Prisoner pleading
"Not Guilty" before the Court.-
Second Question

If the Prisoner has confessed
the charge before the Court of Circuit,
and if there were eye witnesses of the
commission of the theft by him, of
what amount is he to be convicted,
and to what punishment would he be
Answer liable?-

The Prisoner, having by his
confession and by the evidence of eye
witnesses convicted of Theft, and the
value of the stolen property exceeding
the Rixdad, is liable to amputation of
the right hand from the wrist.-
(but following precept No: 1396
Regn. Reports provides by Section XXXX
Section X 1810 for the month of October.-
Herewith No: 2073.)

The

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Report No 1
Case 50

The Court of Enquiry Usalut
are unable to comprehend without explana-
tion, how, with reference to the charge in this
case, the first Prisoner could have been con-
victed of the crime specified in the column
headed "punishment." They accordingly direct
that explanation be called for through the
Provincial Court of Circuit in the Western
Division and that the sentence be suspended
until further orders.-

Adverting to the statement
2 of extra Peons, the Court are of opinion
that, as the standing Guard (of 6 Peons) was
sufficient to secure the safe
custody of the 4 Prisoners in the Gaol at
the time, whether worked in or out of it, no
extra Peons should have been employed.-

With reference to the reduced
3 No: of Prisoners (4) the present standing
Guard of 6 Peons is quite unnecessary.
Should the Court request that the Native Judge
may be directed to reduce it from the
present to 3. Should the No: of Prisoners
increase the authorized number of Peons
may be again kept up.-

The Provincial Court of Circuit
4 will ascertain and report whether the entry
in

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in Column 10 of the Statement of Cases" correct. It appears extraordinary to the Court, two out of the 4 Prisoners in Jail have earned Rupees 13. 11 7. in the course of one month.

Ordered, that Extract of these proceedings be sent to the Provincial Court of Circuit in the Eastern Division for their information and guidance by precept returnable in one week after receipt.

/Sent following precept No. 1397/

Read the Topographical Criminal Report prescribed by Section XXXV Regulation X 1815 for October.

/Here enter No. 2085/

Suppl. Report Cases 19 & 28.

Respecting three cases the Court of Enquiry thought fit to observe that they ought not to have appeared in this Report: the Prisoners are not recommitted, but the trial of the Prisoners has been only postponed according to the Regulations.

Ordered, that Extract of these proceedings be sent to the Acting Joint Criminal Judge of Bijoygopaltee for

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for his information and future guidance.

/Sent in No. 1395

Read the Nellore Criminal Report prescribed by Section XXXV Regulation X 1815 for October.

/Here enter No. 2079/

Suppl. Report Case 139.

If the circumstance of this case being forwarded without any evidence against the Prisoner has not been already communicated to the Magistrate, the Criminal Judge will, upon receipt of this Precept, transmit to that Officer a copy of the case and of this paragraph, and he will report direct to the Court of Enquiry the grounds upon which the Prisoner was sent up to the Criminal Court and what notice he may take of the conduct of the Police Officer, if, as it would appear, he forwarded the Prisoner without any adequate enquiry into the charge.

Ordered, that Extract of these proceedings be sent to the Criminal Judge at Nellore for his information and guidance by precept returnable in 3 days after receipt.

/Sent following precept No. 1396/

F. Vo.

At a court of the Foujdaree Udalut.—

Present,

Wednesday 25th November 1835

Charles Mary Lushington Esqre 1st Puisne Judge
John Bird Esqre ..... 2nd Puisne Judge
William Hudleston Esqre ..... 3rd Puisne Judge

Read letter dated the 30th October 1835 from the Third Judge on circuit in the Centre Division, submitting an English and Persian Translation of the Proceedings in Case No 3. on the Bellary Supplemental Calendar for the second Sessions of 1835.

(Here enter F. Vo No 1989 of 1835.)

Mr Bird and 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-Coozat and Mooftees of the Foujdaree Udalut, are of opinion that the prisoner

"Shaikh Ally" alias "Jaffer"

is not convicted on presumptive proof or on the evidence of credible persons 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.

The Court of Foujdaree Udalut observe

observe that the prisoner in this case was arraigned before the Court of Circuit upon the charge of having "been accessary in the Murder of the prosecutor's Son" who was taken to a certain hill, and there put to death.

2.

Accessaries are of two descriptions: first an accessary before the fact, defined as "he who being absent at the time of the felony committed, doth yet procure, counsel, command, or abet another to commit a felony;" second an accessary after the fact, or one who "knowing a felony to have been committed by another, receives, relieves, comforts or assists the felon."

3

It is manifest that the case of the prisoner "Straikh Ally," supposing his confession to be worthy of credit, does not fall within either of these definitions; and the indictment as laid by the officiating Criminal Judge, was therefore bad, and should not have been adopted by the Court of Circuit as the ar-raignment.

4

If committed on his police confession the prisoner should have been indicted, as a principal in the Murder. "It is essential to constitute the offence of "accessary" that the party should be absent at the time "the offence is committed."

Ordered, that Extract from these Pro-ceedings be sent to the Third Judge on Circuit in the Centre

Centre Division with instructions to furnish a copy of the same to the Officiating Criminal Judge of Bellary for that Officer's information and future guidance.

Sent following letter No. 1108

Read Return, dated the 16th Instant, from the Provincial Court of Circuit in the Centre Division to the Precept of the Court of Foujdaree Udalut under date the 12th October 1835, conveying their observations and orders on Cases Nos. 29: 43: 44: 53: 58: 65: 68: and 70 on the Calendar of persons tried at the second Sessions of 1833 by the late Mr. Gahagan at Bellary.

/Here enter F. M. No. 2076 of 1835/

Accompanying the above Return

1.

is a Report from the Officiating Criminal Judge of Bellary, who states that "the prisoners in Cases Nos. 29: 43: 44: 53: 58 and 65 have been released uncon-ditionally with the exception of the 5th prisoner "Boolegaardoo" in Case No. 65. whose name is omitted in the Extract of proceedings directing their release." This Officer proceeds to observe that "the Misnomer "Pakeeradoo resembled the correct name of Fakeeradoo so clearly, as to induce the release of Fakeeradoo (cor-rectly the 6th prisoner) confusion arises from

the

25th November 1835.

"the prisoners having been erroneously enumerated in the
"said Extract, to remedy which their correct collocation is
"here placed in juxta position with that forwarded."

2 The Court of Fouydaree Udalut have
referred to the List originally forwarded through the
Provincial Court of circuit in the Centre Division by
the Officiating Criminal Judge of Bellary, and observe
that from the incorrectness of that document the errors
now brought to notice, have taken their rise. In that
list, the name of the 5th prisoner in Case No. 65 is entered
as "Pakeerados" while that of "Boolegah" or "Booleegaudo"
is entirely omitted. The total number of prisoners in-
=cluded in the original list is fifteen: in the "Correct list"
forwarded with the foregoing Return, it is seventeen.

3. The Court of Fouydaree Udalut now
resolve to direct that in Case No. 65, the prisoner
5th "Booleegaudoo"
be immediately and unconditionally released.

4. The Officiating Criminal Judge fur-
=ther states that "the name of Essa Nobah is twice
"inserted in the list of names in Case No. 58: there is only
"one of that name - the third prisoner - and the whole
"number of prisoners in that case is 21 instead of 22
"as erroneously inserted."

5. The Court of Fouydaree Udalut observe that

J. H.

25th November 1835. that in the attested Copy of the list furnished by the
Provincial Court of Circuit in the Centre Division, the
name of Essa Nobah in Case No. 58 is twice inserted, and
that the total number of prisoners is made to amount
to 22.

Ordered that Extract from these Pro=
=ceedings be sent to the Provincial Court of Circuit
in the Centre Division with instructions to furnish
a Copy of the same to the Officiating Criminal Judge
of Bellary for that Officer's information and guidance,
by Precept returnable within ten days from and
after its receipt.

Sent following Precept No. 1402

Read letter, dated the 6th Instant,
from the Third Judge of the Provincial Court of Circuit
in the Western Division, forwarding the Copy of an
Extract from his proceedings under date the 6th November
1835, with reference to the remarks on Case No. 3 of the
Additional Calendar for the second Quarterly Sessions
of 1835, dispatched with his letter of the 13th July last.

/ Here enter No. 2058. /

Read Return, dated the 16th Instant,
from the Acting 2nd Judge of the Provincial Court
of Circuit in the Centre Division to Precept of the
Fouydaree Udalut dated the 13th November 1835 sanc=
=tioning

tioning the mitigated Sentence on the prisoner in Case No 1 on the Chittoor Calendar for the 4th Quarterly Sessions of 1835.

/Here enter No 2077/

Read Return, dated the 13th Instant, from the Provincial Court of Circuit in the Southern Division, to Precept of Fouzdaree Udalut dated the 27th October 1835, relative to the transfer of 100 Convicts from the Jail of Combaconum to that of the Auxiliary Court at Cuddalore.

/Here enter No 2085/

Read return, dated the 16th Instant, from the Provincial Court of Circuit in the Southern Division, to Precept of Fouzdaree Udalut dated the 8th October 1835, forwarding the Extract of a General letter from the Honorable Court of Directors dated the 17th September 1834 relative to the System of Village Police, for communication to all Magistrates in the Southern Division.

/Here enter No 2099/

Read return, dated the 21st Instant, from the Acting Criminal Judge in the Zillah of Chingleput to Precept of Fouzdaree Udalut dated the 20th November 1835 on the Criminal Reports for October.

/Here enter No 2101/

Read

Read letter, dated the 19th Instant from the Criminal Judge in the Zillah of Nellore, informing the date of apprehension of the prisoner in Case No 158 of the Report No 5 for the month of October 1835.

/Here enter No 2103/

Read letter, dated the 16th Instant, from the Magistrate of Coimbatore, submitting the Copy of an explanation by the Acting Joint Magistrate relative to a Case on the Criminal Reports for September, required by the Fouzdaree Udalut in their proceedings of the 26th October 1835, with the Copy of an Order issued for the arrangement of the Establishment for the Custody of the prisoners employed on the Public Roads in the District of Coimbatore, and explanations connected with the same subject.

/Here enter No 2104/

F. U.

At a Court of the Foujdaree Udalut-

Present;

Thursday 26th November 1835.

John Birch Esqre. ..... 2nd Puisne Judge

William Hudleston Esqre. ..... 3rd Puisne Judge

Read the Bellary Criminal Reports

prescribed by Section XXXV Regulation X 1816 for the month of October-

Case 154 / 153

Report V

Case 151.

Mere order No 20747

On the case noted in the margin,

the Court have to observe, that if the prisoners admitted that they were present at the affray, and that there was proof that 2 men of the other party died of the blows they received, they ought not to have been released without Security- the requisition of which would probably have prevented a repetition of the quarrel.

Case 154.

2.

The proceedings of the Assistant Magistrate, as represented in the Column of "remarks" in this case being unauthorized, the Officiating Criminal Judge will transmit to the Magistrate Copy of the Case and of this paragraph, with a view to the prevention of any future similar irregularity.

Case 156.

3.

The Officiating Criminal Judge will proceed in the same manner in respect to this case; of the cause of delay in which no sufficient account

is given in the Report— The Magistrate will make return direct to this Court in 10 days after receipt of this Order—

Case 159.

4

In this Case, the prisoner "Mrs Waring wife of Gunner Waring Detachment of Artillery," was charged with having received a leather Mock in mortgage from James Neile a Private of H. M. 55th Regiment "knowing it to be Regimental property". She was sentenced to be "fined 40 Rupees under Clause first Section II Regulation XIV A.D. 1832." The Court of Foujdaree Adalut perceive, that the period of imprisonment in commutation of the fine has not been specified—an omission which ought to be supplied. If the prisoner is an European, with reference to the provisions of Section LXVIII. 4 Geo: IV Cap: 81, the Officiating Criminal Judge should have awarded the penalty as one of His Majesty's Justices of the Peace, and not as Criminal Judge.

Case 163.

5.

The Officiating Criminal Judge will explain the offence of which the 3rd prisoner Veerasawmy was convicted— the charge is stated as theft, but it does not appear from the report what crime was proved against him—

Case 165.

6

If the circumstances of this Case are correctly represented in the Report, which there appears to the Court to be no reason to doubt, the Court

Court are of opinion that very severe notice of the conduct of the Police Officer ought to be taken. The Officiating Criminal Judge will accordingly furnish the Magistrate with Copy of the Case and of this paragraph, and the Magistrate will make return direct to this Court, shewing what he may have done under these Orders.

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. 1405

Read the Masulipatam Criminal Reports, prescribed by Section XXXV. Regulation X. 1816 for October

(Here enter No. 2096)

The Court conclude that in this Case,

Report V Case 84.

1

which was one of "housebreaking," it was intended to cite Clause Sixth Section II, and not Clause IV. Section III. Regulation VI. 1822— It is the duty of the Acting Joint Criminal Judge to see that the Sudr Ameen, by whom the Case under notice was disposed of, applies the Regulations correctly.—

Cases 88 and 89.

These cases also, as regards the 1st prisoner, appear to the Court of Foujdaree Adalut to

2.

fall

fall under Clause 6. Section II. Regulation VII. 1822. If the crime proved is not that which is charged, the Circular Order of the 6th July 1826 requires information of the fact to be given in the Report, to enable the Court of Foujdaree Udalut to judge whether each case has been duly investigated and decided.—

Case 93.

3.

It appears questionable to the Court whether this Case has been properly disposed of. If the prosecutrix immediately told the 2nd, 3d, 5th and 6th Witnesses of the Assault, and if her Statements have been consistent throughout, it would seem that, being in the house and the bruises on her body greatly corroborate her evidence. In such a case as this, the Court are of opinion, that according to the last para. of the Circular Order of the 25th February 1834 there was enough to warrant the committal of the prisoners. The Court under all the circumstances of the case resolve to direct the Judge holding the Quarterly Sessions to examine this case, and upon such orders as he may find necessary under the Regulations. The Acting Joint Criminal Judge will therefore furnish to the Provincial Court of Circuit in the Northern Division, for the information and guidance of the Judge holding the Zillah Sessions, Copy of the Case and of this paragraph.

4

The Court desire that the attention of the Acting Joint Criminal Judge be particularly directed to the Circular Order No. 60.— It is observed that his Reports, under review, were not prepared till the 16th of this month—

Ordered, that Extract of these proceedings be sent to the Acting Joint Criminal Judge at Masulipatam for his information and guidance by Precept returnable in 4 days after receipt.

Sent following Precept No. 1406

F. U. 11

At a Court of the Foujdaree Udalut—

Present:

Friday 27th November 1835.

Charles Mary Lushington Esqre 1st Puisne Judge.
John Bird Esqre ..... 2d Puisne Judge.
William Hyndleston Esqre .. 3d Puisne Judge.

Read letter dated the 5th Ultimo, from the 2nd Judge late on circuit in the Centre Division, transmitting the English and Persian Trials in case No 10 on the Chingleput Calendar 1st Sessions of 1835.

(Here enter Re 1786)

The Court of Foujdaree Udalut,

Mr Hyndleston—

having maturely considered the proceedings held before the Judge on circuit, the Futwa of the Provincial Law Officer and the Futwa of the Cazee col Cozat and Mooftees of the Foujdaree Udalut, are of opinion that the prisoners

1st Ninan
3d Pereya Yellen
and
6th Chinna Pyen.

are not convicted on Presumptive proof, or on the evidence of credible witnesses or on their own Confession, notwithstanding the Futwa of their Law Officers, and do accordingly acquit them, and under the provisions of Clause first, Section V. Regulation VIII of 1831 and Clause sixth, Section II. Regulation

(* Read letter dated the 6th Instant from the Provincial Court of Circuit in the Centre Division transmitting the Persian translation of the Police Criminal and Circuit Proceedings in Case No 10 of the Chingleput Calendar for the 1st Sessions of 1835 (Now enter Re 1995.)

Regulation XV of 1803, direct that they ~~were~~ be set at liberty.

/Sent following letter &c (409)

Read Report, dated the 30th Ultimo, from the Acting 2nd Judge of the Provincial Court of Circuit in the Northern Division, required by the Circular Orders of the 9th December 1819, on the Completion of the Sessions for the 1st Quarter of 1835 at Masulipatam.

/Here enter No 2058/

The Court do not find anything requiring notice, in the above Report.

Ordered accordingly, that Copy of the Report and Extract of these Proceedings be sent to the Chief Secretary to Government for the purpose of being laid before the Right Honorable the Governor in Council.

/Sent in No 1140

Read letter dated the 18th Instant, from the Acting 2nd Judge of the Court of Circuit in the Centre Division, transmitting Copy of the Chittoor first Supplemental Calendar for the 4th Quarter Sessions of 1835.

/Here enter No 2097/

Read letter dated the 18th Instant, from the 2nd Judge on Circuit in the Southern Division

Division, reporting the arrival of the Circuit Court on the 18th Instant at Coimbatore, the opening of the Sessions and the state of the Calendar.

/Here enter No 2114/

Read letter dated the 21st Instant, from the 3rd Judge on Circuit in the Centre Division, submitting a Statement shewing the Amount of Batta paid to prosecutors and witnesses in attendance before the Court of Circuit during the 2nd Sessions of 1835 at Bellary.

/Here enter No 2115/

Read petition dated the 20th Instant, from the Acting Joint Criminal Judge at Guntoor to Precept of Foujdaree Adalut dated the 16th November 1835 on the Criminal Reports for October.

/Here enter No 2116/

Read petition dated the 17th Instant, from the Acting Joint Criminal Judge at Vizagapatam, to Precept of Foujdaree Adalut dated the 29th October 1835 on the Criminal Reports for September.

/Here enter No 2119/

Read letter dated the 20th Instant, from the 1st Judge on Circuit in the Western Division, submitting reply to the Proceedings of the Foujdaree Adalut of the 11th Instant

on

on the subject of his return to their former Precept com=
=peying their observations &c.a on the Calicut Calendar
for the Second Sessions of 1835

/Here enter No 2122/

Read letter dated the 19th Instant,
from the Acting Joint Criminal Judge of the Auxi=
=liary Court of the Zillah Gapatam, stating with reference
to his return to the Precept of the Foujdaree Udalut
of the 29th Ultimo, that the prisoners therein stated
to have been released are three in number only

/Here enter No 2123/

Read returns, dated the 25th Instant,
from the Acting Joint Criminal Judge of the Auxiliary
Court at Cuddalore, to Precept of Foujdaree Udalut
dated the 23d November 1835, on the Criminal
Reports for October.

Sgd.

/Here enter No 2124/

F. U.

At a Court of the Foujdaree Udalut.

Present,

Saturday,
28th November 1835. Charles Mary Lushington Esqre 1st Puisne Judge.
John Bird Esqre ..... 2d Puisne Judge
William Hudleston Esqre ..... 3d Puisne Judge.

Read letter dated the 12th Instant
from the Criminal Judge of Chittoor submitting the
Copy of a Correspondence with the Assistant Surgeon
in Medical Charge of that Zillah, with translations
of the depositions taken from the Jailor and other
Native public Servants, relative to the present State
of Mind of Chinnapien, the prisoner in Case No 10
on the First Supplemental Calendar of the Zillah
of Chittoor for the Fourth Quarter Sessions of 1834.

/Here enter F. U. No 2056 of 1835./

On the 17th October 1834, the then
Acting Second, now the Third Judge of the Provincial
Court of Circuit in the Centre Division, reported to
the Foujdaree Udalut that the prisoner "Chinnapien"
standing charged before the Court of Quarter Sessions
with the murder of his infant daughter, had, when
placed at the bar, refused to utter a single word,
appeared not to recognize his family though repeat=
=edly addressed by them; and evinced other Symptoms

of

of mental derangement -

2

On a Consideration of the deposition taken on that occasion from the first Dresser Pauchanad attached to the Jail Hospital, and from Abdool Nabee the Jailor, the Court of Foujdaree Udalut on the 24th October 1834 directed "that the trial should be postponed "and that in the meanwhile, the behaviour of the "prisoner during his Confinement should be narrowly "watched, with the view of ascertaining whether he be "actually insane, or whether as is suspected by the "Medical Officer" - a copy of whose report on the 2d head dated the 14th October 1834 accompanied the reference from the Acting Second Judge - "is deemed to be "assumed and voluntary."

3

After observing that to his former opinion, that the prisoner was made "designedly "and voluntarily" the Medical Officer still "adheres "generally," the Criminal Judge of Chittoor in the third paragraph of his letter under Consideration adds - "I am at a loss to conceive how it is possible "to entertain such an opinion after the trial to which "the prisoner Chinnapien has been subjected." Proceeding then to state the grounds on which he is induced to differ in opinion from the Assistant Surgeon, the Criminal Judge concludes by declaring that he

28th November 1835.

he "can have no hesitation in giving "his" opinion that "the prisoner Chinnapien is insane and in recommending him as a fit object for Confinement in "the Lunatic Hospital at Madras."

The Court of Foujdaree Udalut

4

observe that the Statements of the parties of whose depositions translations accompany the letter of the Criminal Judge, do not go so much to establish the Insanity of the prisoner, of which indeed no direct and positive evidence is adduced, as the bare fact that from the day on which he was arraigned before the Court of Circuit up to the present period, he has remained Speechless. - Abdool Nabee the Jailor, - Mageedthan the late Deputy Jailor and the Peon Jahoordoss all depose that "he spoke for fifteen days "after he came to the Jail, but not since": they further state that "the people in the Jail considered him to be mad," and this is all. And although Davadecamany Mondelian, the Foujdaree Record keeper, asserts that he "found the prisoner to be quite insane," it is clear that this is but the inference which he has himself drawn from the circumstance of that unfortunate individual remaining passive and almost insensible, beneath the experiments which on obedience to instructions received from the Criminal

Court

Court, himself and D. Venkiah the Sheristadar tried with the view of discovering "whether the prisoner "Chinnapien is an impostor" or not.-

5. Under these circumstances and with reference to the opinion so strenuously maintained by the Zillah Assistant Surgeon that the prisoner in question is neither "an Idiot" nor "a Madman", the Court of Foujdaree Udalut deem it necessary to direct that the Provincial Court of Circuit in the Centre Division be instructed to call upon the Criminal Judge of Chittoor to summon before him all those "persons in the [illegible] who by the three witnesses above named are reported to "consider him as mad", and to require from them a Statement of the grounds on which they are led so to consider him, and further to examine such indivi=duals as have been in the daily habit of seeing or watching him, as to his general Conduct since the month of October 1834: and as to whether since that period up to the present time, he has committed any overt acts, which can fairly be deemed indicative of an aberration of intellect. Adverting to this latter point the Provincial Court of Circuit will point out to the Criminal Judge that in his examination taken on the 13th October 1834 before the Acting Second Judge, Abdool Nubbee the Jailor deposed that the prisoner used

occasionally to put mud into his mouth, "that he "never quickly eats his rice when served to him, "but eats it bloody grain by grain," and that "when he "was sent out with the others (prisoners) for the calls "of nature, he once returned having rubbed everement "both on his mouth and hands." Whether a repetition of similar vagaries has been observed at any sub=sequent period, will constitute a legitimate subject of inquiry by the Criminal Judge.

6 The Court of Foujdaree Udalut fur=ther observe that in his recent examination by the Criminal Court, the Jailor Abdool Nubbee deposed that with the view of making the prisoner speak, the latter was flogged: and on being required to detail the particulars, and for this purpose permitted to refer to his Memoranda, the Jailor produced the following "Note": - "C.E. Oakes Esquire the late Acting "Criminal Judge caused him to be beaten with twelve "Stripes on the 15th July, and eighteen Stripes on the 31st "August, 1835 - No cause for the second beating, but the "reason for the first was that he pretended to be insane. "He was on the 13th September flogged with Eighty Stripes "in presence of the Doctor on the ground that the prison "er would not speak as he had formerly done; the "prisoner even then did not speak. He was also

flogged

"flogged on the 12th February with twelve stripes, on the
"ground that he was pretending. He was beaten with
"a cat of nine tails. Two peons held him and the whipper
"flogged him by order of the said Gentleman."
7.

The late Deputy Jailor Majeed khan,
and the Peon Sahoordoss both state that they saw the
prisoner flogged: and C. Davadeeanany Moodeliar
the Foujdaree Record-keeper in reply to the question
by the Criminal Judge of whether "I suspected
"that he is able to speak," replied "He would have
"done so if he could speak when he was once flogged"
"in my presence by order of the late Acting Judge.
8.

Into these allegations the Court of
Foujdaree Udalut deem it proper to direct that a full
and particular inquiry be instituted by the Acting
Second Judge at present presiding at the fourth
Quarter Sessions for the current year: who will
without delay examine all such persons as may
be able to give evidence touching the facts detailed
by the Jailor, and will forward for the consideration
of the Foujdaree Udalut translations of their depo-
-sitions with all documents tending in any way
to throw light upon the subject.
9.

The Court of Foujdaree Udalut
refrain from recording any further observations
until

until the result of the investigation now ordered,
shall be made known.

Ordered, that Extract from these
Proceedings be sent to the Provincial Court of
Circuit in the Centre Division for their informa-
-tion and guidance and for the information and
guidance of the Acting Second Judge holding
the fourth Quarter Sessions of Jail Delivery at
Chittoor, by Precept returnable within twelve days
from and after its receipt.

Form following Precept No 1818

F. C.

At a Court of the Foujdaree Udalut-

Present,

Monday
30th November 1835. Charles Mary Lushington Esqre 1st Puisne Judge
John Bird Esqre ---------- 2d Puisne Judge
William Hudleston Esqre -- 3d Puisne Judge.

Read Petition presented on the 16th
Instant by Nowcummah of Rajahmundry.
/Here enter Ma. P. No 98-/

The petitioner, representing herself to
be the Widow of "Pamurtee Calliah", deceased, Prosecutor
in case No 3 of the Rajahmundry Supplemental Calendar
for the 1st Sessions of 1835, states the circumstances under
which her husband met his death, the facts connected
with the trial of his supposed murderers, and with
their release by the Circuit Judge-

She prays the Court to call for the
record of the case, to reverse the order of the Circuit Judge,
and to award the prescribed punishment to the parties
concerned in the death of her husband: and further to
enjoin, by Precept, the Criminal Judge of Rajah-
mundry to cause the weavers of that place strictly
to adhere to their customs, from a breach of which,
she avers, that the disturbance occurred in which her
husband lost his life.

The

30th November 1835.

3.

The Court of Foujdaree Udalut are unable to comply with the prayer of the petitioner.

4

The Calendar containing the case in question was duly perused, and the Foujdaree Udalut are not by law, vested with power to overrule an acquittal upon a trial by the Court of Circuit.

5

Ordered accordingly that the prayer of the Petition be rejected.

Ordered, that Extract of this proceeding be furnished to the Petitioner upon her application.

Read Miscellaneous Petition presented on the 16th Instant by Shaikh Ahmud and other Inhabitants of the villages of Keetchattan Kolum and Tachavallee in the Zillah of Tinnevelly.

/Here enter Mis Pet No 99 of 1835/

1.

The Petitioners allege that a false and malicious charge of Robbery was preferred against one Shadaly Moollah an Inhabitant of one of the above Villages who was case No 5 on the Tinnevelly Calendar for the first Sessions of 1835 was convicted and sentenced by the Court of Circuit to imprisonment with hard labour in irons on the public Works for the period of fourteen Years.

2.

The petitioners pray that Orders may be issued for the release of the prisoner.

The

30th November 1835.

3

The Court of Foujdaree Udalut on referring to the Calendar, observe that the 1st prisoner in the case in question was convicted on the evidence of the prosecutor and the 1st, 2nd and 3d Witnesses, who swore that he was concerned in the robbery.

It is stated in this Petition that

4.

three witnesses proved an alibi: and the interval of nine months between the date of the robbery, and the commitment of the prisoners would seem to show that they were not precisely known to the prosecutor and his Witnesses.

Under these circumstances the

5.

Court of Foujdaree Udalut resolve to direct that the First Judge late on Circuit in the Southern Division who presided at the Trial, be called upon to forward for their consideration, an English Translation of the Record, with the entire proceedings held before the Police in the case in question.

Ordered, that Extract from these proceedings be sent to the First Judge late on Circuit in the Southern Division by Precept returnable within twenty days from and after its receipt.

(Sent following Precept No 1419

Ordered further, that Extract from these proceedings be furnished to the Petitioners upon their

applica

application

Read the Rajahmundry criminal Reports prescribed by Section XXXV Regulation X 1816 for the month of October

Supplemental Report Case 63. 1 (Here enter No 2089)

The board conclude that the criminal Judge intended that Clause 5th Section II, and not Section III, Regulation VI of 1822 should have been quoted on the front of his sentence in this case—

Report V Cases 82 83 85 2 No explanation of the delay in the Talook of the cases noted in the margin being given in the Reports, the criminal Judge will transmit Copies of them and of this paragraph to the Magistrate who will ascertain and report direct to the Court of Foujdaree Udalut within one week after receipt of these Orders, the reasons that can be assigned for the detention

Case 84 3 of the prisoners in the Talook beyond the prescribed period.

The criminal Judge will proceed in like manner with regard to this case also: and the Magistrate will report to the Court of Foujdaree Udalut what notice he may take, under the Circular Order 21st May 1823, of the Conduct of the Head of Police of Voondee who appears to have forwarded the prisoner to the criminal Court, without any grounds for that

F. U.
30th November 1835. that proceeding.

Ordered, that Extract of these proceedings be sent to the Criminal Judge at Rajahmundry for his information and guidance by precept, returnable in 3 days after receipt.

(Sent following Precept No 1420

Read Letter dated the 31st October 1835, received on the 30th Instant from the Acting Second Judge on Circuit in the Northern Division, submitting lists of Cases on the Calendar of the Zillah of Nellore, for the first Sessions of 1833, on the Calendars of the Zillah of Guntoor for the first Sessions of 1833 and the first Sessions of 1834, and on those of the Zillah of Rajahmundry for the same Sessions, in which a mitigation of the Sentences originally passed by the Court of Circuit is now recommended in consideration of the circumstances under which the Offences were committed—

(Here enter F.U. No 2082 of 1835)

It appears to the Court of Foujdaree Udalut that in the Cases noted in the margin, the ends of justice will be attained by the infliction of a punishment less severe than that proposed by the Acting Second Judge, and they accordingly direct that the prisoners

Nellore former Calendar First Sessions of 1833 Cases Nos 13 and 14

Bandy

Bundy Nandeegaudoo

and

Mademde Vonkudoo

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

Supplemental Calendar 2.
Case № 30.

In this case, which in the list now forwarded, is incorrectly entered as № 50, the Court of Fouzdaree Udalut, in consideration of the circumstances under which the Offence was committed, resolve, under the authority vested in them by Clause third, Section III, Regulation I of 1825, to sanction the mitigated Sentence proposed by the Acting Second Judge, and accordingly direct that the prisoner

Pandecherla Thumpeegaudoo

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.

Case № 33. 3.

The Court of Fouzdaree Udalut are of opinion that in this case, in which were concerned a numerous body of Men armed with Guns and Clubs, the Sentence proposed by the Acting Second Judge would be insufficient, and accordingly direct that the prisoners

1st Nullapanany Nanneppah

3d

3d Cuncherla Moosalegaudoo

4th Cuncherla Naureegaudoo

6th Morgunnoo Condadoo

7th Cuncherla Soobbadoo

8th Poollah Condadoo

9th Poollah Naureegaudoo

10th Naugapogoo Jogegaudoo

and

12th Pullavaty Nurseegaudoo

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.

Guntoor Calendar
1st Sessions of 1833
Cases № 16 and 33.

The Court of Fouzdaree Udalut in consideration of the fact that in neither of these Cases 4 was any injury inflicted, that the property plundered was of small value and consisted principally of grain, and that the parties have already been in confinement for a period of nearly three Years, resolve, under the authority vested in them by Clause Third, Section III, Regulation I of 1825 to sanction the mitigated Sentence recommended by the Acting Second Judge, and accordingly direct that in case № 16 the prisoners

1st Pollavaloogoo Vengadoo

2nd Alamotoo Paupadoo

3d

30th November 1835.

3d Pillau Vencatarawadoo

and

4th Pillau Bolloyah

and in case No 23 the prisoners

1st Cudum Soobadoo

2nd Gosungee Venkadoo

and

8th Gosungee Veerados

be severally 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

Case No 22.

5.

The Acting Second Judge proposed that upon the eight prisoners in this case a mitigated sentence of seven years imprisonment should be passed. But the Court of Zeujdaree Udalut are of opinion that such a proceeding would be imexpedient, considering that the offence charged and proved was committed by a large gang, that some violence was used and that property to a considerable amount was plundered. The Court in consequence decline to authorize in this case any remission of the full penalty prescribed by the Regulations

Rajahmundry Calendar - 1st Sessions of 1833 cases Nos 65: 92: 95 and 105.

6.

The Court of Zeujdaree Udalut, resolve, under the authority vested in them by Clause third, Section III Regulation I of 1825 to sanction the mitigated sentence recommended to be passed in the several

F. C.

30th November 1835

several cases noted in the margin, and accordingly direct that in case No 65 the prisoners

4th Toommalapully Soobbunnah

5th Moommedy Runguppah

14th Moommedy Cunnoyah

and

15th Cany Ramaswamy

in case No 95 the prisoners

1st Sunkoo Boochelingum

3d Vuddey Chelloyah

and

6th Coommara Chittagaudoo

and in case No 105 the prisoners

1st Sunjy Venkadoo

and

9th Puttiepauty Brummadoo

be severally 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 that in case No 92 the prisoners

4th Vipparty Condadoo

5th Gottala Upperagaudoo

8th Saily Pulladoo

and

12th Vetty Andeegaudoo

be

be severally imprisoned and kept to hard labour in irons on the publie roads or other publie works for and during the period of [4] four Years-

7.

The Court of Foujdaree Udalut observe that in case No. 66, the original sentence passed by the Court of Circuit is, in the List now forwarded entered as "seven Years"- But in their proceedings under date the 18th September 1833, the Court on perusing the Calendar pointed out that the case fell within the provisions of Clause third Section IV Regulation XV of 1803: and in his Return dated the 5th November of the same Year the [then] Acting Judge certified that "the Case" had "been punished as pointed out."

Cases No. 91 and 99.

8.

The Court of Foujdaree Udalut are of opinion that the mitigated Sentences proposed to be passed in these two Cases would be insufficient for the punishment of the Offences of which the prisoners therein Concerned have been convicted. In Case No. 91 the Robbery was accompanied by beating, and in Case No. 99. the Prosecutor besides being beaten, was wounded by an arrow. Under these circumstances, the Court of Foujdaree Udalut resolve to direct that in the former Case, the prisoners

2nd Sandy Bunneyandee
and
4th Sandy Gungadee

be imprisoned and kept to hard labour in irons on the publie roads or other publie works for and during the period of [4] four Years: and that in the latter case, the prisoner

5th Coomarum Sunneasy

be imprisoned and kept to hard labour in irons on the publie roads or other publie works for and during the period of [7] Seven Years.

In this case the Prosecutor Swore

Case No. 98.

9

that he was tortured and by that means compelled to shew the spot in which his valuables were concealed. Property was plundered to a considerable amount, and the Offenders constituted a numerous gang of men armed with clubs. Under these circumstances the Court of Foujdaree Udalut decline to accede to the recommendation of the Acting Second Judge that a mitigated Sentence of five Years be passed upon the prisoners, on whom, accordingly, the law must be allowed to take its Course.

The Court of Foujdaree Udalut, having

10

maturely Considered all the circumstances which mark the Cases noted in the margin, resolve, under the authority vested in them by Clause third, Section III, Regulation I of 1825, to sanction the several mitigated Sentences proposed by the Acting Second Judge,

Guntoor Calendar 1st Sessions of 1834 Cases Nos. 5: 6: 87: 111: 116 and 157.

and

and accordingly direct that in case No 5 the prisoner
"Lakonna Venkatapathy"
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 that in case No 6 the prisoners
2nd Yerrum Gonnadoo
3d Chintala Veerado
4th Joovarum Ramoodoo
5th Polleenna Naugado
and
7th Colagudda Venkatanaguddo
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.— that in case No 87 the
prisoners
2nd Nuraudoola Naugadoo
and
3rd Jetty Pitchagaudoo
and in case No 157 — the prisoners
2nd Dodabada Eladoo
3d Chenta Jautegaudoo
and
4th Myatholy Jautegaudoo
be severally imprisoned and kept to hard labour
in irons on the public roads or other public works
for

for and during the period of (4) four Years: that in case
No 111 — the prisoners
1st Cottapulley Veeruppah
2nd Doddah Mootialoo
3rd Doodakoola Vunnoor
5th Kanah Casavadoo
and
4th Seerowanasetty Seeroopulley
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: and that in case No 116
the prisoners
3d Doodakoola Kandiun
and
5th Doodakoola Cunnum
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.

The Court of Foujdaree Udalut observe
that in the list forwarded by the Acting Second Judge,
the name of the second prisoner in case No 87 is entered
as "Naragoodoo", while in the Calendar, the second
prisoner in the same case is designated "Nuraudoola
Naugadoo". The latter nomenclature has in these
proceedings been adopted; but it will be the duty
of

of the Provincial Court of Circuit, by whom in the absence of the Acting Second Judge the warrants in all these Cases will be issued, to ascertain the correct designation of the party concerned.

Case No 70.

12

The Acting Second Judge proposed that a mitigated Sentence of four Years' imprisonment should be passed upon the Prisoner in this Case. He observed that the case is one of simple robbery. The prisoner and three other men stopped the Complainant on the road, and took from them some property valued at about five Rupees. No violence whatever was offered, and it does not appear that the thieves had worn sticks with them. Moreover twenty months have elapsed since the Sentence of the Court of Circuit was passed and between the apprehension of the accused and his arraignment before that Tribunal, a period of eight months intervened.

13.

Under these circumstances the Court of Zillah Udalut are of opinion that all further punishment may be remitted and accordingly direct that the Prisoner

"Doodakola Tanoo"

be immediately and unconditionally set at Liberty

The

30th November 1835.

Rajahmundry Calendar 1st Sessions of 1834 Cases Nos 14 and 59.

The Court of Zillah Udalut on

14

a deliberate consideration of all the circumstances attending these Cases resolve to sanction the Mitigated Sentences proposed by the Acting Second Judge, and, under the authority vested in them by Clause third, Section III. Regulation I of 1825 direct, that in Case No 14 the Prisoner

"Goontoory Venkados"

be imprisoned and kept to hard labour in irons on the public roads or other public works for and during the period of (5) five Years: and that in Case No 59 the Prisoner

"Chulla Chinnaya"

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.

Case No 41.

15.

Inasmuch as in this Case, property to a very large amount was plundered, and personal violence was offered both to the Prosecutor and one of his female relatives, the Court of Zillah Udalut are of opinion that the punishment proposed by the Acting Second Judge would be insufficient. The Court accordingly resolve to direct that the Prisoners

1st Gaulab

and

2nd Yedla Sarapah

be

of the Provincial Court of Circuit, by whom in the absence of the Acting Second Judge the warrants in all these Cases will be issued, to ascertain the correct designation of the party Concerned.

Case No 70.

12.

The Acting Second Judge proposed that a mitigated Sentence of four Years imprisonment should be passed upon the prisoner in this Case. It is observed that the case is one of simple robbery. The prisoner and three other men stopped the Complainant on the road, and took from them some property valued at about five Rupees. No violence whatever was offered, and it does not appear that the thieves had even stick with them. Moreover twenty months have elapsed since the sentence of the Court of Circuit was passed and between the apprehension of the accused and his arraignment before that Tribunal, a period of eight months intervened.

13.

Under these circumstances the Court of Sonjdaree Adalut are of opinion that all further punishment may be remitted and accordingly direct that the prisoner

"Doodakoola Fareed"

be immediately and unconditionally set at Liberty.

The

Rajahmundry Calendar
1st Sessions of 1834
Cases Nos 14 and 59.

The Court of Sonjdaree Adalut on a deliberate consideration of all the circumstances attending these Cases resolve to sanction the Mitigated Sentences proposed by the Acting Second Judge, and under the authority vested in them by Clause third Section III. Regulation I of 1835 direct, that in Case No 14 the prisoner

"Goontoory Venkados"

be imprisoned and kept to hard labour in irons on the public roads or other public works for and during the period of (5) five Years: and that in Case No 59 the prisoner

"Chulla Chinnaya"

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.

Case No 61.

15.

Inasmuch as in this Case, property to a very large amount was plundered, and personal violence was offered both to the Prosecutor and one of his female relatives, the Court of Sonjdaree Adalut are of opinion that the punishment proposed by the Acting Second Judge would be insufficient. The Court accordingly resolve to direct that the prisoners

1st Gaulab
and
2nd Yedla Sarapah

be

be imprisoned and kept to hard labour on, in or at the public roads or other public works for and during the period of [7] seven Years.

16.

The Provincial Court of Circuit will take notice that in all these cases, the mitigated sentences are to take effect from the date of the Order now issued by the Foujdaree Udalut, and not from that of the sentences originally passed by the Court of Circuit.

17.

Observing that in the majority of the cases now finally disposed of, the names of several prisoners entered in the Calendars are not included in the List forwarded by the Acting Second Judge, the Court of Foujdaree Udalut direct that the Provincial Court of Circuit do ascertain and report for their information whether or not the parties so excluded from the Document have died.

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 within fifteen days from and after its receipt.

(Sent following Precept No 1420)-

Wednesday 2d December 1835

78

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 letter dated the 9th Ultimo.

from the 1st Judge on Circuit in the Western Division submitting an English and Persian Translation of the proceedings in Case No 3 on the Canara Calendar for the Second Sessions of 1835.

(Here enter No 2063 of 1835)

The Court of Foujdaree Udalut observe that in this case the first, second, third, fourth and fifth witnesses were examined by the Head of Police, but their examinations have been excluded from the Record by the First Judge on Circuit "as being unnecessary either for the conviction or defence of the Prisoners"

Without these documents however before them, the Court of Foujdaree Udalut do not deem it proper to proceed to judgment in the case. They accordingly see no to direct that the First Judge on Circuit be called upon to forward for their consideration

Certified

certified English translations of the examinations of the witnesses specified in the Report of the Head of Police of the Buntwal Talook, entered at Page 2 of the Index Record of the Suit.

Ordered that Extract from these proceedings be sent to the First Judge in Circuit in the Western Division by Tuesday returnable within ten days from and after the receipt.

(Sent following Perusal No 2028)

Read letter dated the 25th Ultimo from the Magistrate of Tuticorin, in reply to the proceedings of the Foujdaree Adalut dated the 21st October last, transmitted through the Criminal Court, requiring the Magistrate to prohibit the Village Officers from keeping Prisoners in their Custody, under the impression that the case needs be compromised.

(Here enter No 2136)

Read letter dated the 19th Ultimo from the Magistrate of Vizagapatam, submitting explanation required by the Foujdaree Adalut in their proceedings of the 29th October last relative to certain cases in the Criminal Reports for September.

(Here enter No 2137)

Read Return dated the 25th Ultimo from

from the Provincial Court of Circuit in the Centre Division to precept of the Foujdaree Adalut dated the 20th November 1835 forwarding Circular Order No 56. containing their construction of Section III Regulation XV of 1803.

(Here enter No 2138)

Read Return dated the 31st Ultimo from the Criminal Judge of Rajahmundry to precept of the Foujdaree Adalut dated the 4th November 1835 on the Criminal Reports for September.

(Here enter No 2140)

Read Return dated the 23d Ultimo from the Acting Joint Criminal Judge at Masulipatam to precept of the Foujdaree Adalut dated the 16th November 1835 relative to a case on the Criminal Reports for September.

(Here enter No 2141)

Read Return dated the 26th Ultimo from the Assistant Criminal Judge in charge of the Zillah Court of Salem to precept of the Foujdaree Adalut dated the 23d November 1835 on the Criminal Reports for October.

(Here enter No 2142).

At a Court of the Foujdaree Udalut

Present,

Thursday 31st December 1835 — Charles May Lushington Esqre 1st Puisne Judge

John Bird Esqre ——— 2d Puisne Judge.

William Hudleston Esqre 3d Puisne Judge.

15

Read again letter dated the 6th October last from the 3d Judge on Circuit in the Centre Division, submitting the English and Persian record of Case No 18 on the Calendar of the Jellah of Cuddapah for the 2d Sessions of 1835, called for in the 10th para-graph of the proceedings of the Foujdaree Udalut under date the 12th September last—

(Here enter No 1825 of 1835.)

Read also return, dated the 21st October 1835, subscribing for correction the English and Persian translations of the Proceedings in Case No 18. on the Cuddapah Calendar for the 2d Sessions of 1835.

(Here enter No 2137.)

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

Mr Bird
&
Mr Hudleston.

before the Judge in Circuit, the future of the Provincial Law Officer and the future of the Cazee-ool Coyah and Mooftees of the Foujdaree Udalut, confirm the said sentence of the Cazee-ool Coyah and Mooftees aforesaid, acquitting the prisoner

Mooda Bahgawan

and accordingly direct that he be set at liberty.

(Sent following letter No 3402)

Ent JB

F 16

At a Court of the Foujdaree Udalut

Present,

Friday 4 December 1835. Charles Mary Lushington Esqre 1st Puisne Judge
John Bird Esqre ..... 2d Puisne Judge
William Haudleston Esqre 3d Puisne Judge

Read return, dated the 16th September last, from the Provincial Court of Circuit in the Centre Division, to precept dated the 12th of that month, requiring them to transmit immediately the Criminal Statements for the first six months of this Year—

JB

(Here enter No 1706.)

The Provincial Court have forwarded all the Statements above stated excepting No 4, and in stating the cause of it not being transmitted, they have promised that no time will be lost in submitting it to this Court—

The above Statement not having as yet been forwarded, ordered that the Provincial Court be by precept commanded to transmit the same without further delay, as the Statements which are to be submitted by this Court to Government are delayed in consequence of the non arrival of those from the Centre Division.

Ordered, that Extract of these proceedings

proceedings be sent to the Provincial Court of Graaff-
the Centre Division, by precept returnable in 10 days
from and after it's receipt—

(Sent following Precept &c.)

Read letter, dated the 17th Instant,
from the Acting Judge on Circuit in the Centre Part
transmitting the English Translations of the proceed-
held in Cases Nos 12-13 and 14 on the Cumtoos Roll
for the Second Sessions of 1835

(Here enter Fo. No 3185 of 1835.)

The prisoners

1st Mostaccana Paddegander

2nd Choffanaffer Chaudergander

3rd Mostacana Mayergander

4th Mainga Umbadee

and

5th Mostacana Paapsak

are concerned in each of the three Cases, of which the
English Translations are now submitted, and stood
charged before the Court of Circuit with having stopped
the complainants on the high road and robbed the pro-
=secutor in Case No 12 of property to the value of eleven
Rixdollars; the prosecutor in Case No 13 of property to the
value of One Rixdollar, and the prosecutor in Case No 14, of
property valued at Eight Rixdollars

They

They severally pleaded "Not guilty"

In his second Letter, the Mahomme-
dan Law Officer of the Court of Circuit declared the
prisoners convicted on strong presumptive proof of
Highway Robbery and liable to Kokoobut; and the
Presiding Judge concurring in this finding, sentenced
them to be imprisoned and kept to hard labour in irons
for the period of fourteen Years.

By perusing the Calendar, the Court
of Inquiry at Uitenhage, in their proceedings under date
the 19th September 1835, directed that English Transla-
tions of the three Trials should be submitted for
their consideration on the ground that the evidence for
the prosecution was altogether unsatisfactory—

The Court of Inquiry at Uitenhage
examined before
them that all the prisoners when
the Zalock police Officer, denied that they committed
the Offences laid to their charge. In Cases Nos 12
and 13 the Prosecutor, and in Case No 13 the Witness,
also acknowledged that they had no acquaintance
with the accused previously to the alleged Robbery.
In Case No 14, neither the prosecutor nor his witness
appears to have been examined on this point. The
evidence adduced to prove that the property produced
before the Court of Circuit was found upon the

prisoners

prisoners is essentially defective, while the property itself is by no means satisfactorily identified. In Case No 13 moreover, the evidence of the prosecutor is contradictory and altogether unworthy of credit, and that of the first and second witnesses is generally unsatisfactory. It appears to the Court of Sungdaree Udalut extraordinary that if, as asserted by the fourth witness for the prosecution in this Case, Canteen Bobbee alleged to form a part of the plundered property were found upon the first prisoner, his testimony on this point was not supported by that of others who were stated to have been present on the occasion.

6.

Considering the evidence for the prosecution to be insufficient to establish the charge in either Case, the Court of Sungdaree Udalut deem it necessary to set aside the sentence of the Court of Circuit, and accordingly direct that the prisoners aforesaid, be immediately and unconditionally released.

Ordered, that Extract from these Proceedings be sent to the Third Judge on Circuit in the Centre Division by Express retournable within five days from and after its receipt.

(Send following Paragraph herein)

Read letter, dated the 18th Ultimo from the Provincial Court of Circuit in the Southern Division

J. H.

4th December 1835. Division, submitting Copy of a letter from the late Criminal Judge of Salem, dated the 14th Ultimo, appealing to the Government against the Orders of the Court of Sungdaree Udalut, conveyed in an Extract of their proceedings, under date the 27th October last.

(Here enter No 2111 of 1835.)

Read also Extract from the Minutes of Consultation in the Judicial Department, dated the 24th Ultimo, transmitting a copy of the same communication from the late Criminal Judge to the Court of Sungdaree Udalut for any observations they may see fit to offer, and with instructions to ascertain and report whether what is stated in the 3d para: of Mr Bannerman's letter to the Register to the Court of Circuit Southern Division respecting Mr Garrow having kept the case by him till the 9th July, when he went through the form of referring it to himself, is borne out; and if so, the cause of such proceeding on Mr Garrow's part, and the effect which it may have produced in the disposal of the Case."

(Here enter No 2120 of 1835.)

The explanation above required, in respect to Mr Garrow's delay in passing the Order of the 9th July last, is given in Para 5 of the letter, dated the 18th Ultimo from the Provincial Court of Circuit: and the Court

of Fouzdaree Udalut do not perceive any ground for imputing to Mr Garrow any improper motive for the proceeding. Upon a reference from Mr Garrow, under date the 2nd December 1833, the Court of Fouzdaree Udalut conveyed to him, on the 16th of that month, their opinion that it is competent to a member of the Collective Court of Circuit to pass an opinion upon the results of an enquiry which he may have previously directed, when on Circuit, under the provisions of Section XXIII Regulation X of 1816

It appears to the Court of Fouzdaree Udalut, that the effect of the delay is important only, as occasioning the postponement of the trial until the ensuing Sessions of Jail delivery; and they are of opinion that it would be scarcely practicable, now, to ascertain whether, or not a different resolution would have been passed, as to the disposal of the accused, if the proceedings had fallen under the consideration of the 2nd and 3rd Judges of the Provincial Court of Circuit.

In para: 1 of the Extract from the Minutes of Consultation in the Judicial Department, dated the 10th Ultimo, is shewn the inapplicability of the provisions of Regulation XXII of 1809 to the Case under consideration; and it occurs, therefore, to the Court of Fouzdaree Udalut, with reference to the remark, with which para: 2 of the late Criminal Judge's Letter concurs,

to observe only, that his appeal to Section II of that Regulation, unavailing as it is, would seem to be an after thought. Had his non-execution of the order of the Provincial Court of Circuit, dated the 9th September last, been based upon his construction of that provision of the Regulations, it appears obvious, that it would have been so stated in his letter to that Court of the 17th of that month.

In this para: the late Criminal Judge observes, that "if the Court of Circuits orders had rested on "circumstances not in the Criminal Report, which had "been sanctioned by the Fouzdaree Udalut, he should have "had nothing to do but to obey, and it is only by keeping "this distinction out of sight, and by still reading as if "the point at issue depended on the Contents, and the "relevancy of the Cadjans, pronounced to be illegal evi= "dence, that the Fouzdaree Udalut make out a strong "case against" him.

The Court of Fouzdaree Udalut have, in their proceedings of the 27th October last, intimated that their silence, in respect to the Cadjans, when reviewing the Criminal Report, is not to be taken, as giving their "sanction" to the proceedings held thereon: but in the foregoing observation the late Criminal Judge appears to have overlooked the fact, that the Orders of the Court

of

of Circuit were the result of an inspection of all the examinations taken, and proceedings held by the Criminal Court in the case. The "distinction" which the late Criminal Judge supposes, that the Foujdaree Adalut have kept "out of sight" has no real existence, indeed the mere of his representation would be a true description of the case, for the Orders of the Court of Circuit rested upon proceedings, which had not been laid before the Court of Foujdaree Adalut, and consequently could not have been "sanctioned" by them.

In their remarks, however, upon the evidence in the case in question the Court of Foujdaree Adalut had no desire to "make out a strong case against the late Criminal Judge. The strength of the case against that Officer lies in the want of disrespect and insubordination, in which he had chosen to address his Official Superiors: it was this, which led the Court of Foujdaree Adalut to regard it as incumbent upon them to make a reference to the Government, and in the letter under Consideration they perceive neither excuse, nor apology for the language noticed in their proceedings of the 27th October last.

The expression, in those proceedings, which is quoted at the Commencement of para 3 of their letter, does not appear important, it would have been

more

more Correctly advocate to have stated, that the Judge considered the Case to have been erroneously disposed of, than that he deemed it "not to have been sufficiently investigated." Error generally, is ruled, in the Circular Order of the 27th August 1812, to constitute sufficient ground for the proceedings indicated in Section XXIII Regulation X of 1816.

The late Criminal Judge proceeds to state, that "the Foujdaree Adalut have upheld the Court of Circuit in ordering him "only to consider whether the case is at all supported;" upon which effect, the Court of Foujdaree Adalut remark, that their Order of the 27th October last was merely the necessary interference, required to obtain from the Criminal Judge due obedience to directions, issued by the Court of Circuit in virtue of an authority, expressly conferred upon that Court by the Regulations, which the Criminal Judge was not competent to call in question. Of the expediency, or inexpediency of the Order, for Committing the Accused to take their trial it is obvious that the Court of Foujdaree Adalut could not form an opinion, the examinations taken

taken in the Case not having been before them.

Looking at the entire proceedings of the Provincial Court of Circuit, under date the 9th September last, it appears not impossible, that the particular expression, fastened upon by the late Criminal Judge, was inadvertently used; it is manifestly contended the Court having declared, that their view of the evidence was different from that taken by the late Criminal Judge. But if that Officer's observation was enacted by contemplating the Consequences of such a doctrine, as he supposes the Court of Circuit to maintain, it was open to him to have stated his objections in a temperate and respectful manner, that would have received due consideration.

In Conclusion, the Court of Foujdaree Udalut observe, that if the Cadjan evidence, mentioned at the close of this para. of the late Criminal Judge's letter, should be adduced on the trial before the Court of Circuit, it will rest with that Court to determine the question of its admissibility or otherwise.

Ordered, that Extract of these proceedings, with Copy of the letter from the Provincial Court of Circuit in the Southern Division, dated the 18th Ultimo be transmitted to the Chief Secretary to Government for the purpose of being laid before the Right Honorable the

the Governor in Council.

Sent in No. 1438

Read letter, dated the 30th October last, from the Additional Judge of the Provincial Court of Circuit in the Northern Division, transmitting the record in Case No. 1 of the Masulipatam Supplemental Calendar for the 3rd Quarterly Session of 1835.

(Here enter No. 1990)

The Court of Foujdaree Udalut, having

17

Mr. Lushington and Mr. Huddleston

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 Corookonda Shashadoo

2nd Vulla Venkoo

and

3rd Corookonda Bassiwadoo

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

4th December 1835

lives respectively

And being of opinion that the prisoner
4th Ponoothoomale Jorravador
is not Convicted on presumptive proof or on the evidence
of Credible witnesses or on his own Confession, notwithstand-
-ing the Futwa of their Law Officers, the Court do acquit-
-tingly acquit him, and in Conformity with the pro-
-visions of Clause Sixth, Section II. Regulation XV of
1803, direct that he be set at Liberty

Ordered following letter No 1609

Fd

Fd.

At a Court of the Foujdaree Udalut

Present

Saturday 5th December 1835

The Hoorble W. Oliver Esqr. Chief Judge
Charles May Lushington Esqr. 1st Puisne Judge
John Bird Esqr. ..... 2d Puisne Judge
William Hudleston Esqr. ..... 3d Puisne Judge

Read Letter dated the 3rd and
received on the 20th Ultimo from the acting
Second Judge of Circuit in the Northern
Division, enclosing the copy of the Calendar
for the Second Sessions of 1835.

Vide ante Fd No 2087 of 1835.

The acting Second Judge remarks
that in Case No 1. "no Witnesses have yet
"regarding the prisoner and the first, second,
"third, fourth and seventh witnesses, who it appears
are residents of the Northern parts of the Jungle
Mehals" that "the case is one of great importance,
and that "the absence of evidence to material
to conviction" and in Case No 4 that "the first,
and fourth witnesses are in the Bengal Provin-
ces" and that "the second is ill in his
house" and that "the case admits not of proof only
"by Vakeels" that "the same witnesses are in attendance" and that "the
other persons are in attendance

Same

5th December 1835.

Name is one of long standing."

2.

The Court of Inquiries Adalat

direct that the Provincial Court of Circuit for the

Northern Division for orders in the absence of the

Acting Second Judge will transfer the duty of

making Return to this Court / to ascertain

and report for their information / what measures

were adopted by the Criminal Court, to pro-

cure the attendance of the parties in those cases

as required by the Circular Order No. 402, dated

the 25th September 1830.

3.

The Provincial Court of Circuit

will further ascertain and

different cases / the cases in question have

been postponed on how many

Case No. 6 4

In these cases the prisoner Bhola

Venkiah, was charged with wilful and corrupt

perjury, in having given on oath two contradictory

depositions, the one before the Criminal Court,

and the other before the Court of Circuit; and the

stated in the Calendar that the Petitioner acquit

"the prisoner on the ground that no witnesses

"could / now could be found to speak to the

"fact / to the having been sworn either before

the

5th December 1835.

the Criminal Court or Court of Circuit" and

the Acting Second Judge "coinciding" acquitted

the prisoner."

It appears to the Court of Inquiry

5.

Adalut extraordinary that the persons who took

down in writing the contradictory depositions

in question, were not produced to swear to the

fact of their having been delivered upon oath

In these cases the prisoner

Case No. 6

Kristnamaidoo

alias

Ayjidda Kristnamaidoo

Appeared before the Court of Circuit with Re-

commendation / to be discharged / from Jail / on

giving Security / for his appearance / when called upon / in a suit No. 25

of 1832 then depending before the District Moonsiff of Seetanu-

gram and called upon to depose to certain and

material / facts / to the issue / of the said

suit / he did, on the 30th July 1832 before the

said District Moonsiff, depose on oath to the

following effect: "My name is Ayjidda Kristna-

maidoo and not Bella Kristnamaidoo: I do

not know / the Defendants paying any money

to the Plaintiff and / the Plaintiffs giving a

receipt for the same: whereas in truth and in

fact

"fact his name is Bella Kinhumanike and the
"said witness well knew at the time of the said
"swearing that his deposition so given was false,
"and he, the said Bella Kinhumanike, did w
"therefore commit wilful and corrupt perjury."

7. The Court of Magistrate Udalut
observe that in this enactment, the
concurrence of two officers and the concur-
to comprehend in what manner the name of
the witness was marked to the issue of the
cause pending before the Principal Moonsiffs
The only point marked to the issue of the
cause would appear to the knowledge of the
prisoner that the Defendant had come many
to the Plaintiff, and that the plaintiff
gave him a receipt for the sum but of this
fact, the Calendar Finds no proof whatever

8. Nothing satisfied that the
judgment of the Court of Circuit in convict the
Court of Magistrate Udalut was to direct
that an English translation of the proceed
ings be prepared and submitted for their
consideration without delay

9 The Principal Court of Circuit with
adopt

adopt the necessary measures for giving effect to
this Resolution -

In this case the charge has been
10
omitted, but from the evidence as given in ab-
stract in the Calendar, it would appear that
the prisoner was charged with causing the
death of an individual with whom he had
quarrelled, by striking him on the head with a
stick -

The acting Second Judge was
11
of opinion that any punishment ought to
be awarded and therefore under the 3rd
Clause Fourth section IV. Regula-
tion VII of 1818 released the prisoner
from imprisonment

12 The Court of Magistrate Udalut
observe that however much room there may be
for concluding that the death of the deceased was
not the effect of the prisoner inflicting the
fatal blow there is clearly none whatever for
supposing the homicide to have been committed
by misadventure in the prosecution of a lawful
act and without any negligent intentional and
that the prisoner cited by the acting Second Judge

1st December 1830.

Judge in support of his judgment, are errone-
ously unfounded. The Case falls under
Clause Seventh, Section II, Regulation XV of
1803, and the Court of Kingdom Adalut re-
solving to believe that the imprisonment of
Six Months which the prisoner has already
undergone is sufficient punishment for the
Case No. 24 offence of which he is convicted, do therefore
direct that the sentence of punishment passed
by the Court of Circuit on the prisoner
Sri Bundajy Gowar
in this case, be annulled and
of Nellore
released in the Gaol

14

The Court further direct that the
attention of the Circuit Judge of Tchanoor be
called to their Circular order of the 6th January
1823 by which, the Circuit Judges are insi-
structed in cases of convictions confirmed by the
"Court of Circuit, under Clause Third, Section
VIII, Regulation XV of 1803 to banishment,
"to transmit to the Court of Kingdom Adalut,
"copies of the records of the Court of Circuit for
"their orders as to the punishment to be inflicted

The

8th December 1830.

The Court of Kingdom Adalut pro-
15 nounce their decree in conformity to the recommenda-
tion of the acting Second Judge that the
prisoner Sri Bundajy Gowar
be imprisoned and kept to hard labour in
irons on the public roads or other public works
within for and during the period of two (2)
years.

The Court however deem it proper to
16 observe that the acting Second Judge was under
a mistake that the Judges of Circuit by
the Regulations vested in Judges of Circuit by
the provisions of Clause Fourth, Section II, Re-
gulation VI of 1822 competent to pass
the sentence on his own authority and
the proposed reference to the Kingdom Adalut
without reference to the Kingdom Adalut
Ordered, that extract from these
proceedings be sent to the Provincial Court of
Circuit in the Northern Division for their in-
formation and guidance by Precept returna-
ble within twelve days from and after its
receipt.

Precept following Precept No. 1111.

Read

8th December 1838.

Read Letter dated the 14th Ultimo from the First Judge on Circuit on the Western Division submitting the Depositions and Examinations of the Proceedings held in Court No 11 on the Malabar Establishment for the Second Sessions of 1838.

(Vide ante F.C. No 2098)

The Record of the case has been submitted Leaves in these proceedings under date the 10th October 1838 the Court of Justice ordered that the Officers of the Corps now attached to the Establishment of Malabar under the Provisions of Regulation VIII. 1827 be and they are hereby removed from the Establishment of Malabar and consequently cease to be Members of the Court of Circuit.

2. Read a Report from the Second Judge on Circuit in the Northern Division to the Precept of the Court of Sessions dated the 17th October 1838 conveying their observations and orders on the Combaconum Calendar for the Second Sessions of 1838.

(Vide ante F.C. No 2100 of 1838)

In the 13th paragraph of their proceedings under date the 17th October last, the Court of Justice observed with

F.C.
8th December 1838.

they have not finally decided, the Court, upon further consideration do not deem it necessary to detain the sentence already passed by the Court of Circuit, the propriety of which, after a careful examination of the proceedings now submitted, they see no reason whatever to question.

Ordered, that Extract from these proceedings be sent to the First Judge on Circuit in the Western Division for his information

(Vide in No 1147)

Read further Letter dated the 17th Ultimo from the Second Judge on Circuit in the Northern Division to the Precept of the Court of Sessions dated the 17th October 1838 conveying their observations and orders on the Combaconum Calendar for the Second Sessions of 1838.

(Vide ante F.C. No 2100 of 1838)

In the 13th paragraph of their proceedings under date the 17th October last, the Court of Justice observed with reference

5th December 1835.

reference to Case No 3 on the Supplemental Criminal Calendar that it was settled under Act the 7th of September 1829 that the provisions of Section III, Regulation XV of 1803 do not apply to a case in which one or more of the principal matters, the offence charged may be committed by a single unarmed individual, and in the 14th paragraph the Court requested the Second Judge or Board to take the usual action for the Mahommedan Law Officer, under the provisions of Clause Third, Section II, Regulation XV of 1803, and then to refer the case for further Reference explaining that although the prisoner in the case in question was charged in the Calendar with having two of the cases of the Prosecutor of the property which was found in his house before the Court of Circuit was that he had his own hands affixed to them: that the case had the most perfect possession that the Prosecutor

5th December 1835

presumption rose at the time of trial showed to the Court that his case had been cut off and that although it is true that neither the knife with which the prisoner cut off the ears, or the ears cut off were found" yet that they were cut off was clearly proved, and therefore it is evident that the prisoner was armed when he committed the crime— Both this explanation before the Court of Judicature Adalut of Rajahmundry, the Court of Circuit was correct, and in strict conformity with the Regulations, and that the case in question should be sent to the Second Judge on circuit in the Southern Division for his information—

Print in No 1048

Dead letter, dated the 17th October from the Magistrate of Rajahmundry, submitting explanatory reasons regarding certain cases in

in the Monthly Criminal Report furnished
by the Criminal Judge for September 1835
called for in the proceedings of the last
of Term last, dated the 4th instant

The entry No 2145 of 1835
Report does mention that the words
"person" was charged with having on the 8th
"August 1835, preferred a false and malicious
"complaint before the Collector against the
"Revenue Officers and
"had thereby
"100 from
"included the same with
"the Crown accounts

2.
It does not appear on the report
"presented the petition and
"Collector, had stated that the contents
"correct as far as he
"that he was acquainted
"3rd, 4th 5th and 6th
"facts, mentioned in the

"5th, 6th and 7th witnesses deny all knowledge
"of the prisoner, or of ever having seen him,
"in manner the circumstances, stated in the
"previous report to the Collector
In case, Nos 75, 76, 77, 78, and 81
of the Report of the Criminal Judge for
October Term last, the said witnesses appear
each charged with perjury, in having on the
"19th September 1835 stated on table before
"the Court, that he had never seen, or known
"the prisoner then at the bar, it being evident
"the prisoner must have known him well, having
"lived in the same village for
"three years
"three of these five persons
"were committed for trial before the Court of Circuit
"at the letter from the Magis-
trate, under consideration, that officer, having
explained his reasons for sending to the Crim.
Judge the persons charged in each
of the Report for September, this
No 66 of 1835 The Magistrate cannot
proceed (para 18) "in having on the
"file expressing his deep regret at having
"committed to the Court, as it has subject
"to the penalty of
"awaiting

awaiting in jail a trial for forgery. That there
a point, which even admitting the intro-
duction of this deposition, which I do not believe
to have been that they had never seen the
petitioner, who produced the charge, could not
legally form the grounds of a charge of per-
jury, in the case in question, which was
not whether one party had seen the other, but
whether, they the witnesses had told him, that
they had paid revenue to the Amany, which
he had embezzled.

5.

And on page 10. after expressing a
doubt as to whether, or not, the Assistant Crimi-
nal Judge understood the true meaning of the
words, upon which he has founded his charge
of perjury, the allegation that proceeds, "it
seems little short of absurdity to concede the
existence in such a statement as this, what
disproof was the case. The humane attention
of the Judges of the Singhat Court is called
to this proceeding which seems to stand on
less of folly than cruelty."

6.

The Court of Sanjdara Adalat

observe

6 December 1838.

observe, that the denial of the witnesses in
question, that they had ever seen or known
the prisoner was in the highest degree ex-
traneous to the issue of the case; inasmuch
as such denial was decisive of the question
at issue, it being manifest, that if they never
had seen or known the prisoner, they could
not have given him the alleged information
of, therefore, their denial was wilfully and
deliberately false, they were clearly guilty
of forgery.

That the depositions of the Magistrate,
stated the departure of the witnesses
could not legally form the ground
of a charge of forgery in the case, is contra-
therefore to the Court of Sanjdara Adalat
to be incorrect, and the Court are called upon
to reprehend this flippant application of such
terms as "absurdity" "folly" and "cruelty" to the
proceedings of the Assistant Criminal Judge,
as being highly improper, and indeed
unbecoming.

In the circular orders of the Court

of

of Tongdarre Udaliat, under date the 31st Janry
1814, it is observed, that no person should be
made the object of a prosecution for perjury
who has not been cautioned against commit-
ting himself on his oath, and has willingly
& perversely persisted in maintaining falsehood
for truth."

9. And the Court of Tongdarre
Udaliat deem it proper to call upon the
Criminal Judge to report whether, or not,
the prisoners in cases Nos 75, 76 and 77 of
the report, No V for October 1838, were thus
warned of their danger before they were
committed for trial; if they were not, this
proceeding must be considered without
due attention to the last mentioned enact-
ment, and should the Criminal Judge
find on reference to the examinations of
those persons, that such was the case, he
will direct them immediately discharge from
custody.

10. If on the other hand it shall
appear, that the said individuals were duly
warned

at the
date 1838.

mand, the Criminal Judge will transmit
translations of their examinations in the case
at the Criminal Report above men-
tioned for the consideration of the Court
of Tongdarre Udaliat.

Ordered, that extract of these
proceedings be transmitted to the Provincial
Court of Circuit for the Northern Division
by precept returnable in 3 days, command-
ing them to communicate the same to the
Criminal Judge and pursuant from 1 to 7 in-
clusive to the Magistrate of Rajahmundry
for their information and guidance re-
spectively.

Read the following Precept No 1469
Read a letter dated the 28th April
last from the Secretary to Government in the
Judicial Department, transmitting the copy
of a letter, dated the 11th December 1838,
from the Magistrate of Rajahmundry, re-
porting that Yanamoola Bapanadorah,
the Hill Chief of Totapilly, had been
made over to the Criminal Court for
trial

5th December 1850.

trial on a charge of highway Robbery, and
requesting the Judges of the Singhana Adalat
to call for the proceedings in the case, and
report the result to Government for the in-
formation of the Honorable Court of Directors
noticing particularly whether the proceedings
of the Magistrate against the prisoners
were just in the opinion of the Court of Sudder

[The end of No 1850]

1.

Letter from the Court of
Singhana Adalat to the
Register to the Court of
Sudder Dewanny Adalat
whilst travelling with his family through
Banpanadora's country was attacked by
armed men, not far from the residence
of Banpanadora at Nellapoody and plun-
dered of property valued by him at 11000
Rupees, on the 15th of December 1850; that
immediately after the robbery the Roots
went to Banpanadora's house and requested
assistance for the apprehension of the Rob-
bers and for the recovery of the property
but that Banpanadora refused and-
the first deposition given by the

15th December 1850

Register in that before the Head of
Police of Collapoor, dated the 14th December
1850, three days after the robbery. In
this deposition he detailed the circumstances
of the robbery, stating that two hours after
it had occurred, he went to Nellapoody
and related the circumstances to Banpana-
dora and suspected some persons who were
then there and who had plundered his
property, but that Banpanadora affirmed
that those persons were not thieves - On
the 15th of December, the circumstances of
the case were reported to the Magistrate
by the Head of Police and Banpanadora
had addressed an arzee to the Magistrate
on the same subject on the day the robbery
occurred. The Magistrate took steps for
the apprehension of the robbers, issued
orders dated the 20th of December to the
Heads of Police and to Banpanadora and
on the same date detached four Peons to
make strict enquiry, discover and appre-
hend the said offenders together with the
stolen articles, and it appears further that he

himself proceeded to Bandeperdy in the
neighbourhood of Banpanadoras country from
whence his letter of the 10th of January to
that person is dated.

3.

A second deposition dated the
28th of December was given by the Prosecutor
before the Head of Police Vencatasawmy, in
which he represents that having proceeded
to Banpanadora after the robbery that
person refused to give him any assistance
but promised that if he would return
from Lage he would discover the thieves
and get the property restored. That accord-
ingly he remained two days at Nellate
ready and that afterward Banpanadora
paid him 36 Rupees and informed him
that the thieves were not discovered and
that he should go away, that three per-
sons who were part of the gang having
come into the street, he identified them,
carried one of them to Banpanadora and
informed him of the circumstance, but
that Banpanadora answered that they
were not thieves that nevertheless he delivered the

the three men to Banpanadora and proceeded
to Jaffnapatam to prosecute the case before the
Police Officer and that on his there seeing
the three men sent up by Banpanadora
one only namely Goondoobayala Seobana,
was forthcoming of those whom he had
delivered over to Banpanadora, and that
the other two, namely Andemuiador and
Andepeh had been substituted by Banpana-
dora for the two men he had actually
given over to his charge.

3. The deposition of the Prosecutor
before the Magistrate is dated the 9th of
January and certified as sworn to before that
officer on the 8th of the same month. In
this deposition the Prosecutor entered into a
long detail of the circumstances attend-
ing and connected with the robbery, in
which he repeats what he had before
declared before the Police Officers, adding
many particulars which are not to be
found in those documents, and charging
Banpanadora with having been above at
hand

hand during the perpetration of the robbery and
of having removed the plundered property into
his house; asserting that while he was in the
Chumbry that same night a number of armed
armed troops in a gang came by that road
bringing with them my two Boys which
were plundered. I saw them and three boys
being my own, and my women and
and lamented very much that they carried
the boys to the house of Banpanadora; two
hours afterward I heard a noise
as that noise of beating was being broken open
of other circumstances, the Prisoner concludes
his deposition in the words of which the
following is the critical translation &c
"Banpanadora himself has caused the robbery
"to be committed by his own Servants, because
"the Gang of robbers went to Banpanadora
"together with the plundered property, because
"Banpanadora got the said property put
"in his house, because the troops attempted
"to kill me when I went out on hearing
"the noise of beating of my boys, because the,

5th December 1838

the Banpanadora, did not assist me when
I requested, because he did not catch and
deliver over to me the persons whom I recog-
nized, and because he acquired friendship
with the head of Police and caused the mat-
ter not to be enquired into.

On the 10th of January the first
witness Ramonah was examined on oath
before the Magistrate and on the same
date Jagatpah Doraki deposition was also
taken on oath - on the 11th of the same
month, the same Officer
in Oath by Upon these sworn depositions,
upon receipt of a letter of date 10th January
stating that he had got ready the stolen
property, but which was pronounced by
the Criminal Judge to be obviously a
forgery, and upon other information before
the Magistrate, that Officer on the 16th
of January 1838, issued a warrant for the
apprehension of Banpanadora, two other
warrants

warrants for the search of his houses and a proclamation declaring all of the servants of "the said Panpanadara who are and shall remain "Kellapoody the due allegiance of his contri- dora not having been effected; on the 27th of January 1831 the Magistrate issued a proclamation dated 28th "that unless the afore "said Panpanadara appear himself before the "Magistrate and give his answer to the charg "his talook and other real property shall "be held under attachment in conformity "to the Clause 1st Section XVII Regulation IX A. D. 1816.

A considerable quantity of pro- perty appears to have been seized on Panpanadarai houses, and on other places in his Country, part of which having been declared suspected property, notices were issued for persons who had been robbed to come forward and claim it, but it does not appear that any such claimants were to be found. Two articles are stated, and the other a Pot, claimed by the Prosecutor

one

5th December 1838

one said to have been discovered in one of Panpanadara houses, and some papers and other trifling property unquestionably belonging to the Prosecutor were produced but from whence and by what means does not satisfactorily appear: and no evidence on that point was adduced before the Criminal Court.

Amongst the voluminous documents submitted by the Magistrate are reports and papers exhibiting the conduct of the Sudras and other officers of Goppeshetty caste and particularly those of Goppeshetty who appears to have been appointed by the Magistrate to apprehend Panpanadara, and who rendered himself conspicuous on the occasion by his activity against that Chief, who states him to be his personal enemy.

From these reports it would appear that many hundred men were employed for the apprehension of Panpanadara and that they received his country and expended for the support of them, and there are on the record complaints

complaints of hypocrisy and violence towards
the people. According also to the reports of
these Officers and of the Village Authorities
it would appear that Bonifacio pro
in arms within or twelve hundred men
and that an engagement ensued between
his people and the Militia; in which
a few persons on each side were wounded,
and that one of the party of Bonifacio
was killed.

11.

Finally it appears that the
the Magistrate attached the estate
ested his utmost endeavours to effect the
apprehension of Bonifacio & his followers, and
that it was not until the 8th of December 1831
that this chief was brought to the Assis.
tant Magistrate and was forwarded by that
Officer to the Criminal Court.

12.

It is necessary to remark, before
proceeding further, that on a Letter dated the
29th of January 1831 the Magistrate addressed
the Court of Assize which is on the subject
of the robbery in question, forwarding a Sketch
remark of the case and copy of the proceedings,
with

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with the depositions he had taken, and that
that last having been returned to him for
translations, with extract from the proceeding
of this Court of the 14th February 1831, he
again addressed the Court on the subject in
a letter dated the 28th of March 1831, with
which he submitted the translations required
and suggested that the sanction of Govern.
ment should be obtained for a reward being
offered for the apprehension of the man
who is still moving about the hills and
requires the utmost vigilance to prevent him
from plundering the villages in his
neighbourhood for the lowest computation
of the sum of Two to three hundred
dollars with him from
which man-
aged

On the 11th of April 1834, the
following answers were addressed to the Magis
trate by this Court "the Judges have exam
ined & fully considered the evidence contained
in the papers submitted by you in support
of the charge of robbery against the afore
said Chiefs Bonifacio, and as they
do not

5th December 1835.

"not consider that the conviction could be
"established on such evidence, they cannot
"give their assent to an application for per-
"mission to file a perusal for the appellants
"It does not appear to the Judges of the
"Foujdaree Adalut that the evidence, putting
"out of view the utter unfeasibility of the
"account therein given, would attach that
"responsibility to Chuna Bunhamalea, and
"the conduct of the other members of the fam-
"ily and of Syafat Dear, known perhaps
"more from the profession of this Journada
14 The witnesses produced before
the Criminal Court to establish the
charge against Banpanadea were 1st Ramp
Sr. Chundra 3d Ujai Mahomed Fakeral
Khan and 5th Sattamed Isaac the 1st witness
did not attend on any of the days and
Syafat Doab who had been the principal
witness against the Prisoner before the Ma-
gistrate, had died; but his evidence before
that authority was totally worthless,
and

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and taken from the face of it, that his testi-
mony had he lived, could have been of
no avail. The 1st and 2nd witnesses re-
tracted the evidence they had given before
the Magistrate, and if they had adhered
to it, it was so different from what
they had first deposed before the Police
that no dependence could have
been placed upon it. Their evidence before
the Criminal Court was rather in favor
of the Prisoner than against him: the
3d witness proved nothing
and the 5th
evidence against the Prisoner
was the servants of the Prosecutor
who were in accordance
with that he gave evidence, not in accordance
which no dependance could be placed, was
altogether insufficient for the conviction of
the prisoner. The evidence of the Prosecutor
was totally unworthy of credit so far as it
regarded the culpability of Banpanadea,
first, because in his original depositions
before the Police Office, he had brought
before

no charge against Bonfanadan as being con-
cerned either in planning the robbery or
an accessary after the fact and chiefly
because of the improbability, not to say ab-
surdity of his statement that he saw his
lawyer carried to Bonfanadan house and
heard when they were being beaten upon it
the prisoner had taken the part which the
Prosecutor deposed he did immediately after
the robbery; it is unfathomable to suppose that
he would have gone to Bonfanadan for
aid and redress, or that he would have so
accepted, as he already had from that
chief 20 Rupees, 1 coarse long cloth, 2 fine
"punchas, 10 Yards of a piece of fine long
"cloth and put up for sale.

The result of the investigation
by the learned Judge from the rebuke of
the Person and to the opinion of the
Court of Singhalese Adults there can be no
question that he more perfectly justified
in that proceeding, or we think so his
conviction before the board of Circumspection
the evidence adduced would have been so
unfaithful

5th December 1838

and the Court gave from the
perusal of the whole record, deeply impressed
with the conviction that the opinion given
at the conclusion of their proceedings of the
11th April 1838, that there was a conspiracy
against Bonfanadan Dorak was correct.
17. With respect to the proceedings
of the Magistrate, it appears to the Court of
Singhalese Adults that that Officer was led
by his previously adopted opinion against
Bonfanadan Dorak's character, to listen, with
out sufficient caution, to the story told by
the complainant Emanne Moroldeen Bon
and to have the Court of Singhalese Adults
(before whom the Court of Singhalese Adults
suspecting the opinion that the remarks
of the Court of Circuit in the Calendar
of the Court of Circuit in the Second Sessions of 1837 at Pg
(Page Secondly show that he is a person not to
be believed upon his oath) in which he
would appear to have placed implicit
confidence, not so much as warning him
against giving to the total
exclusion of alluding to the total
silence observed by the Complainant, in his first
charge

5th December 1838.

charge as to all the Minutes and as perfectly Banpanah Doah, independent particulars given in his deposition of the 5th January 1838.

18. Considering that the accused was an independant chief with a clear income of 20,000 or 30,000 Cowries per annum, it appears to the Court of Foojdaree Adaulut, that the Magistrate should have had much stronger evidence, and from persons less open to suspicion than the chief witnesses against Bonfoo, before he adopted the measure of seizing property for the benefit of his lawful, and the seizure of his person.

19. The Court of Foojdaree Adaulut are further of opinion that the proclamation of the Magistrate in which he absolves all the Servants of the Kelli Chief from their subjection to his authority, his detention of his letters, the confinement of his vakeel, and the granting the attachment on his country, were also not only unauthorized and not justified by the evidence, but

5th December 1838.

Ordered that the Magistrate of Jungle Mehals do forthwith report his proceedings in the case of Bonfoo Kelli Chief, from the first, before the Court of Foojdaree Adaulut, and that he do transmit to the Court of Foojdaree Adaulut, a full and authentic copy of the proceedings of the Court of Foojdaree Adaulut, on the 5th instant, in the case of Bonfoo Kelli Chief, and that he do also

At a Court of the Cognizance Adalut.

Present,

Monday, 7th December 1835. John Bird Esqre 2d Puisne Judge,

William Rudleston Esqre 3d Puisne Judge,

Lieut. Duncan Campbell Esqre Acting Puisne Judge,

Read letter, dated 3d Instant, from the Acting 2d Judge on Circuit in the Northern Division, transmitting the record in Case No. 10 on the Cognizance Return Calendar 2d Session of 1835.—

(Here enter No. 2109.)

The Court of Cognizance Adalut, having maturely considered the proceedings held before the Judge on Circuit, the Fetwa of the Provincial Law Officer and the Fetwa of the Cazee-ool-Cozzat and Mooftees of the Cognizance Adalut, confirm the said Fetwa of the Cazee-ool-Cozzat and Mooftees aforesaid so far as it omits the sentence

"Qusaay Qistamah"

(wilful murder) but, being of opinion, under all the circumstances of the case that the punishment to which under the Fetwa of Kisaas he is liable, would be more severe than the ends of Justice require, the Court, sentence him, under the provisions of Clause Second, Section VI, Regulation I of 1826, to be

Mr. Bird and Mr. Rudleston

be transported to such place beyond sea, as the Governor in Council shall appoint, there to be imprisoned and kept to hard labour in mine or the public road or other public works, for and during the space of his natural life.-

(Sent following letter No. 157)

Read letter dated the 21st instant from the Third Judge on Circuit in the Caste Division, submitting the English and Canarese Translations of the Proceedings held in case No. 14 of the Calicut Calendar for the second Sessions of 1886.-

(Here enter U.O. No. 2128 of 1886)

In this case the prisoners

1st Gopala Naik

and

2d Chenda Naik

stood charged before the Court of Circuit, with having on the night of the 8th November 1886 with certain other persons armed with various weapons and carrying torches, entered the house of the prosecutor, seven in number; beaten them; and plundered them of property amounting in value to seven hundred and ninety four Rupees and ten annas.-

They both pleaded "not guilty"

In his Calendar the Sessions Judge

Law

Session Case No. 1886.

Assistant Sessions Judge

Office of the Court of Circuit

not committed and entitled to their release.

In the twenty third paragraph of his letter of reference the Presiding Judge states that "it was considered necessary to refer this case to the "Sessions Court, in consequence of the evidence being other "than that taken by the officiating Criminal Judge to have sent on the "commitment of the second prisoner, who is reported "by the officiating Criminal Judge to have sent on the "commitment of the first prisoner" and the paragraph concludes with the following remarks. "The first prisoner is in my opinion "not committed of the crime laid to his charge by the "evidence above cited, but considering that strong "suspicion though not amounting to conviction attaches "to him, I respectfully beg to suggest that he may not "be released without heavy security being required "of him."

From this it is obvious that the present reference to the Sessions Court is unnecessary inasmuch as the only prisoner regarding whom a difference of opinion existed, is no more, and it is clear that the Presiding Judge concurs with the Assistant Sessions Judge in releasing the first prisoner: and under the provisions of Clause fourth, Sections II. Regulation XV. of 1803 "in cases of strong "suspicion though not amounting to conviction, the

Judge

"Judge of Circuit may admit the Criminal Judge to detain
"the prisoner in custody until he shall give sufficient
"security for his future good behaviour and appearance
"when required."-

The Court of Conjarre Quadut recording
direct that the Record be returned to the Third Judge
on Circuit, with instructions to inform of the case in
conformity with the general provisions of the Regulations-

Ordered, that extract from these
proceedings, be sent with the Record of the Trial to
the Third Judge on Circuit in the Centre Division
for his information-

(Sent in No. 1508

Read return, dated 24th Octobr 1835, from
the Criminal Judge in the Gilles of Sallara, to Precepts
of Conjarre Quadut dated the 7th November 1835, on the
Criminal Reports for October-

(Here enter No. 2147)

Read return, dated 27th Octobr 1835, from
the Provincial Court of Circuit in the Southern Division,
to Precepts of Conjarre Quadut dated the 21st November
1835, forwarding their Circular Order No. 08, containing
their construction of Section III Regulation XV of 1829-

(Here enter No. 2148)

Read return, dated 26th Octobr 1835, from
the 2d Judge on Circuit in the Southern Division to
Precepts

Read

Read Conjarre Quadut dated the 16th November 1835,
enclosing three Petitions and Order on the Calen-
dar for the second Sessions of 1835-

(Here enter No. 2149)

Read letter, dated 30th Octobr 1835, from
the 3d Judge on Circuit in the Centre Division, re-
porting the opening of the Sessions at Chunglepet
and the state of the Calendar-

(Here enter No. 2150)

Read letter, dated 30th Octobr 1835, from
the 3d Judge on Circuit in the Centre Division, reporting
that on the 19th Instant, he will open the second
Sessions for 1835 at Cuddalore-

(Here enter No. 2152)

Read letter, dated 24th Octobr 1835, from
the 2d Judge on Circuit in the Southern Division,
forwarding a statement of Batta paid to prosecutors
and witnesses attending before the Court of Circuit,
for the second Sessions of 1835 at Coimbatore-

(Here enter No. 2155)

Read letter, dated 28th Octobr 1835, from
the Magistrate of the Northern Division of Arcot, sub-
mitting explanation required by the Conjaree
Quadut in their proceedings of the 27th October 1835,
relative to certain cases on the Criminal Reports for
September-

(Here enter No. 2158)

1st December 1835.

Read return, dated 29th Ultimo, from the acting 2nd Criminal Judge of Coimbatore, to the Precept of Enjoins Edict dated the 17th November 1835, on the Criminal Reports for October

(Here enter No. 2159)

Read return, dated 28th Ultimo, from the 1st Judge on Circuit in the Western Division, to Precept of Enjoins Edict dated the 27th November 1835, directing him to return the Case of Cox and 3 others Refuses to the Criminal Judge of Cuddalore committed that Officer to recommit the Prisoners Etham & Silla Moondera & Pil Ondy to take their trial before the Court of Circuit at the ensuing Session

(Here enter No. 2161)

Read return, dated 29th Ultimo, from the Criminal Court of Circuit on the Western Division, to Precept of Enjoins Edict dated the 20th November 1835, forwarding Circular Order No. 56 of 1802 communicating the construction of Section III. Regulation XV of 1802.

(Here enter No. 2163)

Read return, dated 30th Ultimo, from the 2nd Judge on Circuit on the Eastern Division

1st December 1835

to Precept of Enjoins Edict dated the 25th November 1835, requiring information respecting the Warrant issued by the Court of Circuit in Case No. 33 of the Calendar for the second Session of 1835.

(Here enter No. 2166)

Read return, dated 28th Ultimo, from the Acting Criminal Judge of Trangalore, to Precept of Enjoins Edict dated the 25th November 1835, on the Criminal Reports for October

(Here enter No. 2167)

113

F. Ce.

At a Court of the Inquisition Holden

Present

Tuesday 1st December 1835. The Hon. Peter Byrne Esq.re ... 2d Puisne Judge,
William Fowler Esq.re 3d Puisne Judge,
Alex.r Duncan Campbell Esq.re Act.g Puisne Judge.

Read a Letter dated the 3d. instant from the Acting Second Judge dated Circuit Court Office Northern Division, submitting the Evidence and Persian Translations of the Proceedings in Case No. 5 on the Calendar of Prisoners for Trial at the Sessions of Peace and Jail Delivery of Regaharmmery for the present Year 1835.

It is stated in the first paragraph of the Extract from the proceedings of the Court of Circuit for the second Session of 1835 dated the 3d. September 1835 which accompanies the Letter of the Trial now submitted for the Consideration and final Judgment of the Inquisition Board, that the Acting second Judge of Circuit is unable to coincide with the Acting Criminal Judge in the propriety of releasing the Prisoners Seriatim and Chellamuttu upon their own Recognizances to appear and answer the Charges preferred against them

and

ft.

ecember. 1835.

"and commitment for trial before the Court
"of Circuit presiding at the next Sessions:
in the second paragraph that "in their
"declaration before the Head of Police, they
"first Prisoner at the time of the
"co with the second Prisoner in perpetrating
"the murder which they (the said
"young men) took no measures either to
"prevent or to make known". And in the
third paragraph that "independently
"of the above the aforesaid declarations
"establish beyond a doubt that every part
"of the murder happened in their
"presence, for their statements relate a
"number of circumstances connected with
"the crime, which they could not otherwise
"have been acquainted with".

2

Before proceeding to notice
on the expediency of the new issue
by the Acting Judge of the
the Court of Sessions that it
it necessary that the instructions
to in the foregoing Contract should be
laid before them.

3

He Court therefore therefore
to direct that a Precept be issued to the
Provincial Court of Circuit in the Northern
Division requiring them to instruct the
Criminal

P.M.

6th December, 1835.

Criminal Judge of Rajahmundry to pre-
pare and submit an Extract setting forth their
conception attended translations in the
English Language of the declarations
taken before the Acting Head of Police
of Extract from the Prisoners dismis-
sal Chellamayah.

and D

Ordered, that Extract from
the proceedings be sent to the Provin-
cial Court of Circuit in the Northern
Division by precept returnable within
twelve days from and after its receipt.

Sent following precept No. 1573

Read letter, dated the 24th
Ultimo from the 3d Judge on Circuit in
the Centre Division, forwarding the
original Death warrant No. in Consn No.
10 on the Cumbum Calendar for the second
Sessions of 1835.

(Here enter No. 2153.)

Read return dated the 27th
Ultimo from the Criminal Judge of Madura
to precept of the 24th Ultimo Assault dated
the 23d Ultimo on the Criminal Report
for October.

(Here enter No. 2160.)

Read letter, dated the 30th
Ultimo from the Acting 1st Judge late
on Circuit in the Southern Division,
forwarding

F. U.

8th December 1835 forwarding the original Deathwarrants Vide in Cases Nos 10. and 5. on the Calendar for the Second Sessions of 1835 Here enter No 2165.

F.U.

Fb

F. 16.

At a Court of the Foujdaree Adalut.

Present,

Thursday 10th December 1835. John Bird Esqre ——— 1st Puisne Judge
William Huddleston Esqre 3d Puisne Judge
Alexr Duncan Campbell Esqre Acting Puisne Judge

Fb

Read return, dated the 2d Instant, from the 3d Judge in Circuit in the Centre Division, to the precept of the Court of Foujdaree Adalut under date the 26th November 1835, conveying their observations and orders on the Calendar of the Zillahs of Bullooa for the 2d Sessions 1835.

(Here enter F.16. No 2164 of 1835.)

Proceedings Nos 15 and 16.

The Court of Foujdaree Adalut, having maturely considered all the circumstances of the two cases noted in the margin, resolve, under the authority vested in them by Clause third, Section III Regulation 1 of 1825, to sanction the mitigated Sentences recommended by the third Judge in the Seventh paragraph of the foregoing return, and accordingly direct that in Case No 15 the prisoner "Lukhmah Lumbanah"

and in Case No 16 the prisoner "Mettee Lumbanah"

be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of (3) three years.

Ordered.

Ordered, that Extract from these proceedings be sent to the third Judge on Circuit in the Centre Division for his information and guidance by precept returnable within three days from and after its receipt.

(Sent following Precept No 2178)

Read letter, dated the 30th Ultimo, from the Joint Criminal Judge at Tinnevelly, to the precept of the Joydaree Udalut dated the 23d November 1835, on the Criminal Reports for October.

(Here enter No 2171.)

Read letter, dated the 3d Instant, from the 3d Judge on Circuit in the Centre Division, to the precept of the Joydaree Udalut dated the 4th December 1835, directing the immediate and unconditional release of the prisoners in Cases Nos 12. 13. and 15. on the Cumbum Calendar for the Second Sessions of 1836.

(Here enter No 2172.)

Read letter, dated the 4th Instant, from the Criminal Judge of Chittoor to the precept of the Joydaree Udalut dated the 23d November 1835 on the Criminal Reports for October.

(Here enter No 2173.)

Read letter, dated the 30th Ultimo from the Criminal Judge of Cuddapah to the precept of the Joydaree Udalut dated the 23d November 1835 on the Criminal Reports for October.

(Here enter No 2174.)

Read

Read letter dated the 30th Ultimo, from the late Acting Joint Criminal Judge at Madura, to the precept of the Joydaree Udalut dated the 20th November 1835 on the Criminal Reports for October.

(Here enter No 2175.)

Read letter dated the 4th ~~Instant~~, from the Acting 2d Judge of the Court of Circuit in the Southern Division, reporting his intention to open the Sessions at Madura for the 1st Half of the year 1836. on the 11th ~~January~~ Sept.

(Here enter No 2176.)

Read letter, dated the 30th Ultimo, from the Magistrate of Madura, submitting explanation required by the Joydaree Udalut in their proceedings of the 23d Ultimo, relative to certain cases on the Criminal Reports for October.

(Here enter No 2180.)

Read letter dated the 1st Instant, from the Magistrate of Cuddalore, submitting explanation required by the Joydaree Udalut in their proceedings of the 23d Ultimo, relative to a case on the Criminal Reports for October.

(Here enter No 2181.)

Read letters, dated the 3d Instant, from the Officiating Criminal Judge of Bellary to the precept of the Joydaree Udalut dated the 26th November 1835 on the Criminal Reports for October.

(Here enter No 2182.)

Read

1st December 1835.

Read Return, dated the 5th Instant,
from the Acting Joint Criminal Judge at
Masulipatam, to the Precept of the Sujjaluru Vedalu
dated the 26th November 1835 on the Criminal Reference
for October.

(Here enter No 2154.)

Ord.

Fb

At a Court of the Foujdaree Udalut

Present,

Monday
14th December 1835.

John Bird Esqre 2d Puisne Judge
William Hudleston Esqre 3d Puisne Judge.
Alexr Duncan Campbell Esqre Acting Puisne Judge.

Read Miscellaneous Petition presented
on the 30th Ultimo by Veerayee of the Zillah of
Combaconum.

(Here enter Misc Pet No 100 of 1835.)

The petitioner represents that ex-
Valayadan Cadavarayen, the fourth prisoner in Case
No 10 on the Calendar of the Zillah of Combaconum
for the Second Sessions of 1834, his wife and daughter,
lodged in her house, and that on a certain night
one Alamarayen the prosecutor in the same case,
came there accompanied by about forty or fifty
persons, and under the pretence that a Robbery had
been committed in his dwelling on which the said
Valayadan was concerned, illtreated him and his two
female relatives, and then proceeded to remove forcibly
not only the property of the alleged delinquent but
also a sum of Rupees 356 with some jewels, which
during a long period of Sentence, the petitioner and
her husband Mootlee Veerayee, now old man aged
ninety, had laid by for the Support of their declining
years.

Ord.

2.

The petitioner prays that orders may be issued for the restoration of her property.

3.

The Court of Foujdaree Udalut doubt it proper to direct that a copy of the (translated) Petition be sent to the Provincial Court of Circuit on the Southern Division, and that they be required to furnish a transcript of the same to the Criminal Judge of Combaconum with instructions to that Officer to ascertain and report whether the allegations therein contained are founded on fact.

Ordered, that Extract from these proceedings be sent with a copy of the translation of the Miscellaneous Petition N° 100 to the Provincial Court of Circuit in the Southern Division by Dawk to be returnable within twenty days from and after the receipt.

(Sent following Dawk N° 1512)

Read Miscellaneous petition presented on the 30th Ultimo by Mauneyagee of the Zillah of Combaconum.

(Here enter this Pet. N° 101 of 1835.)

1.

The Petitioner represents herself to be the wife of Valayadien Cadawangee, the fourth prisoner in Case N° 10 on the Calendar of the Zillah of Combaconum for the 2d Sessions of 1835, and states that the said prisoner has been sentenced by the (late) Third Judge then on Circuit in the Southern Division to imprisonment with hard labor for seven years, on what she alleges to be a false and malicious charge of Gang Robbery by four witnesses suborned by one

one Annaroyen an inhabitant of Negapatam.

She prays that orders may be issued for the release of the prisoner.

3.

The petitioner is informed that there is no appeal from the sentence of the Court of Circuit and that, after reference to the Calendar, the Court of Foujdaree Udalut see no grounds for doubting the propriety of the conviction in the case in question.

Ordered, that the prayer of the petition be rejected, and that Extract from these proceedings be furnished to the petitioner upon her application.

Read Petition presented on the 30th Ultimo by inhabitants of the Zillah of Combaconum.

(Here enter this Pet. N° 102 of 1835.)

The petitioner, representing himself to be the father of the 1st prisoner in Case N° 32. of the Combaconum Calender 2d Sessions of 1835, alleges that Sentence has been unjustly passed upon his son in that number, and prays the Court to call for the proceedings and reverse the Sentence, and in the mean time to keep the prisoner without irons and labor.

The Court of Foujdaree Udalut

2.

on reference to the Calendar see reason to doubt the propriety of the conviction of the said 1st prisoner Nadien Iyenden in the Case N° 32. of which they accordingly resolve to direct that an English translation

translation be prepared and submitted to them without delay.

Ordered, that Extract from these proceedings be sent to the Acting 1st Judge on Circuit in the Southern Division for his information and guidance by first post returnable within 30 days from and after its receipt.

(Sent following Proc.s No 1524)

Read letter, dated the 5th October and received on the 24th November 1835 from the Provincial Court of Circuit in the Northern Division, forwarding the copy of a communication from the Magistrate of Rajahmundry dated the 30th September 1835.

(Here enter No 3117 of 1835)

In the 1st paragraph of the letter of which a copy accompanies the foregoing return, the Magistrate of Rajahmundry refers to a communication addressed to the Judges of the Provincial Court of Circuit in the Northern Division under date the 16th September 1835 by the Hon.ble Assistant to the Register of the Sargeloo Adalut, requesting them to call upon "that Officer to explain whether he has yet adopted, or is contemplating the adoption of any measures for rendering more satisfactory those returns which he represents to be at present unsatisfactory as documents intending to embody things as they really are;" and in the second paragraph the Magistrate enters upon an enquiry for explanation of his conduct

No.

4th December 1835.

continued the existence of which was never questioned.

Upon this all that it appears necessary to observe is that the difficulty immediately of the Natives formerly by the Native Police Officers employed in the provinces under this Presidency, has for some time past greatly attracted the attention of the Local Government and of the Honorable the Court of Directors who have repeatedly enjoined upon the Sargeloo Adalut the necessity of bringing about a reform in this particular. When therefore, in a return to a precept on this subject, the Magistrate of Rajahmundry deliberately asserted that ever since the Police Establishment furnished by himself was first entertained it was not to be depended on" and that "the Sargeloo Adalut to satisfy themselves that it was not so, became the bounden duty of the Court to take into consideration the measures of the Magistrate to adopt some means tending to remedy so glaring an evil. The Magistrate's Return of the 21st August was not before them when the letter calling for this explanation was written.

The Magistrate of Rajahmundry is correct in his belief that it was not the intention of the Sargeloo Adalut to impute to him any "offences or neglect."

It would have been satisfactory had

14th December 1836

had the Provincial Court of Circuit explained the cause of delay in the transmission of the letter in question which though dated the 30th September did not reach the Office of the Secretary Colombo till the 24th Ultimo

Ordered that Extract from these proceedings be sent to the Provincial Court of Circuit in the Northern Division with instructions to furnish a copy of the same to the Magistrate of Pungaduwe.

(Sent following Proc. No. 1535)

Supreme Court

Present

The Hon. Sir John Wilson Kt. Chief Justice

The Hon. Richard Clarkson Esqr. 2d Puisne Judge

The Hon. Charles Marshall Esqr. 3d Puisne Judge

The Hon. Simon Casie Chitty Esqr. Acting Puisne Judge

December 1836.

Plaint bearing date the 5th October 1836 from the Court of Circuit in the Central Province, praying the Royal Mercy on the 7th instant of the Prisoner Lope alias Carolis Appuhamy convicted in the said Court of Circuit for the Central Province of the murder of one Appu on the 3rd instant at Kandy, and sentenced to suffer death on the 7th instant.

Read the Petition of Appeal of the said Prisoner dated the 6th instant praying for a Commutation of the Sentence of Death passed upon him.

Read the Letter of the Secretary to the Provincial Court of Circuit for the Central Province dated the 6th instant stating that the Prisoner had been executed on the 5th instant in pursuance of the Sentence of Death passed upon him.

Ordered that the said Petition of Appeal be dismissed.

Ordered that the Petitioner be informed that his Petition of Appeal could not be received, as the Sentence of Death had been carried into execution on the 5th instant.

Ordered that Extract from these proceedings be sent to the Provincial Court of Circuit in the Central Province.

(Sent following Proc. No. 1537)

to the value of one hundred and fifty four Rupees and four anas.—

2.

The Mahommadan Law officer of the Court of Circuit pronounced the prisoner guilty, and concurring in this finding the Presiding Judge referred the case for the consideration and final judgment of the Sudder Adawlut, as the Robbery was accompanied by criminal and aggravating circumstances which merited a higher degree of punishment than under the provisions of Clause Third section XI. Regulation XII of XV the Circuit Court was authorized to inflict.—

3.

And the Court of Sudder Adawlut having also convicted the prisoner of the crime charged and sentenced him to transportation for life, are of opinion only to bring to the favorable notice of the Government, the highly meritorious conduct of some of the inhabitants of the village in which the Robbery took place, by whose intrepidity the Robbers were taken and a part of the property recovered.—

4.

The feet of the case are entitled to Venkataramanaya in his deposition before the Magistrate of South Arcot, and substantiated before the Court of Circuit by the concurrent testimony of the other witnesses for the prosecution, on both of these occasions the prisoner of the crime charged in the indictment with

whom the time present to me, went into the back yard of his own dwelling in the village of Kadalingapatta, and while there observed some Robbers going - as he describes it - from the rear to the west: on his re-entering the house he heard some persons proceeding from the direction of the Pariah's quarters and coming to the street-door and immediately some moved lights (from the torches); he seized a stick and accompanied by Kallatumbay Eyampermanah, Eppayan and Cottan, Pariahs whose assistance he invoked, ran to the spot where the cries had just been heard at the same time they were received by the Robbers with a volley of stones but clearing the elder brother of the prosecutor ascertained that his property was being carried off: on this object the Robbers made off: but on the arrival of their two companions, returned, and demanded their

to the value of one hundred and fifty four Rupees and four annas.—

2.

The Mahommadan Law officer of the Court of Circuit pronounced the prisoner guilty, and concurring in this finding the Circuit Judge referred the case for the consideration and final judgment of the Sudder Adawlut, as the Robbery was accompanied by criminal and aggravating circumstances, which merited a higher degree of punishment than under the provisions of Clause Third section IX. Regulation XV. of XVI the Circuit Court was authorized to inflict.—

3.

And the Court of Sudder Adawlut having also convicted the prisoner of the crime charged and sentenced him to transportation for life, are of opinion that the highly meritorious conduct of some of the inhabitants of the Village in which the Robbery took place, by whose intrepidity the Robbers were taken and the greater part of the property recovered, entitles them to a reward.

4.

The facts of the case are established by the Venkatarammanah in his deposition before the Magistrate of South Arcot, and substantiated before the Court of Circuit by the concurrent testimony of the other witnesses for the prosecution, are briefly these:—About midnight of the day specified in the deposition the individual

whose name is mentioned in the margin, went into the back part of his house situated in the village of Kulalinganputtoo, and did there observe some Robbers going—as he described it—from the west to the west: on his re-entering the house he heard some shouting from the dwelling of the farmer, and proceeding to the street-door and there observed lights (from the torches), he espied a stick and some persons proceeding to the street-door and accompanied by Subbatumbey, Gumpuramah, Eshpayan and Cottan neighbours whose assistance he invoked, ran to the spot whence the cries had issued. On arriving at the farmer's house they were accosted by the Robbers with a volley of stones, but hearing the elder brother of the farmer exclaim that his property was being carried off, and entreat them to come to their assistance they forced their way into the back part of the house, the Robbers escaped in getting into the house and one of them succeeded in getting into the house, but he was immediately speared by the Robbers, whereupon two several persons were wounded on both sides. The villagers succeeded in capturing two of the Robbers, one the prisoner who has now been sentenced to transportation for life, and the other an individual named Ramen, who shortly afterwards expired from the effect of the wounds he had received in the affray. Failing in their object, the Robbers made off: but missing their two companions, returned, and demanded their

their release, threatening in case of refusal, that they would take the lives of those who guard them. The party however within the compliment have refused to surrender their captives, and locking the door, succeeded in maintaining their position till the arrival of a large concourse of the villagers, who therefore became alarmed and took to flight.—

6.

The Court of Enquiry beleive that in giving notification of the approbation of Government and the grant of a reward to the parties to whose exertions are solely attributable the preservation of the Convicts and the apprehension and punishment of the murderers of the Gang; will be attended with the most beneficial results to the community. The Court recommend accordingly that the magistrate of Perth be authorized to disburse the sum of Rupees three hundred and fifty; to be distributed among the individuals concerned in the manner & to the extent which may appear to him to be the discretion of that officer when acting with the spirit and energy which were manifested on the occasion in question.—

Ordered that extract from these proceedings be sent to the Chief Secretary of Government for the purpose of being laid before the Governor in Council

(Sanctioned 8th 1837)

8th December 1836.

In these proceedings of the 10th Victims,

1.

the Court of Enquiry beleive called the attention of the late Acting Police Magistrate on Circuit in the Northern Districts to the necessity of bringing to a close without further delay, the business connected with his late Circuit by transmitting the Records of the respective cases tried, and furnishing the explanations called for in the Courts proceedings of the 7th and 16th September 1836; and further required him by Precept returnable within Three days from and after its receipt, to report the grounds on which he has omitted to conform within the period specified to the orders issued for his guidance.—

But to this last Precept also the late

2.

Acting Police Magistrate has made no Return, although a period of more than one month has elapsed since its issue.—

The Court of Enquiry beleive that

3.

it will be sufficient, that the attention of the late Acting Police Magistrate be once more and for the last time called to the orders already issued, and that it be intimated to that officer that if he fail to make immediate Return of these Precepts, showing how they have been executed or affording good and sufficient reason why they have not been executed, this Court will no longer

longer refrain from making his systematic neglect of duty the subject of a grave representation to the Government.—

Ordered, that extract from these proceedings be sent to the late acting Third Judge for Circuit in the Northern Division by Despatch returnable within two days from and after its receipt.—

(Sent following Despatch No. 57)

Read letter dated 2d Instant, from the acting 3d Judge of the Provincial Court of Circuit in the Northern Division, presiding at the 4th quarterly Sessions 1835, forwarding the 7th Supplemental and Part of Vol. 2d of the Criminal Calendar.—

(Here enter No. 2182)

Read return, dated 2d Instant, from the Criminal Judge of Chittagong to Despatch of the Coojaree Dekaut dated the 24th December 1835 on the Criminal Reports for October.—

(Here enter No. 2188)

Read letter, dated 7th Instant from the Magistrate of Cuttack, submitting explanation required by the Coojaree Dekaut (in their proceedings of the 23d Ultimo, relative to a case on the Criminal Reports for October.—

(Here enter No. 2189)

Read

Read letter dated 3d Instant from the Magistrate of Cuttack submitting explanation required by the Coojaree Dekaut in their proceedings of the 30th Ultimo, relative to certain cases on the Criminal Reports for October.—

(Here enter No. 2192)

Read letter, dated 3d Instant from the late acting Court Criminal Judge at Ganjam, transmitting the Reports of Criminal cases disposed of from the 1st to the 16th November 1836, the day on which he delivered over charge of the Ganjam Court to the acting Criminal Judge.—

(Here enter No. 2196)

Read return, dated 5th Instant from the Criminal Judge of Rajahmundry to Receipt of the Coojaree Dekaut dated the 23d November 1835 on the Criminal Reports for October.—

(Here enter No. 2197)

Read return, dated 11th Instant, from the 3d Judge on Circuit in the Centre Division to Receipt of the Coojaree Dekaut dated the 10th December 1836 confirming the mitigated sentence proposed by the 3d Judge to be passed upon the prisoners in Cases Nos. 15 and 16 on the Bellaree Calendar for the 2d Sessions of 1836.

(Here enter No. 2207)—

F. 16.

At a Court of the Inquisitorial Udalut

Present,

Wednesday 16th December 1835. John Bird Esqre ——— 3rd Puisne Judge.

William Hudleston Esqre 3rd Puisne Judge.

Alexr Duncan Campbell Esqre Acting Puisne Judge

Read again letter, dated the 2d October 1835 from the 2nd Judge on Circuit in the Southern Division, submitting the copies of the Combaconum Primary and Supplemental Calendar for the 2nd Sessions of 1835.

(Here enter F. 16. No 803 of 1835.)

Read also return, dated the 14th Ulting, from the 2d Judge on Circuit in the Southern Division, to precept of the Inquisitorial Udalut dated the 17th October 1835, conveying their observations and Orders on the Combaconum Primary and Supplemental Calendar for the 2d Sessions 1835.

(Here enter No 1099.)

Also read again further return, dated the 17th Ulting, from the 2d Judge on Circuit in the Southern Division to precept of the Inquisitorial Udalut dated the 17th October 1835, conveying their observations

F. 16.

At a Court of the Tongdaree Udalut

Present,

Wednesday 16th December 1835 — John Bird Esqre — 2nd Puisne Judge.

William Huddleston Esqre 3rd Puisne Judge

Alexr Duncan Campbell Esqre Acting Puisne Judge

Read again letter, dated the 2d October 1835 from the 2nd Judge on Circuit in the Southern Division, submitting the copies of the Combaconum Primary and Supplemental Calendar for the 2nd Sessions of 1835.

(Here enter F. 16. No 803 of 1835.)

Read also letter, dated the 16th Ultimo, from the 2d Judge on Circuit in the Southern Division, to precept of the Tongdaree Udalut dated the 17th October 1835, conveying their observations and Orders on the Combaconum Primary and Supplemental Calendar for the 2d Sessions 1835.

(Here enter No 1799.)

Also read again further letter, dated the 17th Ultimo, from the 2d Judge on Circuit in the Southern Division to precept of the Tongdaree Udalut dated the 17th October 1835, conveying their observations

and enders on the Combaconum Calendar for the 2d Sessions of 1835.

(Here enter No 3100.)

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

"Munnabeebee"

is sufficient to convict her of exposing an infant to which she had recently given birth, with the intent to cause its death, do, under the authority with which they are vested by Clause first, Section II, Regulation I of 1818, convict her thereof, and under 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 prisoner would have been liable under the Mahommedan Law, if she had been convicted by full legal evidence of that crime.

Answer.

If the crime aforementioned were established against the prisoner aforesaid by the evidence of credible witnesses, she would be liable to Saazeer.

Under the penalty of Saazeer declared in

Mr Bird
and
Mr Huddleston.

on the foregoing futwa, and in conformity with the provisions of Clause third Section VII, Regulation XV of 1803, the Court of Foujdaree Udalut sentence the prisoner

"Munnabeebee"

to be imprisoned and kept to — labor suitable to her sex, without irons, on the public roads or other public works for and during the period of (4) four years.

(Send for Covering letter No 1531)

Read letter, dated the 3d Ultimo from the Acting 2d Judge on Circuit in the Northern Division, transmitting the Record in Case No 5. on the Rajahmundry Calendar for the 2nd Sessions of 1835.

(Here enter No 3107.)

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 Mosftee of the Foujdaree Udalut, confirm the said futwa of the Cazee ool Cozat and Mosftee aforesaid, and in conformity with the provisions of Section X. Regulation VIII.

Mr Bird
Mr Huddleston
and
Mr Campbell.

of 1802, Sentence the prisoner

1st Motapilly Naga.

to suffer death by being hanged at the usual time and place of execution: and acquitting the prisoner

2d Goly Chendra Vencummah.

direct that she be set at liberty-

(Sent following letter No 1537

No return has yet been received from the Provincial Court of Circuit in the Centre Division to the precept of the Foujdaree Udalut of the 2d October 1835 in the proceedings accompanying which it was observed that of the Magistrates of Chittoor, Cuddapah, Bellary, Chingleput and Coddalore, the last alone had noticed the injunction of the precepts of the Foujdaree Udalut contained in para 5 of their proceedings under date the 30th April last, requiring them to state "if the returns from the Village Police were altogether "free from error, and at the same time to explain "the principles upon which they have been framed:" and the Provincial Court of Circuit were required to "call upon the Magistrates in the Centre Division "to state the reason why the number of the dismissals "have not been duly entered, as well as of the "punishments in the Returns of the Village Police

for

for the first half of the year 1834"

The Court of Foujdaree Udalut deem it necessary to direct that the Provincial Court of Circuit in the Centre Division be called upon to submit without any further delay the requisite information on the Subjects referred to above, and at the same time to explain for the information of this Court and of Government, the causes which have prevented an earlier compliance with the orders issued for their information and guidance-

Ordered, that Extract from these proceedings be sent to the Provincial Court of Circuit in the Centre Division by Express to return able within three days from and after its receipt-

(Sent following Precpt No 1533)

Read Criminal Report dated the 7th Instant from the Acting Joint Criminal Judge at Tellicherry for the months of November 1835.

(Here enter No 2205.)

Read letter dated the 13th Instant from the Acting Joint Criminal Judge at Cuddalore, forwarding Criminal Reports for

for

16th December 1835

for the month of December 1835.

The undersigned

F. U.

At a Court of the Foujdaree Udalut.

Present,

Saturday 19th December 1835 John Bird Esqre ..... 2d Puisne Judge

William Hudleston Esqre ... 3d Puisne Judge

Alexr Duncan Campbell Esqre Acting Puisne Judge

Read the Vizagapatam Criminal Reports prescribed by Section XXXV Regulation X 1816 for November—

Where enter No 3204

Report V Case 65—

The Court of Foujdaree Udalut direct that the Acting Joint Criminal Judge be called upon to report on the following points, after referring to the examinations taken by the Hindoo Sudr Ameen in this Case.

2. It is stated in the charge "that "under pretence that the 1st Prosecutor had stolen "some gold flowers belonging to his master, the "prisoner caused him to be beaten by two others" The Court await an explanation as to whether these "two others" are the "police peons" mentioned in the "Abstract of evidence" and what their conduct was?

3 Again—in the "Abstract of evidence" it is declared that the prisoner "accusing the 1st "prosecutor (a boy of the age of 10 Years) of theft distressed

the

"the second" The Court request to be informed of the meaning of the expression distressed as here used - and also to what the "torture" amounted, which is subsequently mentioned in the "Abstract of the evidence."

Case 67

4. If the circumstances of this case, forwarded to the Criminal Court without adequate enquiry on the part of the Head of Police of Peddagaudy, has not been already communicated to the Magistrate under the Circular Order 21st May 1823, the Acting Joint Criminal Judge will make the Communication on receipt of this order with a view to the Head of Police being duly censured by the Magistrate

Ordered, that Extract of these proceedings be sent to the Acting Joint Criminal Judge at Vizagapatam for his information and guidance by Precept returnable in 6 days after receipt.

(Sent following Precept No. 1536

Read letter, dated the 12th Instant, from the Third Judge on Circuit in the Centre Division, forwarding a Statement showing the amount of Batta paid to the Prosecutors and Witnesses attending before the Court of Circuit during the Second Sessions of 1835.

(Here enter No. 2219)

Read letter dated the 10th Instant from the

the Magistrate of Madura forwarding the translation of a Deposition from a Peon in explanation of the delay in a case in the Criminal Reports for October.

(Here enter No. 2221)

Read Statement dated the 9th Instant from the Acting Joint Criminal Judge at Tellicherry shewing the labour of Convicts stationed at Cannanore.

(Here enter No. 2239)

At a Court of the Fonjdaree Adaulut

Present

Monday, 21st December, 1835.

John Bird Esqre 2d Puisne Judge,

William Rudleston Esqre 3d Puisne Judge,

Alexr Duncan Campbell Esqre Acting Puisne Judge,

1/3

Read the Quarterly Criminal Reports prescribed by Section XXXV Regulation X 1816 for November (Here enter No. 2194)

Report V.

Case 115.

In this case, and in others, in the Report under consideration, the Court observe that the abstract of the grounds upon which the Acting Court Criminal Judge has disposed of them, are unnecessarily long. A concise but distinct note of the grounds, sufficient to enable the Court to judge of the propriety of the disposal of it is all that is required in each case.—

Cases 118, 119.

2. The Court direct that it be pointed out to the Acting Court Criminal Judge that the provisions of the Law cited by him in this, and in some other cases, in this Report, in support of his commitment of the prisoners for trial are irrelevant. Clause 3d Section IX Regulation X 1816 being the proper authority to quote for the proceedings.—

Ordered, that extract of these proceedings &c

be sent to the acting Joint Criminal Judge at Guntoor for his information and guidance.—

(Sent in A. 1538

Read the Chittoor Criminal Reports prescribed by Section XXXV Regulation X 1816 for November

(Here enter A. 2216)

Supt. Report Case 158.

1 With reference to the following observation of the Criminal Judge upon this case. "It is proved that a Singabuljavar was murdered. The prisoners confess the whole matter before the Head of Police, but it appears that altho' they were present and that they divided the booty yet the act appears to have been committed by others;" the Court direct that it be pointed out to that officer that "in a case of murder the parties present aiding and "abetting are, according to the Law of England, alle principals "in law, and principals in deed."

Report V Case 211

2 In this case it is stated "there is not an iota of proof in support of this charge" and it appears that the detention of the prisoners was protracted from the 16th September to 2nd October. The explanation given of this detention is unsatisfactory. The Court accordingly direct, unless the report required by the Circular Order 21st May 1823 has been already made by the Criminal Judge, that a copy of the case as it stands in the Report and of this paragraph be furnished to the Magistrate

Magistrate with a view to the prevention of such delay in future, and the transmission of cases by the Heads of Police of Wandewash without adequate inquiry.—

Case 212. 3 The Court requests an explanation regarding the charge in this case against the prisoner for having on or about the 12th or 13th September 1835 forcibly obtained the release of the prisoners in A. 211 from the custody of the Police" it is observed that the date of the apprehension of the prisoners in question is entered in the Report to have taken place on the 16th of that month.—

Case 216 4 The Criminal Judge will furnish the Magistrate with copy of this case and of this paragraph, the Court deeming it proper to direct the reinvestigation of the original complaint by the European Magistracy on the ground that what the Native Police officer treated as false has been sworn to be true in the European Court. The Magistrate will be pleased to report for their information the result of the reinvestigation now ordered within 15 days after receipt of this injunction.—

Cases 219. 220. 5 In these cases it is stated that "the "the evidence adduced the prisoner is found guilty." The purport of the evidence should be given in a concise but distinct note, this allusion merely to the evidence being obviously insufficient to enable the Court

Court to form a correct judgement as to the propriety of the disposal of a case.—

Ordered, that extract of these proceedings be sent to the Criminal Judge at Chittoor for his information and guidance by Precept returnable in 6 days after receipt.—

(Sent following Precept No. 530

Read miscellaneous Petition presented on the 30th Ultimo by Sooryanarrondoo of the Zillah of Rajahmundry.—

(Here enter Misc. Pet. No. 188 of 1836)

1 The Petitioner alleges that having brought an action against the Police Ameen of Draksharam, to recover the amount due on a bond executed by him on account of certain monies borrowed he incurred the hatred of that Individual who out of revenge robbed him (Petitioner) of sixty four sacs of rice and thirty quires of China paper on which the duty had been paid:- that he accordingly presented a Petition on the subject to the Zillah Court of Masulipatam, by whom he was referred to the Magistrate: that that officer at first declined to go into the case in the absence of the complainant, but on learning that he was prevented by indisposition from attending, summoned the witnesses: that again

again, on the representation of certain of his Cutcherry servants that the Petitioner had absconded, and on the Vakeel of the Petitioner refusing to become answerable to the Criminal Court for his employer's appearance, the Magistrate dismissed the witnesses and suspended the investigation: that finally he petitioned the Provincial Court on the subject praying them to instruct the Magistrate of Rajahmundry to summon the witnesses, and suspend the Police Ameen from his situation, with a view to his eventual commitment for Trial before the Court of Circuit: and that by that Court he was referred to the Magistrate.—

2 The Petitioner prays that a Precept may be issued to the Provincial Court of Circuit in the Northern Division, enjoining on them a compliance with the request above referred to.—

3 The Court of Foujdaree Adawlut observe that the Provincial Courts of Circuit in the Northern Division in the Extract from their proceedings under date the 19th January 1836, have recorded the following remark: "It would appear that the "Magistrate had merely suspended a personal "investigation of this case, on account of the Petitioner's "having been reported to have absconded, or as he "himself alleges laid up by sickness. It now appears "that

"that he is present and in good health, he is therefore asked
"to present his case before the Magistrate who will no doubt
"afford him an opportunity of proving his assertions. There
"exists no reason whatever for the interference of this
"Court in a matter which originated therein and which
"and on which they are furnished with no particulars
"in respect to the merits of the case".—

And the Court of Enquiry Adalat
concurring in the propriety of this order, declined to
interfere, in the mode indicated by the Petitioner.—

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

Read petition presented by
Kistnummal of the Zillah of Chingleput under date
the 14th Instant.—

(Here enter Miss: Petn: No. 105 of 1836)

The petitioner prays that the witness
presented with her Miscellaneous Petition No. 41 of 1836.
may be returned to her.—

Ordered accordingly.—

Read again Miscellaneous Petition presented
on the 16th Instant by Sankla Adeva and other inhabitants
of the Village of Kilchattan Kolum and Eachanalla in
the

the Zillah of Tinnevelly.—

(Here enter Miss: Pet: No. 99 of 1836)

Read also Return dated the 5th instant
from the First Judge Sate on Circuit in the Southern
Division to the Register of the Court of Enquiry & dated
under date the 30th Ultimo, requiring him to prepare and submit
for their consideration an English Translation of the
Proceedings held in Case No. 5 on the Tinnevelly Calendar
for the first Sessions of 1836.—

(Here enter Cir: No. 2191 of 1836)

In this case, the prisoner

1st Sooralamootoo

and

2d Damodoo.—

stood charged before the Court of Circuit with having on
the night of the 17th January 1834, in company of about three
others, not apprehended, broken into the house of the
Prosecutor, assaulted and bound him, and robbed him
of property valued at one hundred and five Rupees
and fourteen annas.—

They both pleaded "not guilty".

The Mahommedan Law Officer of the
Court of Circuit pronounced the prisoners convicted on
strong Presumptive Proof and liable to Retribution.—

Concurring in this finding, the Presiding

Judge

Judge sentenced both the prisoners to imprisonment with hard labour in irons for fourteen years.—

As observed in their proceedings of the 30th ultimo, the Court of Royal Circuit, in calling for an English Translation of the Trial, were influenced by the then unexplained circumstance of there having occurred an interval of nine months between the date of the robbery and the commitment of the prisoners, which induced the suspicion that they were not named in the charge originally preferred by the Prosecutor.— It now appears that both were named by the Prosecutor and the first Prisoner by two witnesses previous to his arrest.—

It also now appears that the prisoners eluded apprehension by flight, which itself is "an offence carrying with it, a strong presumption of guilt." and consequently the delay which at first appeared to the Court to weaken the effect of the evidence against the prisoners, when then accounted for, greatly strengthens the case against them.—

The interval of time which had elapsed before the trial by the Court of Circuit, in a considerable degree accounts for the variances in the testimony before the several tribunals.—

The evidence adduced to establish an alibi

alibi, appears to be utterly worthless.

Upon a consideration of all the circumstances of this case, the Court of Appeal are decided that though they do not think it well conducted, are no sufficient grounds for disturbing the sentence passed by the Court of Circuit.—

Ordered, that extract from these proceedings be sent to the First Judge sitting in Circuit in the Eastern Division for his information.—

(Sent in 1840

Ordered further, that the Prayer of the Petition No 99. be rejected, and that extract from these proceedings be furnished to the Petitioner upon their application.—

Read letter dated 15th Instant from the Provincial Court of Circuit in the Eastern Division of Kentucky stating that the 15 prisoners in Case No 1 on the Criminal Calendar for the 3d Quarterly Sessions of 1835 having been acquitted by the Supreme Court, but by them been sentenced in Case No 2 on the same Calendar to imprisonment for the year under Clause Third Section XV of Regulation XV of 1803.—

(Three cases stated by)

Read letter dated 8th Instant from the

the Acting Native Criminal Judge of Honore forwarding the Criminal Reports from 17th to 30th November 1835.

(Here enter No. 2247)

F. U.

At a Court of the Foujdaree Udalut.

Present,

Tuesday, 22nd December, 1835.

John Bird Esqre. ..... 2nd Puisne Judge.
William Hudleston Esqre. ... 3d Puisne Judge.
Alexr. Duncan Campbell Esqre. Acting Puisne Judge.

Read letter dated the 30th of October last, and received on the 16th Ultimo, from the Acting 2nd Judge of the Court of Circuit in the Northern Division submitting the Report prescribed by Section XXXVII. Regulation VII. of 1802 for the 1st Sessions of the Year 1836.

(Here enter No. 2052.)

In the 2nd para. the Acting 2nd Judge submits an apology for the late period at which this Report is transmitted, and expresses his "assurance that apparent procrastination "will be attributed "by the Judges of the Foujdaree Udalut "to the great extent" of his "current duties". the Court of Foujdaree Udalut are aware that the Calendars laid before the Acting 2nd Judge at Guntoor and Rajahmundry during the 1st Sessions of 1836 were unusually heavy, and the duties required to be performed by Mr. Waters were proportionately arduous, but as the Report now submitted contains no

no new matter nor any observations connected with "the present system of administering the Criminal "Laws," requiring much time to consider and arrange, the Court of Foujdaree Udalut are of opinion that the Report might, as it obviously ought to, have been prepared and submitted within the period prescribed for its transmission.

2.

Paras 4. to 15. are occupied by a comparison drawn between the Guntoor and Rajahmundry Calendars laid before the Acting 2nd Judge at the 1st Sessions of 1833, and those presented to him at the Sessions for which this Report is prepared, and in notice of the number of prisoners "reported dead before Trial," (attributed by the Medical Officer "to the attenuated and "exhausted condition of the Prisoners the effect of Starvation before their apprehension") all which information might have been submitted in a much smaller compass had due regard been had to "brevity," "particularly enjoined in the Despatch from the Honorable Court of Directors of the 10th February 1830, circulated by the Court of Sudr Udalut under date the 9th September 1830, and due attention paid to the instructions of Government circulated by the Court of Foujdaree Udalut under date the 7th January 1832.

3.

In the 18th para: the Acting Second Judge

Judge urges the necessity of a new Jail at Guntoor being "speedily built" and states that he had perceived "from an Official Return that no less than 500 prison-"ers were at one period of the Famine exposed to "every inclemency of season at this Station, <u>without a possibility of providing shelter for them</u>, the "average deaths were then 40 per month:" as the Official returns exhibiting the number of deaths in the Jail at Guntoor during the period embraced in this Report on no occasion exceeded 14 per Month, and the average number for the entire six Months amounted to only 5. per mensem, the Court of Foujdaree Udalut resolve to call upon the Acting Second Judge to state whence he procured this information.—

Guntoor Jail
1834

Deaths.	
January	14.
Febriary	2.
March	5.
April	4.
May	4.
June	2.
	31.

Average per Month — 5. 4

With reference to the Statement that "at one period of the famine no less than 500 "prisoners were exposed to every inclemency of season at Guntoor "<u>without a possibility of providing shelter for them</u>," the Court of Foujdaree Udalut would observe that judging from the Official Returns in this Office no such occurrence could have taken place during the period within which this Report should have been confined; and if allusion is made to an event which occurred long previous to the 1st Sessions

Sessions of 1834. Mr. Waters must be aware, that a reference to a circumstance long since finally and satisfactorily disposed of, can answer no useful purpose; whilst the simple reference to "an Official Return" serves only to perplex; as it is not easy, after a lapse of upwards of two Years and a half to trace the particular paper referred to, without a Specification of the Department whence, and the date under which the Return was issued.—

5. From a letter addressed to the Register of the Provincial Court of Circuit in the Northern Division by the Acting Joint Criminal Judge at Guntoor under date the 20th April 1833, submitted to Government under date the 6th May 1833, the Court of Foujdaree Udalut perceive that that Officer reported that "nearly "300 prisoners" were then "obliged to sleep in the open "air for want of room in the Cells;" but even at this period the prisoners appear to have been exceedingly healthy, for the average number of deaths in the Jail at Guntoor during the 1st half of 1833 amounted to only 8½ per mensem, and in the Margin will be found a Statement shewing the monthly number of prisoners confined in the Jails at this Station during the 1st half of 1833, and the number of deaths which occurred during the same period.

Guntoor 1833	1st of prisoners	Deaths
January	1171	0
February	1366	3.
March	1230	10.
April	1184	8.
May	1351	17.
June	1619	13.
		51.

Average of deaths 8½.

And

6. And if the Acting Second Judge refers to the State of the Guntoor Jail at this period, it should be observed that the delivery of the Jail at that Station for the 1st Sessions of 1833 devolved on Mr. Waters himself, and the subject was fully introduced into his Circuit Report submitted to Government under date the 9th July 1834. it will be perceived however that the number of deaths which occurred in that Zillah was in the 16th para: of that document attributed to "the effects of Small Pox, Dysentery and Spasmodic "Cholera," and in the 15th para: Mr. Waters observed that "the Criminal Judges" appear to have done all "in their power to preserve health, order and cleanliness "and to have studied at Guntoor (in which Zillah the "pressure of famine has been most felt) the Comfort of "the prisoners by renting, under the sanction of "Government, various premises in the Town."

7. It was considered inexpedient to transfer any portion of the prisoners confined at Guntoor to another Zillah, lest such a measure might be the cause of spreading the infection of the Small Pox, which then prevailed in the Jail at that Station.

8. In the 20th para: certain cases of the Guntoor Calendar 1st Sessions of 1834 are instanced in proof of the negligence of certain Heads of Police, but

but as the misconduct of the Police in all the cases adverted to appears to have been brought at the time of their occurrence to the notice of the Magistrate and the several Officers were "severely rebuked", further allusion to them at this distant period would appear to have been unnecessary.

9. The first case cited is N.o 19 of the Calendar wherein the confessions of the prisoners were not attested, an omission on the part of the Head of Police which was duly noticed to the Magistrate by the Acting Second Judge.

10. In case N.o [illegible] the Acting Second Judge states that "an original important document "drawn out almost immediately after the perpetration "of the offence, and not even referred to in the subsequent "report was not forwarded with the case" — of the nature of this important document no conjecture can be formed from such a vague allusion to it, and in the Calendar in which the case is entered no mention whatever is made of such an omission.

11. In case N.o 5 "the aggravated acts "of wounding and beating" which are stated to have been omitted from the Report, do not appear from the Calendar to have been either charged or established by the evidence.

In

12. In case N.o 97 it did not appear from the Calendar that the attesting witnesses to the confessions denied all knowledge of the Prisoners nor do the proceedings of the Court of Circuit Copy of which accompanied the Calendar shew that the irregularity stated to have occurred in this case (N.o 97) or in the cases† mentioned in the two preceding Paras were brought to the notice of the Magistrate or the Joint Criminal Judge; but the Court of Foujdaree Udalut being unwilling to believe that at this distant period these irregularities have been for the first time brought to notice, resolve to call upon Mr. Waters for explanation.

† N.os 5 and 49.

13. In case N.o 152 it did not appear from the Abstract of the evidence as given in the Calendar, or from the remarks made by the Acting Second Judge, that the witnesses who attested the confession "denied all knowledge of the prisoner;" but that "they were not present when his admission "was committed to writing, and that they signed "it because directed to do so by the Head of Police" — and the Court of Foujdaree Udalut in their proceedings on the Calendar dated the 10th July 1834, remarked that they "presumed that under the Circular Order "of the 29th April 1822 the instance of inattention

"to the provisions of Clause third Section XXVII. Regula-
"tion XI. of 1816, in regard to the attestation of the 1st
"prisoner's Confession," "had been brought to the notice
"of the Magistrate by the Court of Circuit."

14 In the same para (21st) the Acting Second Judge cites several cases of Murder in which the Heads of Police neglected to hold an inquest on the bodies, and one case, No 71. of the Calendar, in which an "Inquest was made by people who never "saw the body;" and in remarking that the Heads of Police in the Northern Division, who "are mostly Brah-
"mins," "will not discharge the duty in question "if they can by any possibility avoid it," the Acting Second Judge submits, that the duty of holding an Inquest might "devolve to any intelligent Police "Officer of lower rank with advantage."

15. Although in obedience to the law it is on all occasions desirable that an inquest should be held by the Head of District Police — yet in their absence the duty of Conducting Inquests on the bodies of persons supposed to have been mur-
-dered already devolves on Officers of inferior rank to Heads of Police, viz: On the Heads of Villages, under Section XIII Regulation XI of 1816, and other Subordinate Officers of Police, selected under the

the provisions of Section III. Regulation IV. of 1821, and the Court of Foujdaree Udalut are of opinion that it would be inexpedient to extend the provisions of the Regulations on this subject to Officers of a yet lower grade than Heads of Villages and Ameens of Police.—

16 With respect to the Heads of District Police, and the Officers specially appointed under the provisions of the last quoted enactment, (Section III Regulation IV of 1821) the Court of Foujdaree Udalut possess the power to enforce the observance of the provisions of the Regulations which prescribe to them the duty of holding Inquests when practica-
-ble; and on the 30th January 1833 these Officers were distinctly warned that future negligence of this duty on their part would be visited with dis-
-missal from Office under the provisions of Section III. Regulation XIII. of 1832.—

17 But as regards the Heads of Villages, the Court of Foujdaree Udalut intimated to the Right Honorable the Governor in Council under date the 30th October 1833, that the almost univer-
-sal neglect of the important duty assigned to those Officers had attracted their serious attention; and as the endeavours of the Court to enforce the observance

of

of the provisions contained in Section XIII. Regulation XI of 1816 had failed to produce any effect, that they had deemed it proper to call the particular attention of the Court of Circuit to this matter, and to direct the several Magistrates to state what measures appeared to them best calculated to effect the due performance of the duty.

18. The various suggestions offered by the Magistrates on this subject were submitted to Government on the 30th October 1833, and in remarking in the 19th para: of their proceedings of the same date, that the suggestion of the Magistrate of Tuticorin, that a certain allowance should be allotted to the Office of each Head of Village Police, was in the opinion of the Foujdaree Adalut worthy of the serious consideration of Government, the Court took occasion to notice that in the 11th para: of the Minutes of consultation dated the 24th September 1830 it was intimated to the Foujdaree Adalut that this important subject had been brought to the notice of the Board of Revenue by the Government, so far back as the 2nd February 1827, with instructions to report on the means of making a suitable provision for the Heads of Village Police, and that on the 17th April 1827 the subject had been again urged on the attention of that Board.

Jo

To the Court of Foujdaree Adalut

19.

Vide para: 27

it appeared, that "the only feasible mode of obliging "the Heads of Villages to the performance of the "functions prescribed to them", was "the annexation "of emolument in some shape or other to the Office, "and the enactment of provisions for fining them "for neglect of duty" – and that it was "perfectly "obvious that the imposition of any duty by a legis- "-lative enactment, the neglect of which can be "visited by no penalty – is worse than nugatory."

20 In the 22nd para: of his Report the Acting Second Judge states, that "there were "some instances of great depravity occurring among "the Native Officers of Police, and as an instance "refers to case No. 6. of the Guntoor Calendar for the 1st Sessions of 1834, wherein one "Golla Veeradoo" "an innocent man had by the Ameen and his "people, been laid hold of, and sent to the Jail "on the 4th December 1832, instead of the real "Offender, who", Mr. Waters doubts not, "procured "his liberation by bribery." "This Golla Veeradoo", continues Mr. Waters, "actually perished in Jail "on the 31st January 1833," and the Acting Second Judge adds, "these people (alluding the Court conclude to the Police) on a perusal of the proceedings called

"called for by Precept were ordered by me to be commit-
=ted for Trial before the Court of Circuit."

21. The prisoners, whose names it appears were "Sheik Baboola," "Cave Poorapoo Venkata-
=poyadoo," "Jovvum Ramoodoo" and "Sheik Buddoy" were Committed in Case No. 70. of the Guntoor Calendar for the 1st Sessions of 1835, but the Trial was not Commenced by the then Acting Third Judge, who presided at the 1st Sessions of the present Year, Mr. Wrey having in order to ensure the conviction of the two principals considered it necessary to apply for Sanction to make a Conditional Offer of Pardon to the 3rd and 4th prisoners, the alleged accomplices of "Sheik Baboola" and "Cave Poorapoo Venkatarayadoo."

22. In their remarks on this Calendar recorded under date the 7th of September 1835, the Court of Foujdaree Udalut pointed out to the then Acting 3rd Judge, that the offer of a conditional pardon to these prisoners would be irregular inasmuch as the charge, which amounted only to a misdemeanor, did not fall within the provisions of Section XX. Regulation VIII. of 1802, which refers "to Cases of a heinous nature such as Murder-
"Gang Robbery, Arson and the like."

23. The late Acting 3rd Judge has not

up to this date made return to the Precept of this Court of the 7th of September last, but as those instructions must have been received by the Acting Joint Criminal Judge at a period too late for the case to have been tried at the 2nd Sessions of the present Year, the Court of Foujdaree Udalut are unable at present to supply further information respecting the result of the prosecution.—

24. In the same para: (23rd) of Mr. Waters's in alluding to the dismissal by the Magistrate of two Heads of Police, expresses his fears "that notwithstanding "the orders of Government to the Contrary," "Heads of "Police and Public Servants of any Standing "who" have "their connexions all over the Country" "in this way "again get employed where dismissed (under a feigned "name) by Gentlemen, who can of course know nothing "about them, and who are happy to meet with an "intelligent Servant."

25. To obviate the occurrence of such an event descriptive Rolls might be furnished to the Heads of Departments, on the occasion of persons being dismissed for recorded misconduct.—

26. With reference to the remarks of the Acting 2nd Judge on the Rajahmundry Calendar for the 1st Sessions of 1834, contained in the 24th para-

of

of this Report, it appears sufficient to observe, now that Mr. Brason has been removed from his situation, that every defect observable in that Calendar was carefully pointed out to that Officer by the Foujdaree Udalut in their proceedings dated the 25th of August 1834.

27. And inasmuch as the Decrees of the Acting Judge of Rajahmundry, in which that Officer was found "occasionally" to have illegally "decreed fines against persons, on the ground of having "uttered forgeries Vide", formed the subject of a special representation by the Acting 2nd Judge on the 8th August 1834; and as the whole Correspondence has been laid before the Government, and the matter disposed of by the Right Honorable the Governor in Council in the Extract from the Minutes of Consultation under date the 25th October 1834, it would appear to have been unnecessary for the Acting 2nd Judge to have reverted to the subject in this Report—

28. In the 27th para: the Acting 2nd Judge notices the negligence and improper conduct of certain Heads of Police at Rajahmundry, and in the same para: Mr. Waters observes, that of the four Heads of Police deserving in his opinion of dismissal, two were reported by the Magistrate to have "been dead several Months", and the remaining two to have been dismissed for Revenue embezzlements—

With reference to paras 28 and 29.

29. The Court of Foujdaree Udalut consider it proper to observe that Subsequent Reports and returns warrant the belief that considerable improvement has taken place in the State of the Police of this District, since the close of the 1st Sessions of 1834.

30. Adverting to the 31st, 32nd, and 33rd paras of this Report in which mention is made of the "Kirlumpoody Cases", the Court of Foujdaree Udalut observe that the circumstances connected with those Trials have already been brought to the notice of Government in their proceedings of the 22nd May and 9th of July last; and the Court refrain from commenting on the present occasion upon the observations recorded by the Acting 2nd Judge, as one of the Trials is now under the consideration of the Foujdaree Udalut, and the result of both cases will, as directed in the 3rd para: of the letter from the Chief Secretary to Government dated the 28th July 1835, be communicated for the information of the Right Honorable the Governor in Council—

Ordered that Extract from these proceedings together with Copy of the above Report be furnished to the Chief Secretary to Government for the purpose of being laid before the Right Honorable

22nd December 1835.

Honorable the Governor in Council.

Sent in No. 1542

Ordered also that Extract from the proceedings be furnished for the information and guidance of the Acting Second Judge of the Provincial Court of Circuit in the Northern Division.

Sent in No. 1543

22nd

Wednesday 23rd December 1835.

Ct.

In Court of the Louisiana District.

John Bird Esqr. 2d Puisne Judge

William Hudleston Esqr. 3d Puisne Judge

Alexander Duncan Cashepitch Esqr. Chief Justice

vs.

Read letter dated the 11th Instant from the 3d Judge on Circuit in the Creole Division submitting the Calendar for the 2d Session 1835.

Case No. 1.

Case noted No. 2208.

In the case noted in the margin which is one of "Rape" wherein the Prosecutrix a girl about 8 or 9 years of age was the sufferer the 3d Judge states that he has called the attention of the Criminal Judge to the Circular Order of the 12th July 1835 in consequence of his having omitted to cause the Prosecutrix to be instructed in the nature and obligation of an oath and of the consequences of Perjury.

2

It appears however to the Court of Louisiana District that the 3d Judge himself is not free from blame in entering upon the Trial before the Prosecutrix had been so instructed.

Case 3.

3

From the circumstances represented in the Calendar the Court see strong reason to question the propriety of the sentence in this case

case of Perjury and they accordingly resolve to direct that an English translation of the trial be laid before them.

Case 4 4. In this case the prisoner has been held to security by the Sessions Judge but the evidence as recorded in the Calendar leads the Court to believe that there were grounds sufficient to have warranted a judgment of conviction. They accordingly direct that an English translation of the record of the trial be submitted for their consideration.

Ordered that Extract of these proceedings be sent to the Sessions Judge on Circuit in the Centre Division for his information and guidance by Receipt returnable in 14 days after receipt.

/Sent following Receipt No. 1545

Read the Nellore Criminal Reports prescribed by Section XXXV Regulation X. 1816 for November.

Suppl. Report /Here enter No. 2229/

Case 140 1 In this case the Criminal Judge having entered in full the indictment for Perjury the Court direct that his attention be pointed to the Circular Order 12th May 1832 wherein it is stated that the "abstract" merely of the charge should be given in the Criminal Reports.

Case 138. 2 The explanation of the appearance in this Report of the case noted in the margin as therein

wherein the prisoner Mootkoory Nemmegaudoo is charged with Perjury is as follows. The Police and Criminal proceedings relative to this prisoner not having as yet been received from the late Acting Sessions Judge on Circuit now at Rajahmundry the case was not disposed of. The Court of Foujdaree Adaulut deeming it proper to call upon the late Acting Sessions Judge to explain the cause of this delay in the transmission of the proceedings in question direct that he be furnished with a copy of the case 138 and of this paragraph.

Ordered that Extract of these proceedings be sent to the Criminal Judge at Nellore for his information.

/Sent in No. 1546

Ordered also that Extract of these proceedings (Exception 2) be sent with a copy of the case 138 to the late Acting Sessions Judge for his information and guidance by Receipt returnable in 3 days after receipt.

/Sent following Receipt No. 1547

Read letter dated the 14th Instant from the 1st Judge of the Provincial Court of Circuit in the Northern Division reporting his intention to open the first Sessions of 1839 at Nellore on the 5th January next.

/Here enter No. 2257/

Read Statement dated the 15th Instant from the Provincial Court of Circuit in the Northern Division

25th December 1835.

Division of work performed by the Cornish under the Magistrate of Guntoor for the month of November 1835

/Here enter No. 2202/

Read letter dated the 19th Instant from the 3d Judge on Circuit in the Centre Division reporting the opening of the Sessions at Cuddalore and the State of the Calendar

/Here enter No. 2204/

Read letter dated the 14th Instant from the Additional Judge of Circuit in the Northern Division forwarding the original death Warrant W. W. in Case No. 3 on the Manuliputtum Calendar for the Third Quarter Sessions of 1835.

/Here enter No. 2205/

Read letter dated the 11th Instant from the Acting Joint Criminal Judge of Pallicherry forwarding an appendix to the Criminal Reports for last Month.

/Here enter No. 2206/

C. M.

At a Court of the Zillah Adalut

Present,

Thursday, 24th December, 1835. John Bird Esqre ——— 2d Puisne Judge,
William Rudleston Esqre ——— 3d Puisne Judge,
Alexr Duncan Campbell Esqre Acting Puisne Judge,

Read again letter, dated 5th October last, from the 2d Judge state on Circuit in the Centre Division, transmitting the English Record in Case No. 8 of the Cuddalore Calendar 1st Sessions of 1835.

(Here enter No. 1787)

Mr. Bird. The Court of Zillah Adalut having maturely considered the proceedings held before the Judge on Circuit, the Futwa of the Provincial Law Officer, and the Futwa of the Cazy-ool-Coozat and Mooftees of the Zillah Adalut, confirm the said Futwa of the Cazy-ool-Coozat and Mooftees aforesaid, convicting the Prisoner

Mr. Moottoo Cadiatchey"

on strong presumptive proof and awarding a Kowlut, and in conformity with the provisions of Clause First, Section V, Regulation VIII of 1831. and Clause Second, Section IX Regulation XV of 1803, sentence him to be transported to such Place beyond Sea, as the Governor in

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 the following letter No. 1552

Read again letter dated 26th September last from the 2nd Judge late on Circuit in the Centre Division, transmitting the record in Case No. 2 of the Rungpoor Calendar 3rd Sessions of 1835.—

(Here enter No. 1738)

Read also returns dated 8th Instant, from the 2nd Judge late on Circuit in the Centre Division to Precept of the Conjoint dated the 7th October 1835, returning for amendment and explanation, the English and Persian Translation of the Proceedings in case No. 2 the Rungpoor Calendar for the first Sessions of 1835.—

(Here enter No. 2169)

Mr. Bird, and Mr. Sandiston,

The Court of Conjoint deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the proof against the prisoner

Common

is sufficient to convict him of the crime charged, do, under the authority with which they are vested

vested by Clause First, Section II, Regulation I of 1813, convict him thereof, and in conformity with the provision of Clause Second, of the same Section and Regulation, direct their Law Officer to declare by a Second Futwa to what sentence the prisoner would have been liable under the Mahommadan Law, if he had been convicted by full legal evidence.—

1113

Answer

In the event of the prisoner above = mentioned being convicted by the evidence of the aforesaid witnesses of the crime charged, he would be liable to Kisshut, proportioned to his offence.—

Under the penalty of Kisshut

declared in the foregoing Futwa, and in con = formity with the provisions of Clause Third Section VII Regulation XV of 1803, the Court of

of Conjeeveram Vidalut sentenced the prisoner

"Common"

to be imprisoned and kept to hard labour in irons on the public roads or other public works for and during the space of two (2) years.—

(Sent the following letter No. 1553

Read the Rajahmundry Criminal Reports prescribed by Section XXXV Regulation X 1816 for the months of November.—

(Here enter No. 2233.)

Report 7

Case 91

In this case the prisoner appears to have been forwarded by the Head of Police of Rajahmundry "for having preferred a false charge "before the Magistrate" The Court conclude that "Police Officer" and not "Magistrate" was intended to have been entered in the said charge, but the Criminal Judge will report for their information, whether this conclusion is correct.—

The

2) E.B.

24th December 1856.

Case 92.

The prisoners in this case should not be detained in confinement, the Court of Conjeeveram Vidalut having ruled on the 9th of February last that Regulation IX of 1832 does not extend to witnesses supporting a false charge. The Criminal Judge will furnish the Magistrate with copy of the case and of this paragraph with a view to the prevention of future similar cases being forwarded to the Criminal Courts.—

Ordered, that extract from these proceedings be sent to the Criminal Judge of Rajahmundry for his information and guidance by Receipt returnable in 3 days after receipt.—

(Sent following Receipt No. 1554

Read the Salem Criminal Reports prescribed by Section XXXV Regulation X 1816 for November.—

(Here enter No. 2232)

With

Suppl. Report
Case 114.

With reference to the following observations of the Assistant Criminal Judge upon this case "There is no evidence against the 1st prisonr except the assertion of the 2d prisonr" "He is released without security because the Assistant Criminal Judge is not satisfied as to the motive and truth of the 2d prisoner's uncorroborated assertion" the Court of Enquiry do not direct that it be pointed out to that officer that a statement by one prisoner is not "evidence" against another.—

Ordered, that extract from these proceedings be sent to the Acting Criminal Judge of Salem for communication to the Assistant Criminal Judge.—

(Sent in Ac. 1855

Read the Madura Criminal Reports prescribed by Section XXXV Regulation X 1816 for November.—

(Here enter Ac. 2243)

24th December 1835

Suppl. Report
Case 111

1. The Court direct it to be pointed out to the Criminal Judge that the cause of the "non-attendance of the Prosecutor and Witnesses," the only reason assigned for the appearance of this case in the Supplemental Report, should, under the Circular Order 11th April 1832, have been given and the steps taken to ensure it noticed.—

Report V
Case 120

2. The prisonr in this case, charged with having "violently assaulted the Prosecutor," beat "him about the head and face with the wooden "bar of a window and wounded him," has been "sentenced on full proof of the charge to a "punishment which the Court consider rather "too "mild for such an offence" viz. "to pay a fine "of 25 Rupees and to be imprisoned for 2 months "and, in default of paying the fine to un-"-dergo imprisonment for a further period of 2 months "by Section VII Regulation X 1816."

Case 124.

3. Under the circumstances represented in

in this case it appears to the Court that it should not have been sent up to the Criminal Court by the Assistant Magistrate. The Criminal Judge will furnish the Magistrate with copy of this case and paragraph, with a view to this observation of the Court being communicated to that Officer.—

Case 126. 4. In this case wherein the charge was Housebreaking and theft of property to extent of 605 Rupees, the four prisoners stand committed for trial on the following recorded grounds. "The prisoners all plead guilty of the crime laid to their charge. They deny however having taken away more property than they have since delivered up, the value of which amounts to about 100 Rupees and that the Prosecutor has greatly exaggerated his loss."

The Criminal Judge is very much inclined to believe their Statement, but as it is impossible to ascertain the facts they are committed for trial before the Court of Circuit.—

6. The Court of Conjoint Assistant are of opinion that the prosecutor's testimony in respect to the value of the property stolen sufficed to warrant the commitment, unless it was perfectly clear that the property stolen was not worth 100 Rupees. The Criminal Judge will be pleased to report if he was satisfied on this point.

Ordered, That Extract of these Proceedings be sent to the Criminal Judge of Trichinopoly for his information and guidance by Precept returnable in 3 days after receipt.—

(Sent following Precept No. 1556

The

24th December 1856.

The Registar lays before the Court the following statements drawn up in his office from the Returns received through the Provincial Courts of Circuit, exhibiting the operations of the Village and District Police and the Magistracy, of the Criminal Courts and of the Courts of Circuit respectively, and he submits also an Extract of the operations of this Court, from the 1st of July to the 31st December 1856 according to the forms approved by Government.—

(Here enter Nos. 1 to 9)

1. The Statement No. 1, with the details in No. 2 exhibits the number of persons summoned before the Village and District Police and the Magistracy for petty offences punishable by them, together with the number of acquittals and convictions and the nature of the punishments inflicted.—

2. The total number of persons brought before the Village Police together with the number acquitted and convicted of petty offences as compared with the preceding half year or from the 1st January to the 30th June 1856 is as follows.—

	Persons summoned	Persons acquitted or discharged without punishment by Inquiry	Persons punished.
From the 1st January to the 30th June 1856 — — — —	2178	549	591	1140
From the 1st July to the 31st December 1856 — — — —	2216	452	646	1098

24th December 1836.

in this case it appears to the Court that it should not have been sent up to the Criminal Court by the Assistant Magistrate. The Criminal Judge will furnish the magistrate with copy of this case and paragraph, with a view to this observation of the Court being communicated to that Officer.—

Case 126.

4. In this case wherein the charge was Housebreaking and theft of property to extent of 135 Rupees, the four Sprarious stand committed for trial on the following recorded grounds. "The prisoners all plead guilty of the crime laid to their charge. They deny however having taken away more property than they have since delivered up, the value of which amounts to about 100 Rupees and that the Prosecutor has greatly exaggerated his loss."

The Criminal Judge is very much inclined to believe their statement, but as it is impossible to ascertain the facts they are committed for trial before the Court of Circuit.—

5. The Court of Sonjeera Debatut are of opinion that the Prosecutors testimony in respect to the value of the property stolen sufficed to warrant the commitment, unless it was perfectly clear that the property stolen was not worth 100 Rupees. The Criminal Judge will be pleased to report if he was satisfied on this point.

Ordered, that Extract of these Proceedings be sent to the Criminal Judge of Madura for his information and guidance by Precept returnable in 2 days after receipt.—

(Sent following Precept No. 1556

The

S. D.

24th December 1836.

The Register lays before the Court the following Statements drawn up in his Office from the Returns received through the Provincial Courts of Circuit, exhibiting the operations of the Village and District Police and the Magistracy, of the Criminal Courts and of the Courts of Circuit respectively, and he submits also an Extract of the operations of this Court, from the 1st of July to the 31st December 1836 according to the Forms approved by Government.—

(Here enter Nos. 1 to 9)

1. The Statement No. 1 with the details in No. 2 exhibits the number of persons summoned before the Village and District Police and the Magistracy for petty offences punishable by them, together with the number of acquittals and convictions and the nature of the punishments inflicted.—

3. The total number of persons brought before the Village Police together with the number acquitted and convicted of petty offences as compared with the preceding half year or from the 1st January to the 30th June 1836 is as follows.—

	Persons Summoned	Persons acquitted after investigation	Persons convicted after investigation	Persons punished.
From the 1st January to the 30th June 1836 - - - -	2178	529	591	1120
From the 1st July to the 31st December 1836 - - - -	2215	452	515	1206

2

24th December 1836.

in this case it appears to the Court that it should not have been sent up to the Criminal Court by the Assistant Magistrate. The Criminal Judge will furnish the Magistrate with copy of this case and paragraph, with a view to this observation of the Court being communicated to that Office.—

Case 126.

4. In this case wherein the charge was Housebreaking and theft of property to extent of 835 Rupees, the four prisoners stand committed for trial on the following recorded grounds. "The prisoners all plead guilty of the crime laid to their charge. They deny however having taken away more property than they have since delivered up, the value of which amounts to about 100 Rupees and that the Prosecutor has greatly exaggerated his loss."

The Criminal Judge is very much inclined to believe their statement, but as it is impossible to ascertain the facts they are committed for trial before the Court of Circuit.—

6. The Court of Sudder Adawlut are of opinion that the prosecutors testimony in respect to the value of the property stolen sufficient to warrant the commitment, unless it was perfectly clear that the property stolen was not worth 100 Rupees. The Criminal Judge will be pleased to report if he was satisfied on this point.

Ordered, That Extract of these Proceedings be sent to the Criminal Judge of Trichinopoly for his information and guidance by Precept returnable in 2 days after receipt.—

(Sent following Precept No. 1556

S. Gs

24th December 1836.

The Register lays before the Court the following Statements drawn up in his Office from the Returns received through the Provincial Courts of Circuit, exhibiting the operations of the Village and District Police and the Magistracy, of the Criminal Courts and of the Courts of Circuit respectively, and he submits also an Abstract of the operations of this Court, from the 1st of July to the 31st December 1836 according to the forms approved by Government.—

(Here enter Nos. 1 to 9)

1. The Statement No. 1 with the details in No. 2 exhibits the number of persons summoned before the Village and District Police and the Magistracy for petty offences punishable by them; together with the number of acquittals and convictions and the nature of the punishments inflicted.—

2. The total number of persons brought before the Village Police together with the number acquitted and convicted of petty offences as compared with the preceding half year or from the 1st January to the 30th June 1836 is as follows:—

	Persons summoned	Persons acquitted	Persons convicted	Persons punished by fine
From the 1st January to the 30th June 1836	2178	549	591	1036
From the 1st July to the 31st December 1836	2216	462	626	1256

3. Of the 1205 persons punished by the Village Police, 790 were confined in the Chuttry and 415 in the stocks.—

4. Complaints for petty assaults still continue to constitute the great majority of the cases brought before the Village Police.—

5. Of the 2284 persons brought before them 1715 were charged with petty assaults, and 499 with petty thefts: of the former, 728 and of the latter 477 were convicted and punished.—

6. Neither in Pondicherry nor in Karikal, is there a single instance of a person being summoned or punished by the Village Police. In Tirdachellum (Carical) however only 3. in Madura only 8 and in Tinjore only 12 persons were brought before them on charges during the last six months of the year 1834.—

7. The Districts in which most to the Village Police has been most frequent are

Combaconum,

Cavere,

Coimbatore,

Nellore,

and

Salem,

8. The number of persons brought before the Village Police in

Combaconum	is 617	of whom were punished	402
Cavere	600		167
Coimbatore	174		169
Nellore	161		25
Salem	111		91
	1,663		874

9. Of the remaining persons there were summoned in

Tinjore	95	of whom were punished	1
Malabar	94		10
Cuddapah	79		76
Chingleput	72		71
Chittore	43		31
Tanjore	40		31
Bellary	39		29
Eminelly	35		30
Rajahmundry	32		29
Vizagapatam	12		2
Madura	8		8
Tirdachellum	3		3

10. In their proceedings under date the 30th October 1830, the Court of Sudder Adawlut remark for the information of Government, their opinion respecting

3. Of the 1205 persons punished by the Village Police, 790 were confined in the Chavdy and 415 in the stocks.—

4. Complaints for petty assaults still continue to constitute the great majority of the cases brought before the Village Police.—

5. Of the 221 persons sent to their homes 715 were charged with petty assaults and 339 with petty thefts: of the former 725 and of the latter 477 were convicted and punished.—

6. Within the last fortnight in Erukinapoly, is there a single instance of a person being summoned or punished by the Village Police. In Verdachellum (Cuddalore) 4 persons out of 9. in Bradura only 8 and in Ongolpatam only 12 persons were brought before them within the last six months of the year 1834.—

7. The Cutcherry in which most of the Village Police have been stationed are

Combaconum,
Canara,
Coimbatore,
Salem,
and
Salem,

The following persons brought before the Village Police in

Combaconum is	617	of whom were punished	602
Canara	600		167
Coimbatore	174		169
Salem	161		45
Salem	111		91
	1,663		874

9. Of the remaining persons there were summoned in

Guntoor	94	of whom were punished	1
Malabar	94		10
Cuddapah	79		76
Chingleput	72		71
Chittoor	43		31
Tanjore	40		31
Bellary	39		29
Tinnivelly	35		30
Rajahmundry	32		29
Nagapatam	12		2
Madura	8		8
Verdachellum	8		8

10. In the preceding under the 30th. October 1833, the Court of Sessions transmitted for the information of Government, their opinion and practice

respecting the measures which they considered necessary to be adopted with a view to increase the efficiency and utility of this subordinate department of the existing System of Police: and again in the 8th paragraph of their proceedings under date the 15th May 1834, they expressed their conviction that "no "improvement in this branch of the present Police "will take place, until emolument in some shape "or other be attached to the Office; and provision "be made for the punishment of neglect on their "part of the duty prescribed to them by the Regulation" and recommended that the subject might meet with "the early attention of the Government."

11.

In support of this opinion, which each succeeding Quarterly Return tends only to confirm, it would be superfluous on the present occasion to offer any further remarks.—

12.

The total number of persons brought before the District Police from the 1st July to the 31st December 1834 for petty offences punishable by fine was 38,631: besides whom, there were 1258 whose cases were not disposed of at the close of the previous half year.— In the preceding half year, the number of persons summoned before the District Police was 40,254.—

In

13.

The subjoined is a comparative State=
=ment of the accusations and convictions by the District Police, during the period under review and the preceding six months of the year 1834.—

	Total number summoned and under examination at the commence=ment of the half year.	Acquitted after investi=gation.	Discharged upon Recognizance or bail or without investigation for default or other cause.	Punished without reference to the Magistrate	Remitted after reference to the Magistrate	Total number of persons disposed of by the District Police.	Disposed of by the Magistrate
From the 1st January to the 30th June 1834	41,674	13570	16,246	10241	333	40,390	26
From the 1st July to the 31st December 1834	39,889	12786	15,495	9969	313	38,563	13
The difference shewing a decrease in the last half year of	1,785	784	751	272	20	1827	13

* Note. There were 756 persons in the Register of Bail=ees on Recognizance of Bail=ees left them at the previous half year, the latter number amounting to 5,685.—

It appears to the Court of Enquiry 14.

to be evident that the decrease which the preceding tables exhibits of the number of persons appearing before the District Police, on charges of Petty Theft is in a great measure attributable to the gradual alleviation of that distress which a previous season of scarcity had produced among the lower orders of society.

15.

Of the 39,889 persons summoned before the District Police, (independent of those whose cases were not disposed of at the close of the last half year) 4,665 were charged with petty thefts; and 33,906 with petty

petty assaults. In the preceding half year the number of persons charged with petty theft was 5,287:- of those charged with petty assaults, 64,033. Of the former also 1,964, and of the latter 10,752 persons were acquitted during the period under review: while in cases of petty theft 3, and of petty assault 15,477 persons were discharged upon Razeenamah or without investigation for default or other causes.—

16. In the 12,786 persons acquitted as shown above are included those against whom the complaint was considered to be wilfully false and malicious, amounting in the period under review to 421 and in the six months ending on the 30th June 1834 to 207.—

17. In para 10 of their proceedings under date the 13th May 1834, the Court of Sudder Adalut recorded the following observation: "It may be proper "here to remark that at the period for which this Report "is prepared, full effect had not been given in "the Provinces to the provisions of Regulation IX of 1832 "which specially provides for the punishment of persons "preferring false and malicious accusations to Native "Police Officers, but future Reports the Court of Sudder "Adalut doubt not will exhibit the salutary effects of "this Regulation" &c.—

That

18. That this expectation has not been entirely disappointed, is evidenced by the fact that while during the 2d half of the year 1832, 1,139 persons were falsely and maliciously accused before the District Police, in the 1st half of 1833, only 617: in the 2d half of that year only 479: and in the 1st half of 1834 only 407 persons were so accused before those authorities. Nor can the slight increase which the Returns for the period under review exhibit, be considered as affording ground for apprehension that the remedy provided by the Legislature aided by the gradual infusion into the community of a more healthful tone of morality, will not eventually be effectual to eradicate the evil.—

19. The following Statement exhibits the number of persons punished, and the nature of the punishments inflicted by the District Police, for the two periods above referred to, inclusive of those punished after reference to the Magistrate.—

	Half year ending the 30th June 1834.	Half year ending the 31st December 1834.
Punishment		
Fined	5583	8,912
Confined in the Gaol	4562	4038
Confined in the stocks	328	276
Flogged	101	6
	10,574	19,232

&c

20. The six persons entered as having been "flogged" by the District Police, are concerned in the cases disposed of after reference to the Magistrate: the Native Police Officers having, by the provisions of Section V, Regulation XIII of 1832, been prohibited from inflicting corporal punishment by stripes.—

Magistracy. 21. Before the Magistracy, during the period under review were brought for petty offences 4,093 persons: besides whom, there were 76 persons whose cases were not disposed of at the close of the previous six months making a total of 4,169 persons. In the preceding half year the total number of persons brought before the Magistracy was 3,542.— Increase 627 persons during the half year ending the 31st December 1836.

22. The following Statement exhibits the number of acquittals and convictions and the nature of the punishments inflicted by the Magistracy during the half year ending on the 31st December 1836.—

Persons summoned and under examination	Acquitted	Discharged upon Recognizances to abide issue of default or other cause	Committed	Total convicted of	Persons under commitment at the close of the Report
4,169	2,187	500	1413	4,100	69

Statement showing the manner in which the persons committed before the Magistracy were punished.	Fines	Imprisonment	Floggings	Total number punished
	735	566	112	1413

In

23. In the 2187 persons acquitted by the Magistracy are included 186 against whom the accusations were considered to be wilfully false and malicious. Of this class, the number in the preceding half year was 175 / Increase 69 in the period under review. 175.—

24. During the period under review, there were 136 cases of alleged petty offences namely Thefts 127 and Assaults 8. of which the perpetrators were not discovered. The cases of this description during the preceding half year amounted in number to 191.—

25. Of the persons charged before the Magistracy during the period under review with petty offences, considerably more than one half or 2,703 were for Assaults. There were 855 persons charged with Theft, and 76 with abuse of authority while acting in the capacity of police officers. Of these last, 19 persons were convicted and punished by fine; 12 were under examination at the close of the Report, and 45 were acquitted.— Against 2 of the acquitted persons, the charge was considered to be wilfully false and malicious.—

26. In the following comparative statement is exhibited in quarterly positions the number of persons brought before the Village and District Police

(97)

Police and the Magistracy for petty offences with the number acquitted and punished during the 1st and 2d half of the year 1834.—

	During the half year ending the 30th June 1834.				During the half year ending the 31st December 1834.			
	Summoned and depending	Acquitted	Discharged upon Recognizance &c.	Punished	Summoned and depending	Acquitted	Discharged upon Recognizance &c.	Punished
Village Police - -	2178	529	591	1035	2214	462	646	1206
District Police - -	41,674	13570	16,246	10574	39,889	12,786	15,496	10,282
Magistracy - - -	3,542	1,588	443	1,466	4169	2187	800	1413
Total -	47,394	15,687	17,280	13,075	46,272	15,425	16,940	12,900.

27. The above statement as compared with the preceding half year, exhibits a decrease of 1122 persons brought before the native Police and the Magistracy. This result is matter of congratulation, in as much as it indicates that the distress which a failure of the rains had necessarily entailed upon a rural population is now rapidly abating, and that the people, no longer driven by hunger to acts of criminality, are at length resuming their settled habits of industry, and once more reverting to those agricultural pursuits which till the late calamitous season destroyed the hopes and rendered useless the labours of the husbandman, had

had furnished them with the means of gaining an honest livelihood.—

28. The fines levied during the period under review by the District Police from the 5,912 persons mentioned above and by them remitted to the Magistrate amount in the aggregate to Rupees 4,652—7—11.—

Crimes and Misdemeanours

29. The total number of crimes and misdemeanours committed during the half year ending the 31st December 1834 amounts, as exhibited in the Statement No 3 with its details in Nos 4 to 4,352 as which it is calculated that 17,541 persons were concerned: being 464 cases and 7068 persons less than in the preceding six months.—

30. Of the 17,541 persons supposed to have been concerned in the cases ascertained to have occured during the period which this Report embraces, 7,717 would appear to have escaped apprehension: being 5758 less than in the previous half year, when this number amounted to 13,475.—

31. In the Zillah of Cuddapah, out of the 2,758 persons supposed to have been concerned in the 665 cases entered in Column 1 of the General Statement No 4, it is computed that 569 have not been apprehended.—

32. The Acting Magistrate of Cuddapah commences his report by observing that as "he did not

"receive the charge of the District till the commencement
"of the present year," his "remarks must necessarily be
"brief".—

33. The comparative statement submitted with his report shows that from the 1st January to the 30th June 1834, the number of persons suspected to have escaped apprehension was 2,479: while from the 1st July to the 31st December 1834 it was only 1569: the decrease during the period under review being 910.—

34. This decrease, however, observes the Acting Magistrate, in the 3d paragraph of his letter, - is not to be attributed to any increased exertion on the part of the Police, but to a cessation of the inventives to crime from the cheapness of food, consequent upon the favorableness of the season."—

35. In Chittoor of the 1547 persons supposed to have been concerned in the 343 cases entered in Column 11 1055 have escaped apprehension; in Ganjam the number of persons under this head amounts to 985 and in Vizagapatam (Cuddalore) to 594.—

out of 1,238 supposed to have been concerned
out of 985 do. do. do.

36. The Magistrate of the last named District in the 3d paragraph of his Report observes "The number of persons suspected to have been concerned "in the cases, in which no one has been apprehended, "is from certain very guilty exaggeration, for the reason stated

"stated in my report from the last year, that frequently
"the number of cases should be as great."
37. In his former Report, the Magistrate after stating that "the remainder 768 persons "suspected "to be concerned in only 54 cases have not yet been "apprehended" thus proceeds; "There is no reason to suppose "that a greater number of persons were concerned in the "54 cases in which the parties have not been apprehended "than in the 68 in which the parties have been apprehended, "and I am convinced that the numbers are exceedingly "exaggerated, nor is this easily to be prevented when "the information is very frequently derived from the "sufferers, who have been plundered, who "magnify the numbers in proportion to the extent of "their losses and alarm".—

38. The Court of Enquiry are disposed to be satisfied that to a certain extent the inference of the Magistrate is correct; but they are nevertheless of opinion that much of the unfavorable result which the present Report exhibits is attributable to the want of energy and efficiency of the Police. This opinion however might from a consideration of the internal condition of the Zillah of Cuddalore, a Zillah in which there happily exist none of those elements of anarchy which have so long prevailed in some of the Northern Provinces of this

Presidency

Presidency, to the subversion of the tranquility and the insecurity of the person and property of their inhabitants.—

39. The Court of Sudder Adalut will call the attention of the Magistrate of South Arcot, and also of the Magistrate of North Arcot who had made no allusion to this subject, to the importance of inviting their Native Subordinates to a more vigilant discharge of their duty.—

40. The following statement exhibits the cases of heinous crimes committed during the last half of the year 1834.—

	Cases	Persons
Murder	111	376
Culpable Homicide	24	53
Robbery and Murder	27	295
Gang Robbery	677	1115
Robbery by a Single individual	87	105
House breaking by day	37	79
Do by night	1418	3,980
Theft	1105	3,104
Arson	64	100
Rape	15	28
Forgery	41	107
Perjury	12	17
Maiming and Wounding	170	601
Attempt at Murder	8	10
Suttee	4	22
Kidnapping Children	2	5
Destroying Court's process	1	1

Of

41. Of the 111 cases of Murder, 25 were committed in Madura, 14 in Cuddapah, 10 in each of the districts of Madura and Canara, 9 in Coimbatore and 8 in Salem. Of Robbery and Murder, 7 cases occurred in Ganjam and 4 in Bellary. The Zillah of Cuddapah was the scene of 119 Gang Robberies, Chittoor of 87, Bellary of 64, Bellary of 59, and Vizagapatam of 48. In the last named Zillah, of the 526 persons suspected to have been concerned in these outrages, 446 would appear to have escaped apprehension. In Ganjam 653 persons out of 705, in Chittoor 728 out of 841, in Masulipatam 173 out of 212, and in Vizagapatam 28 out of 62 persons still remain to be apprehended. In Bellary, the result is more favorable. In that Zillah, the cases of Gang Robbery in which no property had yet been recovered amount to 29 out of 59, and include 224 persons out of 746 suspected to have been concerned.—

42. Of the 1418 cases of House breaking by night, 870 occurred in Cuddapah, 257 in Madura, 95 in Vizagapatam, 95 in Canara, 88 in Chittoor, and 75 in each of the districts of Coimbatore and Salem.—

43. The Court of Sudder Adalut have much satisfaction in observing that in the Zillah of Madura, out of the 576 persons suspected to have been

been concerned in the 237 cases of Housebreaking by night, only 63 have escaped apprehension.—

44. Of the 1,095 cases of theft, 263 occurred in the District of Coimbatore; 97 in Salem; 91 in Bellary, and 90 in each of the Districts of Chittoor and Malabar. In Malabar, 2 persons only remain to be apprehended of the 173 supposed to have been concerned. In Coimbatore, out of 657 persons supposed to have been concerned, 275 remain to be apprehended. In Bellary, of the 342 persons mentioned above, 36 in Malabar of 261 persons concerned in 53 cases, 42; and in Erichinapoly, of 280 persons concerned in 49 cases, 60 persons have not yet been apprehended.—

45. Fifty two cases of maiming and wounding occurred in the Zillah of Malabar. In these cases 100 persons were concerned of whom 1 only would appear to have escaped apprehension. In Coimbatore the cases of this description amount in number to 26 including 82 persons, who were all taken into custody.—

46. The 4 cases of Dakaiti occurred in the District of Guntoor. In one case, the parties concerned, supposed to be 9 in number, have not been apprehended.

Vide cases Nos. 5 and 13 in the Chingleput Calendar for the 2d Sessions of 1834.
Mr. Thrington Deputy Assistant Judge

The three remaining cases including 16 persons were committed for trial before the Court of Circuit. In the two cases disposed of by that Tribunal, (for one yet remains to be tried) the parties were acquitted and released

release. In one, the evidence of one witness only was procurable. Suspicion attached to two of the accused, but the Judge Presiding, considering that the imprisonment which they had already undergone was sufficient to meet the ends of Justice "ordered their release with a suitable warning." That officer in his remarks on the Calendar described them as "mere boys of the very lowest and ignorant class" and added "If the immolation ever took place, which is "not made very manifest, it was in the Bareily Zamindary "and there is reason to believe the Zamindar may "have used his influence to screen the promoters of "and accomplices in the rite."—

Nos. 5 and 6.

47. The Statement No. 5 with the details in No. 6, exhibits the operations of the Criminal Courts from the 1st July to the 31st December 1834.—

48. The total number of cases brought before the Criminal Courts during the above six months, inclusive of those not disposed of at the close of the preceding Report is 2,762: the persons concerned in which amount in number to 8,663. In the preceding half year, the total number of cases was 3,249, including 8,978 persons.—

49. Of the cases thus shown to have been brought and depending before the Criminal

Courts

Courts,- 108 were cases of Murder:- 26 of Culpable Homicide: 29 of Robbery and Murder: 448 of Gang Robbery: 29 of Robbery by a single individual: 26 of Housebreaking by day:- 360 of Housebreaking by night:- 764 of Theft: 172 of receiving stolen goods: 22 of Arson: 8 of Rape: 2 of Adultery: 2 of procuring abortion: 25 of Forgery: 64 of Perjury: 4 of Subornation of Perjury or Forgery: 13 of Serious abuse of Authority by Police Officers: 22 of Resistance to legal Process: 134 of Maiming and wounding: 212 Breaches of Revenue Laws: 1 of Gang Robbery and Arson: 3 of Intent to Murder: 3 of Suttee: 1 of Kidnapping: 1 of Rebellion: Vide Vide Vide.-

50. Of the 6663 persons brought before the Criminal Courts.-

1,595 in cases adjudicable by those Tribunals, were released unconditionally:- of whom the charge against fifty one was considered to be wilfully false and malicious.-

292 were released on security.

390 were detained on demand of security.-

1,543 were convicted and punished.-

448 in cases punishable by the Court of Crimit were released.

1471 were committed for trial before the Court of Crimit

198 were under examination.-

10 Died.-

9 Escaped.

1 was concerned in other cases.

6. were sent back to the Magistrate.

6,663 Total

51. Of the 1543 persons convicted and punished:-

929 were imprisoned.

288 " fined.

12 " flogged.

15 " imprisoned and fined.

299 " imprisoned and flogged.

1543 Total.

52. In the preceding half year, the number of persons convicted and punished was 1614, and of those committed for trial before the Courts of Criminal Jurisdiction 196.-

53. It is satisfactory to observe that at the close of this Report there were remaining unadjusted only 89 cases including 198 persons.- at the close of the preceding Report, the number of cases then under examination was 191, in which were concerned 617 persons.-

See Statements Nos. 7 and 8 subjoined.

Nos. 7 and 8.

54. The Sessions of the Court of Crimit from the 1st July to the 31st December 1836.-

See number of cases of every description

55. brought before those Courts during the above period was 731 in which were included 2,157 persons. In the preceding half year, the number of cases was 692 and

Cases	Persons
962	3798
701	2,159
221	1,639

ent of prisoners 3798. The Returns for the period under review therefore, exhibit a decrease of 221 cases and 1,639 persons.—

56. This result is not attributable to a diminished exertions on the part of the Courts of Circuit, but to the operation of those causes already indicated in the 14th and 27th paragraphs of these proceedings.—

57. Of the 2,159 persons committed for trial before the Courts of Circuit, the number of those released unconditionally is 618, of whom the charges against sixteen only, were considered to be wilfully false and malicious: of those ordered to be released on security, the number is 215, and of those convicted and punished is 644: of these latter,

in the preceding half year 917.

42 were flogged; and imprisoned for a term exceeding 7 years.
29 - - - - - - - - - - - - - - - - - not exceeding 7 years.
326 were imprisoned for 7 years and upwards without flogging.
236 - - - - - - - 7 years and under without flogging.
and
11 were fined and discharged
644 Total.

58. To the Conjoint Edict were referred 145 Trials including 405 persons, exclusive of the cases called up by that Court. Of these 145 Trials, there were

were 58 in which the Court of Circuit concurred in the opinion delivered by the Mahommedan Law Officer, that the nature of the offences charged made them of necessity capital: and 57 in which the Court of Circuit differed from the opinion of the Mahommedan Law Officer. Four persons were discharged without trial: 89 were returned to the Criminal Judge: 28 died: and 7 escaped.—

59. In the six months ending on the 30th June 1834, the number of cases postponed to the next Sessions was 91 in which 431 persons were concerned: in the period under review the number of trials of this description is reduced to 48 including 189 persons.—

Of these 48 Trials, 18 including 66 persons were postponed by the Judges on Circuit in the Central Division: 21 including 69 persons by those in the Southern Division: 8 including 29 persons by those in the Southern Division: and 4 including 6 persons by those in the Western Division.—

60. The Court of Conjoint Edict observe with regret that the number of postponed cases and of cases returned to the Criminal Courts to be disposed of by those Tribunals, though less than in the preceding six months, is still considerable. Fully sensible of the grievous hardship which proceedings of this nature necessarily entail upon the accused parties, the

the Court on revewing the Calendars have never failed to notice with becoming censure every instance of neglect on the part of the Subordinate authorities, and to call for full and complete explanation whenever explanation appeared requisite: and it will be in the recollection of the Right Honorable the Governor in Council that in the hope of thereby checking the "great "and growing evil of postponement," they have recently issued a Circular Order (No. 52) in which it is directed that "in future whenever from the absence of Witnesses "a case may be left for Trial at the ensuing Sessions, "the Presiding Judge do record in the Calendar what "measures were adopted by the Criminal Court either "spontaneously or under this orders to procure the attend "= dance of the parties, specifying the dates of such "orders as may have been issued on the subject, and "further that he do detail the circumstances which have "rendered those efforts abortive".—

62. Of the 731 cases committed for trial before the Courts of Circuit, 89 were cases of Murder 11 of Culpable Homicide: 37 of Robbery and Murder: 286 of Gang Robbery: 5 of Robbery by a single individual: 1 of Housebreaking by day: 50 of Housebreaking by night: 53 of Theft: 12 of Arson: 11 of Forgery: 55 of Perjury: 34 of maiming

maiming and wounding: 2 of Rape and Murder: 2 of Poisoning Ditto Ditto.—

63. In the preceding half year, the number of cases of Murder was 72: of Culpable Homicide 24: of Robbery and Murder 28: of Gang Robbery 120: of Robbery by a single individual 23: of Forgery 13: of Perjury 45: of Maiming and Wounding 21 Ditto Ditto.—

64. The greatest number of cases (258) was brought before the Court of Circuit in the Northern Division: of which 49 were referred to the Conjoint Judicature. In the Centre Division the number of cases was 202, of which 56 were referred:— in the Southern Division 138 of which 30— and in the Western Division, the same number (138) of which 10 were referred to the Conjoint Judicature.—

Statement No. 9. 65. The Statement No. 9 exhibits the operations of the Conjoint Judicature during the same period.—

66. At the date of the last report, there were 10 trials including 37 Prisoners which had not been disposed of: and during the half year under review, there were 196 trials received in which were concerned 814 Prisoners: constituting a total of 206 trials including

including 851 prisoners.—

67. Of these 206 trials, 186 including 789 persons were disposed of by the Sonjaree Adalut during the period under consideration, and the nature of the several cases so disposed of, is as follows:— of Murder 42, including 84 prisoners: of Robbery and Murder 39, including 140 prisoners: of Gang Robbery 55, including 421 prisoners: of Gang Robbery and Arson 2 containing 6 prisoners: of Gang Robbery, Arson and Wounding 1, including 3 persons: of Gang Robbery and torture 9, including 39 prisoners: of Robbery and Wounding 11, including 67 prisoners: of Robbery by a single individual 7, including 7 prisoners: of Wounding 4 including 4 persons: of Rebellion 2 including 6 persons &c &c.—

68. Of the parties concerned in the above cases, 202 were released unconditionally: 64 were ordered to be released on security: and 503 were convicted by the Sonjaree Adalut. Of these 503 persons—

36 were sentenced to suffer death:

3 — — — — — to be flogged and transported for life:

96 — — — — — to transportation without flogging:

122 — — — imprisoned for more than 7 and not more than 14 years, without flogging:

136 — — — imprisoned for 7 years and under without flogging:

108 — — — released:

2 — — — punished in other cases:

503 Total.—

Besides

F. 86.

Besides the above, 3 persons were returned to the Criminal Judge to be by him disposed of, and 7 died.—

69. Of the trials disposed of, there were 68 in which under the provisions of Section II, Regulation I of 1813 the Court of Sonjaree Adalut overruled the finding of acquittals delivered by their Mahommedan Law Officers in 38 of which, those findings were grounded on exceptions in the Mahommedan rules of evidence to the competency of the Witnesses: and in 30, on the insufficiency of the evidence for conviction.—

70. In these 68 cases including 177 persons 14 persons were sentenced to suffer death: 14 to transportation without flogging: 47 to imprisonment for more than seven and not more than fourteen years without flogging: and 34 to imprisonment for seven years and under without flogging.—

71. The grounds on which the findings were overruled in the 68 cases in which the evidence adduced for the prosecution was considered by the Mahommedan Law Officers of the Sonjaree Adalut insufficient, will be found detailed in an appendix to these proceedings.—

72. The Court deem it necessary in this place to submit for the information of the Government and of the Honorable Court of Directors

a concise Statement of the grounds on which they sanctioned the release of the 108 persons whom (Vide para: 68 of these proceedings) they had already convicted of the offences with which they respectively stood charged.—

73. The first case to be noticed is No. 56 on the Calendar of the Zillah of Guntoor for the first Sessions of 1834, in which a female named Ganekeatty Cawrvatee stood charged before the Court of Circuit with having at midnight thrown into a well and thereby killed her daughter "Sheker" aged 6 years: and further with having prepared to throw into the same well her son "Calastry" aged 5 years, and herself, because she could obtain no food.—

74. While the evidence for the prosecution placed beyond a doubt the occurrence of the fatal act charged in the Indictment, it at the same time exhibited the accused in a situation of almost unparalleled distress. During the height of that famine which visited with peculiar severity the Northern Provinces of this Presidency, she was deprived of the means of subsistence, and in a fit of despair determined to put an end at once to her own sufferings and to those of her children. The evidence adduced fully substantiated the correctness of her brother's account "that she was so weak as to be unable to carry both the Children at once, and therefore first threw into the well her female child, and then returned to do the same by her son and herself:" and of her own that she "was in a starving condition — "living merely upon water for six or six days previous "The being emaciated could not get up and without "giving them food was unable to silence her Children's "cries".—

75. Under these painful circumstances, the Court remitted all punishment and directed her immediate and unconditional release.—

76. The cases which come next under consideration are Nos. 13—16—23—27—36—54—57—61—69 and 98 on the Calendar of the Zillah of Nellore for the Second Sessions of 1833 including respectively 31—9—12—6—18—1—6—2—2 and 4 persons: and No. 69 on the Calendar of the Zillah of Bellary for the same Sessions, including 13 persons.—

77. The prisoners in these several cases were charged with Gang Robberies of Grain committed during the famine in different parts of the above mentioned Zillahs. It was satisfactorily established in evidence that they were driven by the pressure of want to this course of life, were unarmed, offered

offered no violence, and plundered nothing but grain, and that frequently in such small quantities, as sufficed to provide them with but a single meal. The majority of them moreover had been in Gaol for two years: a few (only) for eighteen months. Taking all these circumstances into consideration, the Court of Cuijsaru Edalat resolved to desist their release from confinement.—

78. The great body of the offenders was composed of cultivating ryots, and it appeared to the Court that in permitting persons of this description to return on the cessation of the scarcity to their respective Homes, they pursued a course which afforded no rational ground for apprehension that the peace of the community would be again disturbed. Had a contrary course been pursued, and the offenders, by a rigorous enforcement of the Law, been condemned to work in irons on the roads in the company of the most hardened and desperate convicts, the state would not only have been deprived of the services of a very useful, and in ordinary times, a respectable, industrious and inoffensive class of persons, but the morals of the parties themselves, would have been seriously

seriously affected by the contamination of a Gaol. It needs no argument to show that the attainment of the great end of all punishment the reformation of character would have been as impracticable as under the peculiar circumstances above enumerated, it was unnecessary.—

79. In Case No. 45 on the Jemadar's Calendar for the First Sessions of 1834, the 6th prisoner, an old woman, was charged with receiving the property plundered by a Gang of Robbers, of whom some were prisoners in the same case, and for their share in the transaction were punished. It appeared however that three plundered Articles were brought to and deposited in her House by her own Son, a party concerned in the principal Offence, but there was nothing on record to shew that prior thereto she was cognizant of the Robbery. The Court of Cuijsaru Edalat were of opinion that for this offence, the imprisonment of twenty two months which she had already undergone was a sufficient punishment, and accordingly directed her immediate release.—

80. The next case is No. 12 on the Rasulpatam Calendar for the Second Quarterly Sessions of 1834, in which the prisoner was charged with wounding the prosecutrix with the point of a stick.—

81. It appeared that during the famine, a number of persons were fed daily at a Choultry in the Town of Masulipatam at the expence of the Government: and that on one occasion at the hour at which the meal was usually distributed, a general rush was made towards the Rice pots by a body of the poor people who derived from this charitable institution their only means of subsistence. One among the crowd (such was the account she herself gave) lashed the Prosecutrix who was pressing eagerly forward with the rest, with a rope, when she fell, and in the midst of the confusion was unable again to rise. The prisoner, himself a Mendicant, went up to her, and asking why she thus "pretended" to be hurt gave her a thrust with a stick of which the point entered her private parts. That it was the intention of the prisoner to cause any serious injury the evidence failed to show, and certainly no serious injury was inflicted. The Court considered that the imprisonment of thirteen months which he had already undergone was sufficient punishment for the assault which he undoubtedly and without provocation he had committed, and therefore ordered that he should be set at liberty.

82. It may be observed that the Judge Presiding at the Quarterly Sessions considered the offence not

not proved. Such was compelled to report the trial, in consequence of the Mahommedan Law Officer having delivered an opinion of conviction.

83. One other case only requires notice: it is stated on the Calendar of the Zillah of Bellary for the second Sessions of 1834: in which an aged female named "Ayuddy Yengah" was charged with wilful and corrupt Perjury; in having when examined before the Criminal Court deposed on oath that she recognized certain persons while they were committing Robbery; and again when examined before the Court of Circuit at the first Sessions of 1833 deposed on oath that she did not recognize them.

84. The Presiding Judge in his letter of reference, recorded the following observations: "The prisoner "is, I think, convicted upon her own confession: that she "is very old and appears very ignorant: and it was "with difficulty she could be made to comprehend "the charge. It was obliged to be read over and "explained to her two or three times, and she declared "at last that she did understand it. She appears "to be very deaf also. She has already been one year "in confinement, and should the Court of Circuit "Adalut concur in her conviction, I beg to recommend

"on

"on the above grounds, a remission of the punishment
"to which she is liable."—

85. The Court of Zoujdaree Adalut considered
the prisoner convicted, but under the circumstances
detailed as above by the Circuit Judge, directed that
she should be set at liberty.—

86. At the close of the period embraced
by this Report, 19 trials remained undisposed of by
the Zoujdaree Adalut. Of these however, the Records
of 2 reached the Office on the 28th of 5 on the 29th
same number on the 29th of 3 on the 30th and of 1 on
the 31st of December 1834 and in the majority of these
Cases (namely in 12) the final sentence was passed
within the first fifteen days of the succeeding month:
The records of two cases of No. 50 on the Bellary Calendar
for the second Sessions and of No. 36 on the Cheerole
Calendar for the first Sessions of 1833, were in the
first instance returned the former on the 31st October
and the latter on the 11th September: but were returned
to the Presiding Judges in order that further evidence
on certain important points not sufficiently
investigated might be taken: and did not again
reach the Office of the Zoujdaree Adalut till the

second month of the present year:—

87. In conformity to the instructions contained
in the 22d Paragraph of the Extract from the Minutes
of Consultation under date the 8th August 1834, in
which the "Governor in Council requests that it may be
"explained in future with respect to cases referred
"for their cause (the Presiding Judge dissapproving of the
"Futwa of the Law Officer) in how many, the Futwa has
"been finally overruled by the Judges of the Zoujdaree
"Adalut concurring with the Judge on Circuit" the Court
observe that in 99 Referred Trials the Presiding Judge
dissapproved the Futwa of the Mahommedan Law
Officer, and that in 87 of these cases his decision was
affirmed by the Zoujdaree Adalut—

88. In the 41st Paragraph of their general
Letter under date the 25th March 1833, the Honorable Court
of Directors after signifying their approbation of the
Regulation VIII of 1831 which vests in "single Judges
"of the Court of Sudr and Zoujdaree Adalut under
"certain restrictions the powers previously exercised
"by two or more Judges" express their "desire that from
"the time when it took effect, the returns of the
"operations of the Sudr and Zoujdaree Adalut may specify
"the number of Decrees and sentences passed by
"each Judge of the Court whether sitting singly or

whether

"whether more than one Judge be present; and the subjoined
Statement exhibits the required information on that
subject:—

	Singly	conjointly
The Honorable W. Oliver Esqre Chief Judge	—	1
John Bird Esqre Acting First Puisni Judge	24	124
J. A. Oakes Esqre Acting Second Do — Do	5	81
A. D. Campbell Esqre Acting third Do — Do	15	108
	44	314

89. See a separate Table [illegible] the information required by the 33d. Paragraph of the General letter already quoted, in which the Honorable Court intimate their desire that "the "Statements may in future specify what number "of rafaribla trials have actually been referred to "the Zoujdaree Adalut within the period under "review, and what has been the least, the "greatest and the average number of days after each "trial when the reference was made."—

90. The Court proceed to take into consideration

the Reports from the several Magistrates, Joint Magistrates &c. with which will be found those from the Heads of Police required by the 58th. Para of the Dispatch from the Honorable Court of Directors under date the 12th October 1831.—

Northern Division Ganjam 91. The first fifteen paragraphs of the Report of the Magistrate of Ganjam are occupied by the detail of what he considers obstacles to the maintenance of an efficient Police: the principal of which, would appear to be, the numerical inadequacy of the present Police Establishment: the inoperativeness of the Village Police — an institution which the Magistrate observes, "owing to the long "prevalence of the Renting and the Zamindary system "is "almost lost sight of" and the want of "active "assistance and co-operation of the Zemindars without "which" he adds "it is in my opinion impossible to "establish a strong Police in their Territories except "at the expence of an enormous establishment "and an interference in their concerns which would "cause great disgust and discontent." The "Magistrate further states that he has already proposed

proposed to Government an increase of establishment which he trusts will "render the Police considerably more "effectual than it now is" at least in Government Talooks and Proprietary Estates."

92. Under this consideration the Court deem it necessary only to submit their opinion that an increase of the Police establishment is highly desirable, and respectfully to request the attention of the Right Honorable the Governor in Council to the remarks of the Magistrate generally on the subject of the Zemindars, particularly to those contained in the 6th and 12th paragraphs of his letter in which he states that "they are annoyed by any interposition "or inquiry of the Police, appear to rejoice in the "disorders which occur in the neighbouring Districts, "and to escort themselves but little, if at all, in "checking crime in their own territory," and again that "we have in this District the power and "authority of the Zemindar entwining that of the "Government."

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The Magistrate then proceeds to suggest the means by which the "obstacles" may be

No. 96.

24th December 1835.

"be removed:- 1st That the Court should be more "centrically placed." The Court of Tanjore Ordered observe that with the view of remedying the inconvenience arising from the situation of the Court at Chicacole, it was determined that it should be removed to Berhampore on the 31st July 1834, a letter was addressed to Government by the then Register to the Court of Tanjore Ordered, reporting what had been done respecting the purchase of the House at Berhampore, and the progress made towards the removal of the Court; and in reply to a reference from Government on the subject, it was again reported on the 14th October 1834 that "Major "Cleveland's house had alone been purchased for the "accommodation of the Court at Berhampore:" but the Court of Tanjore Ordered have received no further communication from Government, and are not aware whether any or what progress had been made in the construction of the new buildings at that station. 2d. that the powers of the Zillah Judge and Magistrate should be extended. This however is a matter solely for the consideration of the Indian Law Commissioners. 3d. "That "witnesses to depositions &c. (confessions) be required "as seldom as possible, and never but in extreme "cases obliged to go before the Court, the Magistrate's "examination and certification being substituted when "requisite."

"requisite". It appears to the Court of Sonjaru Kedattu that on this point, no cause is shown for any alteration of the existing practice in Sanjaim: seeing that during the period under review eleven cases only were brought before the Magistracy of which only six were sent up to the Criminal Court.—

96. With regard to the suggestions contained in the 21st and 22d paragraphs of the Magistrate's letter the Court observe that they are not aware of the existence of any "form" at present required, which is not indispensable: and that conviction may always be had on "sufficient evidence" of whatever description. The Court do not understand what are those "certain cases of Gang Robbery" to which in the 22d paragraph of his letter the Magistrate refers: but they are decidedly of opinion that in no case can the "character of the individual" be "accepted" by an impartial Judge as "sufficient evidence for conviction" even though it may "produce a moral certainty of guilt."

Maasulipatam 95. The Acting Magistrate (Stein) in charge of Maasulipatam remarks that "so far as" his observation extends, the Police in the Provinces generally

"generally appears to have deteriorated of late years, and "that this diminished efficiency is in "his" opinion mainly "caused by the injurious operation of some of the "Provisions of recent enactments in modification of "the system of Criminal Judicature previously in force" and the enactments he quotes are 1st Regulation VIII of 1828 abolishing the use of the Rattan as an instrument of Punishment: 2nd Regulation VIII of 1832 which renders it incumbent on Magistrates to take written evidence in the investigation of Petty complaints: and 3d Section V Regulation XIII of 1832 which deprives the Heads of District Police of the power they previously possessed of inflicting corporal punishment.—

96. On the last point the Court of Sonjaru Kedattu deem it unnecessary to offer any observation, as the Supreme Government have already resolved to take even from the European Officers, the power to inflict corporal punishment by stripes: and respecting the provisions of Regulation VIII of 1832, the Court's opinion was submitted to Government in the letter from their Registe of the 7th October last, transmitting the draft of an act for modifying the provisions of Section III of that enactment in conformity to the instructions contained in the Extract from the Minutes of

Consultation

Consultation under date the 21st August last upon para 31 of the General letter from the Honorable Court of Directors dated the 23d July 1834.-

97. But though in the second paragraph of their Register's letter above quoted the Court admitted that the provisions of Regulation VIII of 1832 may have been found to operate inconveniently in practice, they deem it incumbent upon them on the present occasion to record their entire dissent from the opinion that "the Police in the Provinces generally" had "deteriorated of late years" in consequence of those provisions. That because the Magistrate and his European Subordinates are required to perform in particular instances a duty from which it has pleased the legislature to exempt the Native Police Functionaries, the Native Police should therefore become generally inefficient, is a position which is manifestly untenable. With regard to its requiring much time and entailing much labour on the European Magistracy "it seems only necessary to remark that comparatively speaking very few of the petty cases

Vide para 7 of the Acting Magistrates letter.

cases contemplated by the enactment in question ought ever to come under the immediate cognizance of the Magistrate, and that a contrary course implies either disobedience, on the one side or a want of due control on the other: and with regard to the "extraordinary anomaly of entrusting the Subordinate Native with "greater authority and discretion than the Superior "European Functionary" it appears to the Court that such expressions are inapplicable to the cases under consideration, while it is difficult to conceive in what way the alleged "anomaly" can be "injurious to the "Public interests."

98. The Joint Magistrate in charge of Canara adverting to the same subject remarks: "it "appears to be a matter worthy of enquiry whether that "Regulation may not have had the effect of causing "Magistrates to refer for investigation and decision "to the Native Police authorities who are not required "to make their examinations matter of Record, many "cases which they would formerly have examined "and decided themselves: and he adds that should "this be found to be the case, 'it would prove "that one very injurious consequence has resulted "from that Regulation'."

99. The Court of Sudder Dewanny have already

already pointed out that under a well ordered economy, cases of the description referred to by Mr. F. Anderson ought rarely if ever to come before the Magistrate, whose time and attention must necessarily be occupied by matters of far higher importance: and they have now to observe that it is not only the privilege but the duty of the Magistrate to oblige his Native Subordinates to dispose of all such cases, and that if he omit to do so, he in fact calls again into existence the very evils which it was the object of the Legislature to allay by the promulgation of Regulation IX of 1821, in the preamble to which it is declared that "the transmission of parties and witnesses in all cases of petty theft and other petty offences from the place where the offence is charged to have been committed to a distance therefrom, in order to their being brought before the Magistrate, is a cause of great inconvenience, loss, and injury to the persons so sent, and there is reason to believe that in consequence of the dread of such inconvenience, the knowledge of offences committed is frequently concealed and suppressed

"suppressed, and the offenders escape punishment."
If therefore, the majority of petty cases be now actually referred "for investigation and decision to the Native "Police authorities," the Court consider such a result so far from "injurious" to afford matter for high gratulation.—

100. In the 9th paragraph of his letter the Acting Magistrate of Masulipatam remarks: "as "a practical improvement of the present Police "system, I think it would be desirable to extend "by Regulation, in cases of magnitude which are of "necessity forwarded for disposal to the Criminal "Court the period within which it is expected that "a Board of District Police should finish its "proceedings; from two to eight days."—

101. In their Circular instructions under date the 18th May 1832 the Court of Sudder Adalut directed "that the cause assigned for delay not "exceeding four days when the accused shall appear "satisfactory to the Criminal Court, or shall have "been, when unsatisfactory noticed as such by "the Magistrate, need not be inserted in the "Reports. But that in all cases where the detention "exceeds four days and in cases where the accused

is

"is not satisfactory and has been unnoticed by the
"Magistrate, the reasons assigned for the delay must be
"entered in the Reports, and the Courts of Circuit will
"take such notice of them as may appear requisite." Here
then is specially recognized the propriety of a
detention in the Calook for five days or even for a
further period, if sufficient cause be shown: and
the subject is still more prominently brought forward
in the subsequent Circular Order No. 22 dated the
28th November 1834; with the provisions of which,
however, it would seem that the Acting Magistrate
when he wrote his Report was unacquainted. In that
order the Court after specially referring to the
proceedings of the 18th May 1832, observe that "the
"Regulations do not, neither has the Tonjdaree Adalut
"at any time prescribed that cases shall not under
"any circumstances be detained by the Police beyond
"48 hours." that "all that is required by the Law or by
"the Tonjdaree Adalut is that prisoners shall not be
"unnecessarily and therefore improperly detained in
"the Calook, and that the officers of Police shall
"be constrained to give that due attention to their
"Police duties which is essentially necessary for the
well

F. 6.

24th December 1835.

"well being of society and called for as an act of justice
"towards persons accused." The Court then after
admitting the evils which must attend an imperfect
investigation by the Police Officer observe that nevertheless
"the instances which are constantly brought under the
"notice of the Judge of the protracted detention of
"prisoners by the Police render it imperative on the
"Magistrate and the controlling authorities to exercise
"a vigilant superintendence in this respect; and
"at all times to require full and satisfactory
"explanation of every instance of unusual and
"unauthorized detention;" and conclude with the
following remarks: "If the promises assigned by the
"Officer of Police are satisfactory, no blame can be
"attached to him: he may often deserve commendation
"for the exercise of a sound discretion, and for his
"exertions to obtain the requisite evidence: and it is the
"duty of a Magistrate to see that his Police officers
"understand that the call made upon them for
"a full statement of the grounds upon which they
"have detained prisoners beyond the period allowed
"is not a condemnation of their proceedings, nor
"will any censure follow, unless they have done so
"without sufficient cause."

On the foregoing grounds the Court

102.

for

of Tonjore and Madura are of opinion that an alteration of the existing Law is not required: indeed, the Law itself, by implication, admits the probability and in consequence the legality of a detention exceeding 48 Hours: for Clause Fourth, Section XXVII Regulation XI of 1816 requires that "the investigation" by the Cahilder "shall be completed within forty eight hours if possible" and by the "Note" to that Clause it is provided that "if a delay of more than forty eight hours should occur "an explanation of the cause of such delay is to be "stated at the bottom of the Report."

103. The Magistrate in the 9th paragraph of his Report, states that "according to the sanction "of Government, Police establishments were introduced "into the Zemindary parts of this district in the "month of September last (1834) for the due "performance of the Police duties by dividing them "into Police divisions and appointing Heads of "Police with the requisite establishments" and the Court concur with the Magistrate in thinking that

"that from this measure the people in those parts of "the country will be much benefited".

The Court observe with satisfaction from

104. the Report of the acting Joint Magistrate of Vellore that "repeated orders have been issued stimulating "the people to assist each other when attacked by "thieves; and instances have occurred where the "people have resisted and killed some of the Robbers" and that "this has diminished the number of "Gang Robberies very considerably."

The manner in which pointed out in

105. the last paragraph of his letter by the acting Joint Magistrate, as attending the present system of Criminal Judicature, will, it is hoped, be remedied under the operation of the new Code on the construction of which the Indian Law Commission is at present engaged.

The Provincial Court of Circuit

106. in the Northern Division in the 3d paragraph of the Extract from their proceedings under date the 25th June 1835 upon the Criminal Statements after stating that the Heads of Police ascribe "the unwillingness of individuals to prosecute

"prosecute offenders or parties accused to the dread of being
"obliged to attend upon the Criminal and Circuit Courts
"to the prejudice of their own affairs" express their opinion
that "the late order of the Court of Zoojdaree Adalut dated
"the 25th March 1835 restricting the payment of Batta
"to persons in actual need of such assistance, will have
"the effect of increasing this reluctance to attend to a
"still greater degree." It is added "With every respect for
"the opinion of the Higher Court, the Provincial Court
"think that all parties attending the Courts ought to have
"their expences paid them."

107. The Provincial Court would appear to have overlooked the provisions of section XXXIII Regulation X of 1816 by which "the Criminal Judges" are required "to pay"
"the prescribed" daily allowance to all prosecutors and
"witnesses who may appear to be actually in need of
"such assistance during their attendance on the Court
"of Circuit" and the order of the Governor in Council
dated the 17th August 1824 "authorizing the Criminal
Judges in cases of necessity to pay Batta at the usual
"rate to prosecutors and witnesses, in attendance upon
"the Criminal Courts."

Circulated under date the 23d. of that month.

108. The order of the Zoojdaree Adalut therefore prescribed no new mode of proceeding: it merely required that due attention on the part of

of the Subordinate authorities to the Law and to the orders of the Government which there was reason to believe had not in every instance been yielded to them: and it was indeed principally by a consideration of the enormous expences incurred under this head in Zillah 1248. its promulgation moreover met with the entire concurrence of the Government.

109. Further, the Court of Zoojdaree Adalut cannot concur with the Provincial Court in thinking that "all parties attending the Courts ought to have
"their expences paid to them." It appears to the Court of Zoojdaree Adalut that the unwillingness on the part of the Natives to come before the Courts is in a great measure to be diminished by an increased exertion on the part of the Criminal and Circuit Judges, whose bounden duty it is to use their utmost efforts to prevent any unnecessary delay or inconvenience to the parties, in the examination and disposal of such cases as may be brought before them.

110. The Provincial Court further submit that "a general adoption of the recommendation contained
"in the proceedings of the Zoojdaree Court dated the
"20th June 1834 would reduce very much the expenditure
"under the head of Batta, as well as render parties,
"it is believed, less unwilling to attend at the Courts."

The

111.

The Court of Sanjiara Kdatat observe that under their Circular instructions of the 20th June 1884, not only are the several Circuit Judges at liberty to adopt Mr. Vaughan's plan of conducting the business of the Sessions, but they are "recommended" to do so "whenever they may consider it "practicable." Where however the Calendar may be heavy, there is room for apprehension that delay in the disposal of cases may occur and that postponement may in consequence ensue. It was this consideration which induced the Court to desire that each Officer adopting the plan would "combine, as far as practicable, "the great object of lightening to the people the "burthen of attendance upon the Court, with ample "care that the business of the Sessions is not delayed "or impeded, and the Circuit brought to a conclusion within the six months." The Provincial Court are already in possession of the grounds on which the Sanjiara Kdatat deem it inexpedient to limit the Courts generally, to the observance of any fixed and definite rule for securing the attendance of prosecutors

Vide H.H. C.O. 31st August 1883.

"prosecutors and witnesses before the Courts of Circuit."

112. The Provincial Court again, after observing that "as to the number released by the Criminal "Court, the proportion is nearly one fourth to the "number of cases" add that "when it is considered that "the Heads of Police were bound previously to the "Circular Order No. 30 dated the 9th February 1886 to send "previous to the Criminal Court upon their bare "confession all who there might be no other corroborative "proof, the acquittal of even a greater number by "the Criminal Court in such cases, would attach "no blame or discredit to the Heads of Police."

Vide para 6 of H.H. proceedings.

113. That the Heads of Police may have considered themselves bound to adopt this mode of proceeding the Court of Sanjiara Kdatat are not prepared to deny: but they are certainly not aware of the existence of any order to that effect. In fact their Circular Order referred to by the Provincial Court sets out by declaring that "an uncorroborated "confession before the Police has been constantly "declared by the Sanjiara Kdatat to be of no weight, "not even sufficient to warrant an order for the "demand of security."

The

114.

Vide paras 5 and 6 of their proceedings.

The Provincial Court refer to the large number of persons who appear to have escaped apprehension in the Zillah of Nellore, and after quoting the Statements on this subject submitted by the several Heads of District Police, observe that "in short all the Police "Reports of this Zillah lead to the conclusion that "the Police Establishments are inadequate to the "apprehension of offenders or the prevention of crime;" and conclude by "recommending this matter to the "serious consideration of the Court of Foujdaree Adalut."

115.

The Court of Foujdaree Adalut resolve to direct that the Provincial Court in the Northern Division be instructed to call upon the Magistrate of Nellore to afford his best attention to this subject, and should his opinion regarding the inadequacy of the Police Establishments in that Zillah be the same as that held by his Predecessor in office, to submit through the proper channel, the requisite reference to the Government, with whom alone it rests to determine the expediency or otherwise of such measures of relief as may be suggested.—

116.

For the reasons stated in the eleventh paragraph of their proceedings the Court of Foujdaree Adalut

Vide paras 13 of their proceedings.

Adalut refrain from recording any remarks on the observations of the Provincial Court touching the Village Police and the deficiencies into which from various causes, it has at present fallen — aware that the subject is even now under the consideration of Government they will merely intimate their entire concurrence in the opinion of the Provincial Court "that the only "means of giving effect to the system would be to "attach an allowance either in land or money to the "office of Village Moonsiff, and that persons of some "education at least should be selected for the "situation where practicable."—

Centre Division.

117.

On the 7th paragraph of his Report, the Magistrate of the Northern Division of Arcot represents that "the Canetunggar Zemindary in which "also a very great number of Gang Robberies were "committed, has ever been noted for the nefarious and "lawless characters of a great portion of its inhabitants; "the Police is entirely under the Zamindar, and from "the time it has been so ill conducted, there is scarce "reason to anticipate improvement until a better con- "stituted Police is established. The Zamindar requested "some time since, permission to appoint a Police "Ameen to relieve him from a portion of his on- "erous duties which was sanctioned by Government

"on the recommendation of the Sudr Foujdaree, that
"the Zemindar has not since applied for relief, though
"the authority to do so was communicated to him" and
again in the 14th paragraph of his Report, the
Magistrate expresses his regret that "he has" no reason
"for altering the opinion stated in "his" last report
"as to the unfitness of the Police in the several
"Zamindaries and Polliams, and of the difficulty of
"obtaining correct information from them most of
"these estates are harbours for thieves by whom depre-
"dations are committed in the Government Estate
"with scarce the means of detection and apprehension"
and then proceeds to detail the manœuvres by which
the efforts of the Police to apprehend Gang Robbers
are generally rendered abortive.—

118. The application of the Zemindar of Carvatnuggur for authority to depute to others the duty enjoined by Section XXXVI Regulation XI of 1816 was submitted to Government with the letter from the Register to the Foujdaree Adalut of the 7th May 1834: and sanction for that measure was granted by the Right

Right Honorable the Governor in Council under date
the 18th of the same month.—

119. In the 41st paragraph of their proceedings under date the 29th November 1834, the Court of Foujdaree Adalut in an especial manner brought to the notice of the Government the state of the Police in the Jaghire of Arcot and in the Zemindaries and Polliams of the Northern Division of Arcot as reported by the Magistrate of that District who submitted "that a Police of Government servants should be established "in each of those estates." The Court then recorded their opinion that "it is desirable in the first instance "that the sanction of Government should be given "to the Magistrate to warn the Proprietors that unless "their Police duties are more efficiently performed "it will be necessary to resume them into the Hands "of the Magistrate" and in the 15th paragraph of the Extract from the Minutes of Consultation under date the 7th April 1835 the Right Honorable the Governor in Council, in signifying his acquiescence in this proposed preliminary measure, directed that the Magistrate should "report the result "of the warning so given through the Foujdaree "Adalut for the information of Government."—

120. As a period of more than six months has elapsed since those instructions were issued, the Court of Conjeeveram resolved to call upon the Magistrate of North Arcot to submit through the Provincial Court of Circuit in the Centre Division the information required by Government, and in the event of his report being unfavorable, to state whether he observes any prospect of improvement in the condition of the Zamindaree Police under the system at present in force, or whether he still considers necessary the adoption of the measure suggested in the 16th paragraph of his letter to the Provincial Court of Circuit in the Centre Division dated the 22nd March 1834.—

Cuddapah 121. The Acting Joint Magistrate of Cuddapah speaking of "the loose classes of Rodars, Daroks and "Goonnen" of whom "a considerable number possess "exams and privileges from the Government"— remarks that "where there is any petty benefit of this "kind, frequently as many are collected together into one "family to share it as can possibly exist upon it "in ordinary times, and when the seasons prove "unfavorable their means immediately fail and they

"they are driven to join some gang as their only means "of support" and he says that "if these" (exams and "privileges) "were declared forfeited on their being "convicted of Theft &c. it might act as a check upon "them."—

122. Considering that the adoption of this suggestion would be attended with much practical benefit, the Court of Conjeeveram beg to recommend it to the consideration of the Right Honorable the Governor in Council.—

Southern Division Trichinopoly 123. In the 4th paragraph of his letter of the 8th March last, the Magistrate adverts to "the "crimes only occasioned in the town and environs "of Trichinopoly by the existence of the numerous "Arrack and Toddy shops within the Commissariat "limits." The Magistrate declares that "it is not too "much to assert that more than half the crimes "committed within the limits of the Zemindaree Taluk "containing a population little short of 1,00,000 Souls, "originate in these licensed Spirit shops, where "the vile and depraved characters of both sexes, "are in the habit of meeting and encouraging "each other; in every species of vice and debauchery."—

The

124. The Court of Sowjaree Sedatut deem the observations contained in the above and in the four succeeding paragraphs of Mr. Blair's Rept to be deserving of the serious consideration of the Government.—

Madura. 125. In the ninth paragraph of his Report dated the 3d February 1836, the Magistrate of Madura has recorded the following observations—

"In his Report of the 25th January 1831 Mr. Vincenth "showed that he had entrusted the powers of "Heads of District Police to the Zamindars of Ramnad "and Shevagunga respectively: and this authority "was continued to the latter when under sequestration "and he further stated that he had given the "Revenue Amens or Tahsildars of Ramnad the "authority of Amens of Police under Section III Regn "tion IV of 1821.- and gave it as his opinion they "should be vested with the still higher powers "of Heads of District Police, but doubted if he had "authority

"authority to confer it. In April last year, I found "these increased powers much called for, and having "ascertained the fitness of the Ramnad Amens, I at "once invested them with the power of Tahsildars "under Regulation XI of 1816, never doubting my "authority to do so. But when I now observe Mr. Vincenth's "hesitation, and that the higher authorities have "never noted his recommendation I not only begin "to fear that I have exceeded my power, but I "have also doubts on the propriety of giving that "extended power to the Amens, or, I conclude orders "would have been given to carry it into effect. If I "discern your Courts instructions I shall not deprive "them of it however; and I have no hesitation in "saying it has been attended with much benefit "to the people: for as I have above shown, the Village "Police are almost entirely ineffective in Judicial "investigation of petty offences, and constant reference "to the Zamindar and forwarding all cases to the "Criminal Court through him, was a serious "hardship in so extensive a district."—

126 The recommendation of Mr. Vincenth, the

ther then Magistrate of Madura on the subject referred to by Mr. Blackburne, was specially brought to the notice of the Government in the 6th and 7th paragraphs of the Extract from the Proceedings of the Tanjore Court dated under date the 30th November 1831. It was then observed that although "in a letter from that Court to Government under date the "22d December 1828, it was shown that it was not legal "for the Magistrate to vest the authority of Head of Police "in any Natives merely nominated by the Zamindar & "and instructions conformable thereto were issued to all "the Magistrates through the four Provincial Courts on "the 11th May 1820" yet there does not appear any thing "to preclude the Government sanctioning a different "arrangement in Ramnad, which appears to be one of "those Zamindaries contemplated in Section XXXVIII Regulation "XI of 1816, and considering the great extent of the District, "the Court are of opinion that it is expedient that an "arrangement of the nature proposed by the Magistrate "should be sanctioned." The concurrence of the Right Hon.ble "Honorable the Governor in Council" in the propriety of "the Courts recommendation that the Peishcars of "the Ramnad Zamindary should be invested with "Police authority" was intimated in the seventh & paragraph of the Extract from the Minutes of Con.n & sultation under date the 10th February 1832: and the

necessary

necessary communication made to the Provincial Court of Circuit in the Southern Division, who will be called upon to state whether or not the result of his application was made known to the then Magistrate of Madura.

127. Under the circumstances detailed in the 9th and 10th paragraphs of the letter from Mr. Blackburne the present Magistrate, the Court of Tanjore Adalut would strongly recommend that on the present occasion the Special Sanction of Government be granted to that Officer to vest the Subordinate Officers of Police employed under the Zamindars of Ramnad and Sivagungah, with the powers enjoyed by the Heads of District Police under Regulation XI of 1816.

Summarily. 128. In the 8th Paragraph of his Report, the Magistrate of Tinnevelly advocates a "return to the "practice of making the Village Curnigars responsible "for stolen property which was grounded on the custom "of the Country, the state of the Society and the wants "of the inhabitants." The Court of Tanjore Adalut concur in the view taken of this subject by the Provincial Court of Circuit in the Southern Division in the fiftyfifth paragraph of their proceedings under date the 17th July 1835. namely that the system "arose from a weak Government necessarily committing

undermined

"unlimited powers to that class of people and which it
"required the most energetic exertions on the part of the
"British Government to revoke: there is nothing in
"the Eminently provinces that should require a practice
"different from what prevails in other Countries. All
"the evils complained of have grown out of the de-
"system: the atrocities and oppressions of that system
"are not now known, but they may be judged of by
"the instances that occasionally occur: the Maravars
"are not what they were half a century ago, when
"under their numerous leaders, they were a terror to
"the Government and to one another: their character
"with the occasion is much changed, and must in
"due course be tempered down. To revert to or maintain
"those practices which acknowledge their separation
"from other descriptions of people would be only to
"perpetuate the mischief." Allusion to this subject is
also made in the Proceedings of the Tanjore
Dedalut under date the 8th October 1805, recently
laid before Government.—

129. The Court of Tanjore Dedalut observe
that

that the appointment of the proposed Goomastah on a
salary of fifty Rupees per mensem, referred to in the
concluding paragraph of the Provincial Court's proceedings
is a question which falls not within the cognizance of
the Judicial Department.—

Tanjore. 130. The Report submitted by the Magistrate
and the Joint Magistrate of Tanjore do not appear to
require any particular notice; and the Court of Tanjore
Dedalut will merely solicit the attention of the Right
Honorable the Governor in Council to the very pertinent
remarks contained in the sixth paragraph of the
latter Officer's letter of the 31st January 1805. After
observing that "the advantages to be derived from
"an efficient Village Police are universally admitted,"
he adds that "from the hopes or rather promises
"held out that their services would be required, the
"Village Proprietors have hitherto been induced to
"undertake and perform their duties. It is however
"vain to expect men to continue gratuitously to
"sacrifice their time and labour, and unless their
"expectations are realized, the system unsuccessfully

put

"put in operation at no small pains, must eventually
"fall to the ground."—

131. And the Magistrate of Tanjore in the concluding part of the third paragraph of his Report observes that "a review of the Gang Robberies committed "during the last seven years confirms the observation of "the Third Judge on Circuit in his Report dated the 28th "December 1828 that this crime was increasing in the "Province, and shows the absolute necessity of the "reform of the Police system in Tanjore which was "then recommended by the Sudr Adalut and approved "by Government, of establishing a Village Police (which "at present exists only in name) on the footing of "that at Coimbatore. The Report called for on that "occasion was submitted three years ago: but no "instructions have yet been received on the subject."—

Madura Division Madura. 132. The Magistrate of Madura in the fourteenth paragraph of his Report makes the following remark: "It is highly satisfactory to observe "the increased exertions made by the District Police, "fewer offenders remaining unapprehended at the "close of the year under Report than in the preceding

"several very notorious offenders, for whose apprehension
"rewards had been in vain offered, have also been
"seized and committed to the Criminal Court within
"the last year, and as an additional instance of
"the unremitted attention of the Tahsildars to the
"apprehension of Offenders, I may notice, that out of 19
"prisoners who effected their escape from the
"Zillah Jail at Calicut in the month of May last,
"18 have been since reapprehended, although some
"of them continued to evade the Police for several
"months."—

133. The Court of Sudr Adalut have on previous occasions brought to the favorable notice of the Government the highly efficient state of the Police in the Zillah of Malabar, and they experience much satisfaction in finding from the Returns now submitted that the efficiency of that Department is progressively increasing. The Court are further of opinion that the favorable results which the proceedings of the past year exhibit, reflect much credit upon the Zeal and the controlling vigilance of the Magistrate and his European Subordinates.

134. Referring to the remarks contained in the seventeenth and eighteenth paragraphs of these

these proceedings, the Court of Conjeeveram Deputy to call the attention of the Government to the Magistrate's subsequent observations contained in the fifteenth paragraph of his letter as affording further evidence of the beneficial effects of the provisions of Regulation IX of 1832. The Magistrate first explaining that the "Statements of 1834 exhibit an excess of 21 "Cases of false complaints over those of the last year "which have been committed to the Criminal Court "under the provisions of Regulation IX of 1832" shows that "the operation of this Regulation in Conjeeveram "must be viewed as highly satisfactory and will, it "is to be hoped, have the effect of gradually & "checking the system of falsely complaining, so "prevalent in this District, and which formerly "received but too much encouragement from the "impunity with which the promoters of false and "vexatious prosecutions before the District Police & "almost invariably escaped." The Court of Conjeeveram "Dedalut are not prepared to adopt the opinion

of the Magistrate that "considerable benefit might also "be anticipated from the extension of this Regulation "to false entries as well as complaints, for both "must be considered, if committed before the Criminal "Judge, as alike deserving of punishment" or that "a similar provision for the punishment of "false complaints before the Magistracy, where "conviction before the Criminal Judge would "be attended with the highest advantages" The Magistrate argues that "by the existing Regulations "the Magistrate can punish false complaints of "offences specified in Sections XXXII and XXXIII "Regulation IX of 1816 by the fine or imprisonment "provided in the former section; but all false "complaints of heinous offences for which the "punishment of 15 days imprisonment may be "quite inadequate, and which may not be & "sufficiently proved to warrant a committal for "perjury under the rules laid down by the Court "of Conjeeveram Dedalut in their proceedings of the 31st January

"January 1814, must be released by the Magistracy, although
"such cases, if examined by a Cabalean, would be
"forwarded to the Criminal Court and punished on
"conviction by imprisonment not exceeding six months"
185.

It appears merely necessary to observe in reply that the same evidence which would warrant a Magistrate in depriving a fellow creature of his liberty for the space of fifteen days, would also warrant him in committing the same individual to trial for perjury. No offence ought to be deemed by a public officer entrusted with judicial functions, "sufficiently" and absolutely "proved." The Circular instructions of the Court of Sudder Adawlut of the 31st January 1814, exist no impediments in the way of a conviction for Perjury, but only require that degree of precision and accuracy commensurate with the importance of the occasion. The Court of Sudder Adawlut are moreover of opinion that the imprisonment of six months which under the provisions of Regulation IX of 1832 the Criminal Judge is authorized to award, would be an insufficient punishment in the case of an individual appearing before a Magistrate to support by his evidence taken on oath a "false complaint" of an "heinous offence";

and

and that nothing less than the penalties of perjury prescribed by Regulation XVII of 1817 would be adequate to the punishment of such delinquency: supposing that, as required by the above circular instructions, the individual so appearing was previously cautioned "against committing himself on his oath" and warned "of the consequences" subsequently persisted in maintaining falsehood "for truth." The Circular instructions already more than once adverted to, require that the charge "should contain the words spoken by the accused person, "on which the perjury is supposed to be committed, "the place where, and the time when they were uttered. "It ought also to describe the judicial proceeding, to "the issue of which the alleged perjury may be "material? and it is usual that the foregoing "particulars together with the falsehood of the words "on which the perjury is charged, must be able "proved on the trial." Now the Court of Sudder Adawlut are unable to discern what difficulty a Zealous and Judicious Magistrate could experience in obtaining proof of these several points: and they are decidedly of opinion that if these points remain unproved, the commitment of the accused would be illegal, and his punishment by the Criminal Judge (supposing the Magistrate's suggestion

to be adopted) unwarrantable and unjust.—

Canara. 136. The Court of Enquiry Ordered are gratified to perceive from the Report of the Joint Magistrate of Canara, that though "during the past "year 87 Gang Robberies were committed" the number is nevertheless "very considerably less" than "that committed "in each of the three preceding years" and that officer "adds" "by the comparative Statements from the 1st "January 1830 now before me, I find that in no half "year since then, were so few Gang Robberies com= "=mitted as in the last six months of the past "year" and again "that cases of Housebreaking by night "have occurred less frequently in the past than "in any of the four previous years".—

137. In the eighth paragraph of his Report, the Joint Magistrate in charge observes that "instances have frequently occurred in which incon= ="venience has been experienced by Peshcars appointed "Ameens of Police, not professing the authority of "punishing petty cases of theft" and he submits that it is "unavoidable that they should professe such

"such authority, more especially as it has been granted "to and is exercised by Potails."—

138. The Court of Enquiry Ordered are of opinion that the public interests would be much benefitted if the powers conferred upon Amens of Police by Section 8th Regula= =tion XI of 1816 were extended to the punishment of petty thefts not attended with aggravating circumstances nor committed by persons of notoriously bad character, under such rules and limitations as a further consideration of the subject may suggest. Their usefulness as officers of Police is at present much circumscribed by reason of the very narrow limits which the existing Law assigns to their authority: while the keeping to these bounds of the Government the exercise of the powers enjoyed by the Heads of Villages would appear to involve an anomaly for which not only no sufficient reason can be found, but which seems to be at variance with the objects which it was the avowed intention of the Legislature to promote by the promulgation of Regulation IX of 1821.—

139. In the eleventh paragraph of his letter of the 4th February 1836, the Assistant Magistrate of Canara points out the inconvenience which arises "from the late Circular Order by which all complaints

made

made "by prisoners before the Criminal Courts of Ile-de-Sage
"when in custody of the Calcutta Police" are to be "examined
"by the Magistracy" and he suggests "that the order be
"made applicable only to cases in which the Criminal Judge's
"report that the appearance or persons of the prisoners
"bear marks of ill-treatment".

140. The Court of Sudder Adalut observes
that if the suggestion of the Assistant Magistrate be
adopted, charges of the nature described by Mr. E. Maltby
will be necessarily investigated and decided by the
very authority against whom the complaint is preferred:
or if not so, at least by persons closely connected with
the accused party. The former proceeding would be
obviously opposed to every principle of substantial
justice: the latter would afford room for collusion,
defective investigation and corrupt partiality. It is well
known and cannot be denied that too many of the
Native Police officers in this country consider the
infliction of personal violence upon the accused to be
an indispensable preliminary to Police investigation. The
Assistant Magistrate would seem not to be aware that
"Gomindo" the Jemadar of the Burdwan Police in the
Zillah of Canara, had in his report submitted with
the foregoing letters, if not absolutely advocated a

return

return to the barbarous system which prevailed under
the old Governments, at least attributed to its
discontinuance the existence of the difficulties which
beset the preliminary proceedings in cases brought
before the Police. The individual alluded to states that "it is
"impossible to detect stolen property in consequence of
"the Regulations prohibiting the use of any violence
"towards the prisoners or any other improper means
"to obtain confessions from them as it was usual
"under the former Government." With regard to the
apprehension of Robbers he says that "it is difficult
"to bring them to justice by legal process," and that
"it seems expedient that some discretionary power
"may be authorized in effecting their apprehension
"When a crime occurs, immediate measures should
"be resorted to, either by persuasion or some means
"short of corporal injury (it is difficult to conceive
"what severe means can be used which will not
"in some degree produce corporal injury)" which will
"no doubt tend to establish the conviction of the
"perpetrators of the crime and recover the stolen property"
and he adds that "persons of infamous character" are
"no longer" deterred from committing offences "because
"Corporal punishment such as may leave permanent
"marks on their body" can no longer be "awarded."

Even

Two of the Zahseeldars in the Zillah of Chingleput deliberately advocate the system of amputation (Kudut) in cases of Robbery, as prescribed by the Mahommedan Law. "With regard to the assertion that at present the Police "Servants are often obliged to attend from a distance "of more than fifty miles to answer before the Magistracy "to wantonly false charges of this nature;" the Assistant Magistrate should bear in mind that under the provisions of Section XIV Regulation IX of 1816 "if the "Magistrate see cause to distrust the truth of a com= "= plaint preferred to him, and if the immediate "arrest of the party complained against appear "unnecessary, and objectionable, the Magistrate is authorized "to postpone his issuing his warrant for apprehension, "and to cause a previous enquiry to be made in such "mode as he shall judge most proper, for the "purpose of ascertaining the truth or falsehood of "the complainants allegations:" and "if the accusation "appear groundless he is empowered to dismiss the com= "= plaint." Having given their best attention to this subject, the Court of Sudder Adawlut are of opinion that the ends of justice required that an order of the nature of that of the 20th March 1834 should be issued.

In

141. In the twelfth paragraph of his letter the Assistant Magistrate refers to the 19th and 20th para= =graphs of Lieut. Stokes' report under date the 15th January 1834, and states that "some hidden treasure was found "at Sholinghi, a frontier town, by some labourers when "digging a foundation, and was brought to the Tahseeldar "by the Revenue Inspector, who claimed it on the right "of the proprietor of the ground." The Assistant Magistrate concludes by observing that "as section III of the Regulation (XI of 1802) does not include the Native Judge, the "Tahseeldar forwarded the treasure by" his "directions "to the Auxiliary Court at Vellore and the claimants "have thus been obliged to proceed to a distance "of 80 miles, when the Native Court at Arcot was within "a short distance."

142. In the 5th paragraph of their proceedings under date the 25th November 1834, (laid before Government) the Court of Sudder Adawlut recorded their opinion that in cases of this nature, as the law now stands, the Native Judge is not empowered to act; and that it did not appear "expedient to propose an alteration "of the Law to meet the difficulty, as it appears to them "not to be one of sufficient practical importance to "call for it." The Court however are of opinion that the subject may with propriety be brought to the notice

of

of the Indian Law Commissioners.

143. Of the Reports submitted by the several Native Heads of District Police, some few contain useful suggestions. By far the large majority however involve a mass of irrelevant matter, and furnish little or no information. Those especially from the Chittoor Tahseeldars are so utterly useless that the Court deem it proper to direct that they be withheld. The Court of Conjeeveram Adalut propose to issue Circular instructions laying down certain heads on which the Native Officers shall be required to submit specific information with such suggestion or general observance may enable them to afford. The Court believe that by a proceeding of this nature, the wishes and intentions of the Honorable Court of Directors will be best fulfilled. It may however in conclusion be observed that many of the Police Officers complain of the insufficiency of their Establishments, and that it is generally recommended that the power of inflicting corporal punishment upon offenders be restored to them. Of the policy or rather the necessity of increasing the Police Force, no doubt can be entertained; but the subject is one for the exclusive consideration of the Government. The grounds have already been stated on which the Court

P.C.

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Court of Conjeeveram Adalut deem it proper to refrain from recording any remarks on the question of enforced punishment by stripes.

144. The Court of Conjeeveram Adalut regret that this Report should have been delayed so long beyond the period for which it is prepared. They have every reason however to hope that the subordinate authorities will in future pay strict attention to the Circular Order No 16 dated the 10th July 1835 in which the Provincial Courts are enjoined to secure at all times the punctual transmission of the Half yearly Statements within one Month from the close of the half year.

Ordered, that Extract from these proceedings, with copy of all the Documents connected therewith, be sent to the Chief Secretary to Government, for the purpose of being laid before the Right Honorable the Governor in Council.

(Sent in 4th 1557

Ordered further, that paras 114 and 115 be sent to the Provincial Court of Circuit in the Northern Division by Despatch returnable within four days from and after its receipt.

(Sent following Despatch 6th 1558

Ordered

Ordered further that paras Nos 117. 118. 119. and 120 of these proceedings be sent to the Provincial Court of Circuit in the Central Division with instructions to furnish a transcript of the same to the Magistrate of North Arcot by Precept returnable within ten days from and after its receipt.—

(Sent following Precept No. 1559

Ordered further that paras Nos 121 and 122 of these proceedings be sent to the Provincial Court of Circuit in the Southern Division by Precept returnable within four days from and after its receipt.—

(Sent following Precept No. 1560

Appendix

The following is an abstract of the Grounds of conviction in the Thirty Trials adjudged of by the Court of Circuit under Section II Regulation I of 1818 from the 1st July to the 31st December 1834.—

Case No. 12 Madulipatam Calendar 2d Quarterly Sessions of 1834.—

The Prisoner

"Chagonden Edradoo"

stood charged with wounding the Prosecutrix "Paty Pannee" with a bludgeon.—

He pleaded "Not Guilty"

The Mahommedan Law Officer of the Court of Circuit in his Futwa pronounced the prisoner guilty

guilty, and liable to Asiasutu. The finding was grounded on the depositions of the deceased 1st 2nd and 3d Witnesses before the Joint Criminal Court, which were proved by the 5th and 6th witnesses before the Court of Circuit.—

The Presiding Judge could not commit upon such evidence. He represented that though those witnesses deposed that when the prisoner thrust the stick into her (Prosecutrix) private parts, much blood came "yet it no where appeared how they came to a knowledge of the fact, nor was it clear that the prisoner though present when their depositions were taken, was permitted to cross-examine them.—

The Law Officer of the Court pronounced Futwa acquitting the prisoner, briefly observing that the evidence of the witnesses for the Prosecution was neither to their having seen the prisoner commit the offence, nor heard him confess it.—

The Court of Sudder Adalut considered the evidence of the Prosecutrix and the 3 deceased witnesses amply sufficient to support the charge; but in consideration of the long confinement which the Prisoner had already undergone, they remitted all punishment and directed that he should be set at liberty.—

Case No. 54 Nellore Calendar 2d Sessions of 1835.—

The prisoner

Th. "Gosala Emkadoo"

stood

4th December 1836.

stood charged with having, in company of some other persons entered, at night, the house of the prosecutor Amoundy Gounderander, beaten him and plundered property to the value of Rupees 2—2—0.—

The Mahommedan Law officer of the Court of Circuit convicted the prisoner: and in the finding, the Presiding Judge concurred, but referred the trial on account of the remaining eleven prisoners who were finally acquitted.—

The Law Officers of the Sudder Adalut pronouncing the evidence of the 1st and 2d witnesses contradictory and that of the others, of no avail to the prosecution acquitted the prisoner.—

The Court of Sudder Adalut considered the evidence for the prosecution insufficient to establish the prisoner's guilt. The offence however was committed during the height of the famine, and the object of the gang was merely to obtain grain, which being refused by the Prosecutor and his friends, a scuffle ensued during which a few blows were exchanged. The prisoner had moreover been a long time in confinement.—

Under these circumstances, the Court of Sudder Adalut resolved to remit all punishment, and accordingly directed the immediate release of the prisoner.—

Case

C. 58.

24th December 1835.

Case No. 77 Salem Calendar 2d Session of 1835.

The prisoner

"Ramasamy Venkatasam"

stood charged with having together with some other persons entered armed the house of the prosecutor Bankenany Pitchaimaly, and the house of some other persons, and plundered therefrom property and grain to the value of 170 Rupees.—

The prisoner pleaded "not guilty" both on his arraignment and defence before the Court of Circuit.—

The Mahommedan Law officer of the Court of Circuit acquitted him.—

The Presiding Judge considered him convicted. "He was caught with a bundle of the same said as part of the property robbed, while he lagged behind the rest of the gang who were followed from the plundered house to their own Village"

The Law officer of the Sudder Adalut rejected the evidence for the prosecution as contradictory and generally insufficient, and declared the prisoner entitled to his release.—

The Court of Sudder Adalut concurred in opinion with the Judge on Circuit, and in commuting the sentence, sentenced him to imprisonment

with hard labour in irons for seven years.

Case No. 82 Kallone Calendar 2nd Sessions of 1835.

The prisoner

"Lamenayne Kutinoma"

was charged with having, while journeying in company of the Prosecutor Borka Godeea, struck him on the head, the forehead, and the temple, with a club and a hatchet, and robbed him of money, clothes &c. value at one Rupee.—

He pleaded "Not Guilty"

The Mahommedan Law officer of the Court of Circuit in his second Letter convicted the prisoner.—

The Presiding Judge likewise convicted him fully convicted and referred the trial with a recommendation that the prisoner should be transported for life.—

The Law Officers of the Sudder Adalut pronounced the prisoner entitled to his release, as the testimony of the principal witness for the prosecution, was uncorroborated.—

The Court of Sudder Adalut decreed for reasons for doubting the guilt of the prisoner. He was pardoned and taken without having seen his last sight of: and the prisoner swore to by the prosecutor

prosecutor was found upon him.—

The Court accordingly sentenced him to be transported for life.—

Case No. 42 Kallone Calendar 1st Sessions of 1836.—

In this case the prisoner

"Talapoty Narrayandoo"

stood charged with having at night, together with some other persons, entered the house of the prosecutor, wounded him severely with a Knife, and robbed him of property to the value of two Rupees.—

He pleaded "Not Guilty"

The Mahommedan Law Officer of the Court of Circuit acquitted him.—

The Presiding Judge considered him fully convicted.—

The Law Officers of the Sudder Adalut considered the evidence to be insufficient, and pronounced the prisoner entitled to his release.—

The Judges of that Court concurred in opinion with the Judge of Circuit. The prisoner was caught inside the house by the prosecutor and at once secured: and it was while the latter was struggling with him that the wounds were inflicted.—

The prisoner was accordingly sentenced to

to transportation for life.—

Case No. 60 Nellore Calendar First Sessions of 1836.—

The Prisonir

"Candene Venkados"

stood charged with having been one of an armed Gang which entered the houses of the prosecutors, beat and kicked the 1st prosecutor, burnt him on several parts of his body, and plundered property from his house and from the house of the 2nd prosecutor, to the value of 200 Rupees.—

He pleaded "Not Guilty."

The Mahommedan Law Officer of the Court of Circuit acquitted him; but pronounced him liable to strong suspicion.—

In their Futwa, the Law Officers of the Zoujdaree Udalut declared that the evidence for the prosecution failed to establish the charge, that of the 2nd witness who swore that he apprehended the prisonir, being contradicting; and that of the others being "of no avail."

The Court of Zoujdaree Udalut will see no just grounds for distrusting the evidence of the second witness who identified the prisonir as one of three persons who fell in the sand of the river during a scuffle with the Villagers who pursued the

[illegible]

24th December 1835.

Sparo as they are marked off after the Robbery, and each of whom had shuttles of the stolen property upon him.—

The offence however was committed during a season of scarcity, and it did not appear that the prisonir was cognizant of the ill treatment suffered by the prosecutor. He was therefore sentenced to seven years imprisonment with hard labour, instead of the full punishment of 14, recommended by the Circuit Judge who also deemed him fully committed.—

Case No. 64 Nellore Calendar 1st Sessions of 1836.—

In this case two prisoners were charged with having, one day, together with some other persons, stopped the prosecutor on the road and robbed him of a cloth valued at two annas.—

They both pleaded "Not Guilty."

The Mahommedan Law Officer of the Court of Circuit acquitted them.—

The Law Officers of the Zoujdaree Udalut in their Futwa likewise acquitted them, on grounds similar to those recorded in the preceding case.—

The Court of Zoujdaree Udalut concurred with the Presiding Judge in viewing the prisonirs fully committed. The case was one of those in which single testimony

testimony only could be produced, as the prosecutor was alone: but he before both the Criminal and Circuit Courts consistently deposed that the two prisoners were the individuals who robbed and abused him:- the robbery was committed in broad day light, and from the length of time they were near him, and the situation in which he was he had abundant opportunity to observe them tho' he had never seen them before. The cloth which he claimed as his own, and which was found upon the prisoners had a very particular mark upon it, rendering it very easy of identification.-

In consideration of the prisoners being unarmed, and of there being but little violence used, they were sentenced to only six year's imprisonment with hard labour in irons.-

Case No. 13 Nellore Supplemental Calendar 1st Sessions of 1836.

The prisoner

"Coody Ramsaih"

was charged with having stopped the prosecutor on the high road, beaten him with a stick, and robbed him of a golden ornament Vizz. valued at two Rupees and four Annas.-

He pleaded "Not Guilty"

The Mahommedan Law Officer of the Court of Circuit acquitted him, but declared him

liable to suspicion.-

The Law Officers of the Conjeveram Tribunal in like manner acquitted him, considering the evidence to be insufficient.-

The Court of Conjeveram Tribunal concurred with the Presiding Judge in considering the prisoner acquitted. He was caught without having been once lost sight of, and the robbed property was found upon him.

He was sentenced to six years imprisonment with hard labour in irons.-

Case No. 10 Chicacole Calendar First Sessions of 1838.-

In this case the prisoner

"Poolaca Choodamany"

stood charged with having, in concert with others gone forth to the Village of Coojam, killed two persons, wounded some other persons, and plundered and set fire to the said Village.-

He pleaded "Not Guilty"

The Mahommedan Law Officer of the Court of Circuit in his second Futwa convicted the prisoner.-

The Judge on Circuit, likewise considered the prisoner "guilty of wilful murder in prosecution of Robbery by open violence" and referred the trial with a recommendation that he should be

be sentenced to suffer the full penalty prescribed by Law.—

The Law Officers of the Zoujdaree Adalut did not consider the evidence sufficient to convict the prisoner of the "crimes charged" and brought him in guilty only of being an accomplice of Rebels and liable to Restraint.—

The Court of Zoujdaree Adalut were of opinion that the prisoner was convicted of being present when the attack was made which terminated in Murder, Robbery and Arson.— His life was therefore forfeited: but as it did not appear that he was actually concerned in the Murder; the punishment to which he had rendered himself liable was commuted to transportation for life.—

Case No. 28 Chicacole Calendar First Sessions of 1836.

In this case the prisoner

"Lunka Juttapatroodoo"

was charged with having, together with some other persons, entered armed, the house of the first witness, wounded him with a spear, plundered from the house property to the value of

of 44 Rupees and 8 annas: killed one Gungan Kuna Ramayan; by wounding him with a spear and Knives; plundered some other houses in the village; seized one Mahatoola Yerrasoorudoo, carried him away to a hill and forcibly taken from him the sum of 100 Rupees.—

Both on his arraignment and defence he pleaded "Not Guilty."—

The Mahommedan Law Officer of the Court of Circuit convicted the prisoner and awarded Tajeers; in which finding the Presiding Judge concurred and on referring the Trial recommended that the prisoner should suffer the extreme penalty of the Law.—

The Law Officers of the Zoujdaree Adalut pronounced the evidence for the prosecution to be contradictory, uncorroborated, and insufficient for conviction, and the prisoner meritorious entitled to his release.—

That the prisoner was distinctly recognized among the gang who committed the outrages charged in the Indictment. The Court of Zoujdaree Adalut were from a review of the evidence for the prosecution, fully satisfied. He was sentenced to transportation for life, the proof of his having actually perpetrated the murder having defective.—

Case

of Circuit acquitted him as did also the Law officers of the Zoojaree Ecastut.—

But the Judges of that Court concurred with the Judge on Circuit in considering the charge fully substantiated by the evidence for the prosecution.—

The recognition by the 1st witness of the prisonier at the time of the Robbery was clearly and consistently sworn to: the 2nd and 3d witnesses swore that the property produced in Court was taken from the prisonier as he was in the act of burying it: and the 4th and 5th witnesses in like manner swore that that property belonged to the prosecutor.—

The prisonier was accordingly sentenced to imprisonment with hard labour in irons for the period of eight years.—

Case No. 44 Rajahmundry Calendar First Sessions of 1836.

The Prisonier

"Bolorzoo Canjaroo"

stood charged with having killed his wife amongst by wounding her with a Knife.—

He pleaded "Not Guilty."

The Mahommedan Law officer of the Court of Circuit considered the prisonier convicted on strong presumptive proof of the crime charged.

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The Law officers of the Zoojaree Ecastut considered the evidence insufficient and declared the prisonier acquitted.—

The Court of Zoojaree Ecastut concurred with the Presiding Judge in deeming the charge established.—

Two of the witnesses for the prosecution swore that on hearing the cries of the deceased who was exclaiming that some one was killing her, they ran to the spot, and found her lying wounded: that blood was flowing from her wounds, and that close to her was standing the prisonier with a Knife stained with blood in his hand. It was also proved that the wounds which she then received were the cause of her death.—

The prisonier was accordingly sentenced to suffer death.—

Case No. 44 Vizagapatam Calendar First Sessions of 1836.

The prisonier

"Eamarapoo Lingarauze"

was charged with having wounded with a Knife and thereby killed his wife.—

He pleaded "Not Guilty."

The Mahommedan Law officer of the Court of Circuit acquitted the prisonier.

On

On the ground that there were no eye witnesses to the murder, the Law Officers of the Corporate Estate likewise acquitted the prisoner.

The Court of Escheat entered into the view taken of this case by the Judge on Circuit, who considered the prisoner fully convicted, and deserving of a sentence of death.—

The principal witness for the prosecution was the Mother of the prisoner. She deposed that living her Son and his wife, constituting the sole inmates of the house having supped together as usual, retired to rest, herself in one room, and her Son with his wife in a second: that she was awoke in the middle of the night by the noise of a person vomiting, and on forcing open the door of the second room, she found the prisoner vomiting, and his wife lying dead on the Cot: that when he went to bed the prisoner was intoxicated from smoking Ganja and eating Opium, and had not recovered when she forced her way into the room: that that room had no window and no other entrance

way

excepting the door which she forced open, in effecting which, the lock was broken: that she identifies the Knife produced in Court as belonging to her Son, and that it was found covered with blood near the leg of the Cot on which the corpse was lying. She added in reply to questions by the Counsel that there had been no quarrel between the prisoner and the deceased, that the conduct of the latter was correct, and that no strangers had come to the house that night.—

The other witness deposed to the state of the corpse on examination and that the wounds inflicted on the deceased appeared to have been made by an instrument similar to the Knife aforementioned.—

For two days the prisoner refused to speak at all: on the third he pleaded ignorance of the whole transaction but acknowledged that the Knife was his.—

It was further deposed that the prisoner was in the habit of receiving Ganja from Opium.—

After the maturest consideration of all the circumstances the Court of Escheat are

are

were unable to arrive at any other conclusion than that the prisonier murdered his wife. still as it did not appear that any previous enmity or quarrel existed, or that there was any premeditated malice; and considering that the long period which had intervened between the perpetration of the offence and the conviction, would materially weaken the efficacy (as an example) of a public execution, the Court sentenced the prisonier to transportation for life.—

Case No. 22 Vizagapatam Calendar First Sessions of 1833.—

In this case three prisoniers were charged with having killed one Kistnay Bemmuah by breaking his head with stones, & professed themselves of a silver ring worn by him and buried the corpse.—

They were acquitted by the Mahommedan Law Officer of the Court of Circuit.—

The Law Officers of the Zillah declared the charge of "murder" not proved against any one of the prisoniers: but that they were convicted of being parties to the design of it.—

The Court of Sudder Adawlut agreed with the Presiding Judge in considering the prisoniers fully convicted of the murder. From their confessions it was clear that they had all previously consulted together

together on the subject of killing the deceased: that they were all present at the murder and buried the body in a watercourse. It was proved that they themselves pointed out the body in the watercourse, that it was then found wounded in such a manner as to leave no doubt that the deceased had been murdered: that each of the prisoniers produced something which he confessed he had taken from the body, and which was proved to have belonged to the deceased.—

The 1st and 3d prisoniers were sentenced to suffer death: the 2d to be transported for life, in consideration of certain alleviating circumstances in his case. It did not appear that he gave any assistance in the actual perpetration of the murder: he himself denied that he did; and the 3d prisonier in his confession likewise absolved him.—

Case No. 15 Combaconum Calendar Second Sessions of 1834.—

The prisonier

"Meeroo"

stood charged with having one evening, at about 5 or 6 of the clock, taken from her father's house "Ammoo Alamma" a child of five years of age, thrown her into a ruin, killed her, and taken from her person some ornaments, valued at 1 Rupee, 15 Annas and 6 Pieces

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The Prisoner pleaded "not Guilty"
and stated that she went to the House of the prosecutor
(the father of the deceased) to sell beads; that on leaving
the House, the Child as was her wont, followed her;
that she took it up and went to the House of one
Canteen on the other side of the river: that when she
returned it was dark and she missed her way and
fell into the river, in which there was much water
"which the child swallowed and died."

The Mahommedan Law Officer of the
Court of Circuit convicted the Prisoner on strong
presumptive proof of the crime charged and awarded
Koorbut.—

The Law Officers of the Zillah
considered the charge of "Murder" not proved: but
convicted her of having taken away and buried the
ornaments, and neglected to report the circumstances
under which the child met its death.—

The Courts of Zillah and the
Judge in Circuit concurred in deeming the Prisoner
fully convicted of the murder—

It was proved that before the Criminal
Judge

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Judge the Prisoner voluntarily confessed that she had
carried away the Child, removed the ornaments from
its person and concealed them: that the child was
unable of itself to go to the river in which the body
was found; and must have been carried there: that
the Prisoner did not go to the house of Canteen in
returning from which she stated that the Child was
accidentally drowned: and that there was not sufficient
water in the river to cause the accident on which the
Prisoner rested her defence.—

The Court of Zillah concurred in consi-
deration of all the circumstances of the case, and
of the recommendation to that effect submitted by
the Circuit Judge, commuted the sentence of death
to which the Prisoner had rendered herself liable,
to transportation for life.—

Case No. 4 Calendar First Sessions of 1836.—

In this case sixteen Prisoners stood
charged as follows. that on a certain night, at the
hour of twelve, they beat one Emigayen, and thereby
caused his death on the second succeeding day, and
plundered from the house of his Dwelling, the Prosecutor,
Gyaram Vellen valued at Rupees 2th-4-0 and further
that on the same night they Robbed one Chandra
Coundan

Cowndan, the son of the 2d prisoner, by squeezing his throat after beating him and plundered grain of the value of Rupees 18—14 2—

They severally pleaded "Not Guilty"

The Mahommedan Law Officer of the Court of Circuit convicted the four first prisoners of murder, and the remaining prisoner of Gang Robbery only.—

The Presiding Judge considered the prisoners guilty of murder, and liable to suffer death, and accordingly referred the Sentence for the consideration and final judgment of the Sudder Adawlut.—

The Law Officer of that Court declared the prisoners not convicted of murder, but simply of Gang Robbery and awarded Asseetut.—

The Court of Sudder Adalut concurred in the view taken of this case by the Presiding Judge.

The 1st 2nd 3rd and 5th prisoners have confessed that they were actively engaged in the perpetration of the murder of Emmarayen and Cudek Cowndan. The 2d prisoner alone has not fully confessed before the Criminal Court the part he took in the

the murder of the latter individual, although he did so before the Police Officer: and it was proved at the trial before the Court of Circuit that their confessions were given voluntarily. Ample evidence was adduced to show that the death of Cudek Cowndan was produced by the violence he received and although that of Emmarayen from the same cause was not so fully established, the Court saw no grounds whatever for doubting the fact.—

At the same time there were strong reasons for believing that hunger and distress urged the accused to commit the deed: and that they never contemplated the perpetration of murder. They were all men of the lowest caste, and had no previous knowledge of, or malice towards the deceased.—

Taking the alleviating circumstances of the case into consideration, the Court sentenced the first four prisoners to transportation for life and the remainder to imprisonment with hard labour in irons for seven years.—

Case No. 20 Coimbatore Calendar First Sessions of 1835.

The prisoner in this case was charged with having in concert with some other persons, at night

Night, entered with clubs and torches, the House of the prosecutor Dawn, plundered therefrom property to the value of Rupees 378: and beaten with clubs and burnt, the prosecutors father Caulen, so that he died.—

The Mahommedan Law Officer of the Court of Circuit convicted the prisoner of being concerned in the Robbery and Murder; in which finding the Presiding Judge concurred, and, as the prisoner was liable to suffer death, referred the Trial.—

The Law Officers of the Court of Zillah Cuddalore convicted the prisoner of aiding in the Robbery; but entirely acquitted him of the charge of Murder.—

It appeared clear to the Court of Zillah Cuddalore, both from the evidence on the part of the prosecution and from his own confession, that the prisoner was at the scene of the outrage and taking an active part among the Gang.—One of the witnesses swore that he saw the prisoner in the act of beating the deceased; but from certain collateral circumstances, the fact did not appear to the Court to be fully established. That the deceased however died from the ill treatment he received from some of the Gang was proved

beyond a doubt, and the prisoner was clearly liable to Capital punishment.—

Under all the circumstances, it was considered that the ends of Justice would be answered by his transportation for life, and a sentence to that effect was accordingly pronounced.—

Case No. 10 Criminal Calendar 2d Zillah of 1836.

In this case three prisoners, Cavilgard, stood charged with having beaten and burned, and thereby caused the death of one—

"Catchamauran Acharu"

They severally pleaded "Not Guilty"

The Mahommedan Law Officer of the Court of Circuit in his Futwa acquitted the prisoner and pronounced them entitled to their release.—

The Presiding Judge, considered the prisoners convicted and recommended that a sentence of limited imprisonment should be passed against them.—

The Law Officer of the Court of Zillah Cuddalore acquitted the prisoner on the ground that not only was the evidence contradictory, but that it failed to disclose the wounds of the deceased.—

The Court of Zillah Cuddalore concurred with

with the Presiding Judge in deeming the guilt of the prisoners fully established.—

There was ample proof that the Deceased was charged with Robbery: that the prisoners were Cannikyars of the village, whose duty it was to discover the perpetrators of such crimes: that the deceased was apprehended by them and was now in their custody: that his death was caused by tortures. That he asserted from the commencement of his illness and whilst he was aware that his death was unavoidable that the three prisoners were the persons who had so maltreated him, and that he never contradicted that accusation either publicly or privately.—

The prisoners attempted to set up an alibi but totally failed.—

There appeared grounds for believing that the death of the deceased was in a great measure owing to the subsequent exposure and neglect; and the prisoners were sentenced to imprisonment with hard labour in irons on the public roads for five years.—

Case No. 5 Cuddapah Calendar Second Sessions of 1836.

In

In this case the prisoner

"Neelee Eunaturugandoo"

was charged with having, one night, at the Town of Cudrue, killed "Pola Ramoodoo," the younger brother of the 1st prosecutor, and "Pokla Suty Bamiya" the son of the 2d Complainant (a female) by wounding them with a Billhook and dagger and beating them with sticks.—

The prisoner was one of a Gang, of nine persons, and the only one not acquitted by the Court of Circuit.—

The Futwa of the Mahomedan Law Officer of the Court of Circuit, pronounced the prisoner guilty on strong presumptive proof.—

The Presiding Judge concurred and recommended that he should be transported for life.—

The Law Officers of the Zoujdaree Adalut acquitted him as the evidence in their opinion failed to establish the charge.—

The Court of Zoujdaree Adalut considered that the guilt of the accused, as a participator in though not the actual perpetrator of the act of violence was sufficiently established.—

It appeared in evidence that one of the

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the accused persons was the Common of a Village of which the Prisoner (released by the Court of Enquiry) was the Head-Man: and there were strong grounds for suspecting that the murder was committed at the instigation of the latter because the Common had either given or was about to give information against him touching some Robberies, alleged to have been committed by him. The fact of enmity existing between the parties was clearly proved. On the prisoner were found some Cloths stained with blood: these, before the Court of Circuit he acknowledged to be his own, but was unable to account for their being bloody. The fact of the attack upon the two persons shortly after they quitted the village and of the presence among the Gang of the Prisoner was also clearly proved.

He was sentenced to be transported for life.

Case No. 464 Bellary Calendar First Sessions of 1836

The Prisoner

"Bummah"

stood charged with having one night, in the middle of

of the road beaten with a stick the prosecutrix "Koulay" wounded her, beaten and killed her daughter, and robbed her of money, ornaments &c. to the value of Rupees 6.4.0.

The Ecclesiastical Law Officer of the Court of Circuit convicted the Prisoner of Highway Robbery and Beating and awarded Ac Corbett.

The Presiding Judge considered the Prisoner fully convicted of wilful Murder, and recommended that he should be sentenced to suffer death.

The Law Officer of the Sudder Adawlut acquitted the Prisoner of Murder, and pronounced him guilty simply of Robbery accompanied by ill-treatment.

It appeared to the Court of Sudder Adawlut that the Prisoner was fully convicted of a most barbarous murder.

It was proved that the Prosecutrix, being about to proceed to Bellary, hired the Prisoner as a Cooly, and took him with her: that when between two villages, he struck her two blows on the head, and one blow on the head of the infant which she was carrying in her arms: that they both fell down, when the Child instantly expired: that after recovering from the swoon, the Prosecutrix proceeded in search of help, and related the circumstance to the first persons she met, who immediately proceeded to the spot

spot and there found the infant lying dead: and that before the Criminial Court the prisonir confessed that he had knocked the prosecutrix down in the manner above stated and had robbed her of her property. He added - "The Child was in the prosecutrix' arms when I struck her: I am not certain how many of the blows which I gave the prosecutrix, fell upon the Child". It was quite clear therefore that in effecting his purpose he made not the slightest endeavour to avoid striking the infant.-

He was sentenced to suffer Death.-

Case No. 65 Bellary Calendar First Session of 1836.

In this case, eleven prisonirs stood charged as follows:- That on a certain night, - they entered the house of Chunia Eminapah, the son-in-law of the first prosecutor, pinioned him, beat him with sticks and other weapons, burnt with a Torch and wounded him and the mother of the first prosecutor, plundered Golden and Silver ornaments worn by the Prosecutors women, amounting in value to Rupees 400-12-6, set fire to the thatched roof of his house, burnt the same, entered the House of the

the 2nd and 3d Complainants, beat with their hands and burnt with a torch the 3d Complainant (a female) and maltreated her sons.-

The aforesaid Chunia Eminapah died on the seventh succeeding day from the effects of the ill treatment.-

The prisoners were committed by the Mahommedan Law Officer of the Court of Circuit, for Gang Robbery only.-

The Presiding Judge considered them all guilty of Murder committed in the perpetration of Gang Robbery by open violence, and recommended that three, whose he named, should suffer capital punishment, and the remaining eight prisoners be sentenced to transportation for Life, excepting only the 9th who, he proposed, in consideration of his tender age, should be sentenced to a limited term of Imprisonment.-

The Law Officers of the Sudder Adalut declared the prisoners convicted of Gang Robbery only, and liable to Asiasut.-

The Court of Sudder Adalut concurred in the view taken of this case by the Presiding Judge. The evidence was too clear and satisfactory to admit a doubt. The presence and active Cooperation of all

of

of them at the scene of the outrage was fully established. Upon each of them was found property satisfactorily proved to belong to the Prosecutors and to the murdered man.—

The 1st and 2d prisoner confessed that they were the heads of the gang; and the 1st acknowledged that he assisted in the murder.—

These three were accordingly sentenced to suffer death; their execution being carried into effect in the immediate vicinity of the place where the murder was committed: the 3d on account of his tender age (twelve years) was sentenced to be imprisoned for two years with suitable labour: and the remaining seven prisoners were transported for life.—

Case No. 10 Bellary Calendar Second Sessions of 1834.

The prisoner

"Bheemah"

stood charged as follows: that he did, on a certain day at the hour of three, in concert with another person named Goodoo, commit both by the Sonjaree Adalut and their Law Officers, and sentenced to be hanged) strangle the throat of Mullawally, a child of six years of age, and thereby kill him and take

take from his person golden and silver ornaments, valued at about Sixty five Rupees and six annas.—

The prisoner was convicted by the Mahommedan Law Officer of the Court of Circuit of the crime charged on strong presumptive proof.—

The presiding Judge did not concur in this finding but recommended that the prisoner should be liberated on security.—

The Law Officers of the Sonjaree Adalut pronounced while they declared the prisoner not convicted, sufficiently liable to the prisoner of being an accomplice of and giving assistance to the 1st Prisoner.—

The Court of Sonjaree Adalut, concurring that the facts of the case were very simply related at the trial, and, which was unusual, there was no trace of perjury. They considered the evidence sufficient for the conviction of the prisoner. It was true that he did not confess that he perpetrated the deed, but he clearly admitted that he was an accessary both before and after the fact. It was moreover fully proved that from him was obtained the first information as to the 1st prisoner having murdered the child, and that he had possession of the ornaments proved to have been worn by the deceased.—

He was sentenced to transportation for

for life.—

Case No. 30 Cuddalore Calendar First Sessions of 1836—

The prisonir

"Moonegandoo"

stood charged on the prosecution of the Government with having in concert with some other armed Robbers armed with swords and Killed three Sepoys as they were travelling and robbed them of property to the value of one hundred and eighty three Rupees.—

The Mahommedan Law officer of the Court of Circuit convicted the prisonir.—

In this finding the Presiding Judge concurred: but in referring the trial recommended that he should be transported for life, "as from "the circumstance of his being urged with the illness "when he accompanied the rest of the gang who "committed the murder in question, he might have "been prevented from assisting in the attack on the "deceased Sepoys, or aiding in causing their death".

The Law officers of the Zoujdaree Adalut acquitted the prisonir of murder, but pronounced him guilty of Robbing and wounding.—

The Court of Zoujdaree Adalut concurred with the Presiding Judge. The death of the deceased persons was proved as was also the confession of the prisonir

24th December 1835.

prisonir before the Magistrate of Salem, to the effect that he accompanied some other persons, not appre= =hended, and robbed certain Travellers on the highway, and that his companions murdered them by cutting them with swords.—

Two witnesses before the Court of Circuit further depose that the bodies of the three Sepoys when discovered, were covered with severe wounds.—

The prisonir was sentenced to be transported for life.—

Case No. 4 Tellicherry Calendar Third Quarter Sessions of 1836—

In this case, three prisonirs stood charged with having stopped on the road a female named "Lutchmee", inflicted bruises on her body, wounded her with a chopper, and so ill-treated her that she died in two days after, and further robbed her of property to the value of 1½ Rupees and

76 Rees.—

They were convicted of the crime charged by the Mahommedan Law Officer of the Court of Circuit, but by the Law Officers of the Zoujdaree Adalut were acquitted of the murder and brought in guilty only of Robbery and wounding.—

The Court of Zoujdaree Adalut fully concurred

concurred in the opinion expressed by the Presiding Judge in the 14th para of his letter reporting the trial:- "There were no eye witnesses to the prisoners having perpetrated the crime with which they stand charged, neither has any thing been elicited on the trial, in proof of existing previous animosity; but still, there appear no grounds whatever for doubting the correctness of the prisoners confessions of guilt first in and proved in evidence to have been voluntarily given in. There were moreover various strongly corroborative circumstances, as the delivery up by the prisoners of property proved to belong to the deceased, the production of the Coyta (knife) with which the deed was committed."

The first prisoner was sentenced to be hanged in chains in the immediate vicinity of the spot where the act of violence was committed and the two other prisoners to be transported for life.

The sentence was passed conformably with the recommendation of the Presiding Judge, who urged the necessity of exemplary punishment. "Seeing how frequent the crime of murder has of late years been in Malabar, and as this is not the first instance where in unfrequented spots, innocent and unprotected females have been waylaid and deprived of existence."

Case

Case No. 18 Malabar Calicut Court of Sessions of 1836.

The prisoner stood charged with having killed the brother of the prosecutor with a knife.

He denied the charge but acknowledged that he had beaten the deceased with a stick: and the Law Officers of the Conjeare Moorta found him guilty to this extent, declaring at the same time that the charge of murder was not proved.

The Mahommedan Law Officer of the Court of Circuit declared the prisoner "not free from suspicion."

The Court of Conjeare Moorta concurred with the Presiding Judge in deeming him a case of Culpable Homicide. It was proved in evidence that the prisoner & Nair - decd the deceased and the 1st and 2nd witnesses for the prosecution - all slaves, to get out of his way, that they might not pollute him: on their demurring, he struck the deceased with an stick, proved at the trial, which proved an attack upon himself by all the three persons above mentioned. the 1st and 2nd witnesses holding him by the arms while the deceased struck him with his clenched fist as violent a blow, as to cause the blood

to

to flow from his nose and mouth. In a moment of sudden irritation, excited by this rough treatment, when, from their relative situations in life, he probably expected no resistance whatever, the prisoner, it would appear snatched his Knife from his waist and stabbed the deceased to the heart, for the latter immediately fell, and expired without a single groan.

Under all these circumstances the Court of Conjeara Edadut sentenced the prisoner to imprisonment with hard labour in irons for ten years.

Case No. 1 Canara Calendar First Sessions of 1856.

In this case four prisoners stood charged with having plundered property of the value of 125 Rupees 12 Anas. and some spies from the house of the prosecutor and killed his sister by squeezing her throat and kicking her.

The Mahommadan Law Officer of the Court of Circuit delivered his opinion that the prisoners were fully convicted of the Robbery and that suspicion of the Murder attached to them.

The Law Officers of the Conjeara Edadut in like manner convicted the prisoners of Robbery, but declared

declared them not convicted of the Murder.

The Presiding Judge considered the prisoners guilty and recommended that they should be transported for life in which the Court of Conjeara Edadut concurred, and sentence was passed accordingly.

Although there were no eye witnesses in proof of the actual perpetrator of the Murder, still the evidence adduced in support of the prosecution was conclusive as to the prosecutors House having been broken open, and his sister murdered. It was likewise conclusive as to a part of the property stolen having been found in the possession of all the prisoners, whose confessions were moreover as to the Robbery were very detailed, and were proved to have been given voluntarily by two attesting witnesses who were present from the commencement to the close of each examination.

Case No. 6 Canara Calendar Second Sessions of 1856.

In this case the prisoners, seven in number, stood charged with having in concert with some other persons, entered at night the house of the prosecutor, tied her husband with a cord, beaten him, ingagged his throat, killed him, maltreated the son of the prosecutrix and plundered property valued at 33 Rupees and

and 10 Read.—

They were committed by the Mahommedan Law Officer of the Court of Circuit, and in the finding the Presiding Judge concurred.—

The Law Officers of the Conjeeree Pundits likewise committed the prisoners of Robbery: but acquitted them of the Murder.—

The case was a simple one, and no doubt could be entertained of the guilt of the accused, who, excepting only the 1st, all confessed before the Criminal and Circuit Courts, that they perpetrated the Robbery: though they denied that they committed murder.—

That the deceased however died from the cruel treatment of a Gang of Robbers of whom these prisoners formed a part was established beyond a doubt: and they had in consequence rendered themselves liable to suffer death.—

Under the circumstances, the 1st and 2d prisoners were sentenced to transportation for life, with the addition of 195 stripes to the 1st regarding whom, though the proof was somewhat defective, there were the strongest grounds for believing that he was the actual perpetrator of the murder: and the

24th December 1836.

the remaining five prisoners were sentenced to nine = prisonment with hard labour in irons for fourteen years.—

being remonstrated with he threatened to kill any one who attempted to oppose him.

2. It appears to the Court of Foujdaree Adalut, that the provisions of Section VII. Regulation X. 1816 authorize a sufficient punishment for the said prisoner Panamlat Mammad, upon whom the Acting Assistant Criminal Judge will accordingly proceed to pass sentence, reporting it for the information of the Foujdaree Adalut.

Ordered that Extract of these proceedings be sent to the Criminal Judge at Calicut for the information and guidance of the Acting Assistant and Criminal Judge, by Precept returnable in 2 days after receipt.

(Sent following Precept No. 513

Read the Mangalore Criminal Reports prescribed by Section XXXV. Regulation X. 1816. for November

(Here enter No. 2274.)

Report V. Case 128.

1. In this case the charge against the

the prisoner was receiving from a native detained on the charge in the preceding case and the Acting Criminal Judge recorded the following order. The Law officer having declared the crime punishable by Mahomedan Law, and the prisoner having been convicted on the charge, is sentenced to one months imprisonment. Circular Order 28th January 1828.

The Circular Order here cited applied only to cases not provided for by the Regulations, and the Acting Criminal Judge should not therefore have quoted it in the present instance; the offence of the prisoner would appear to fall within by under Clause 3d Section V. Regulation VI. 1822.

3. The Acting Criminal Judge will in future place the Supplemental Report before the Report No. V.

Ordered that Extract of these proceedings be sent to the Acting Criminal Judge at Mangalore for his information and

26th December 1835

and guidance.-

(Ans.r in No. 1564

Read letter dated the 7th Instant from the 3d Judge of the Provincial Court of Circuit in the Western Division, reporting his intention to open the Sessions at Calicut on the 5th January next.-

(Here enter No. 2210.)

Read letter dated 11th Instant from the 1st Judge of the Provincial Court of Circuit in the Centre Division, reporting his intention to open the first Sessions of 1836. at Cundapah, on the 4th proximo.

(Here enter No. 2213.)

Read return dated the 18th Instant from the Provincial Court of Circuit in the Centre Division to precept of the Foujdaree Adalut dated the 2d October 1835, requiring the Magistrates in the Centre Division to report on what principles the Returns of the Village Police are prepared.-

(Here enter No. 2276)

At a Court of the Foujdaree Adalut.

Present,

Monday 28th December 1835.

John Bird Esqr. ——— 2d Puisne Judge.
William Hudleston Esqr. 3d Puisne Judge.
Alexr. Duncan Campbell Esqr. Acting Puisne Judge.

Read Petition presented on the 14th Instant by Sashummah of the Zilla of Madura.-

(Here enter M. P. No. 104)

The above Petition, from a person describing herself as the Wife of the proprietor of a Choultry, which belonged to Government, requesting an allowance of a door of that Choultry on 1833, being altogether absurd and inadmissible, is rejected.-

Ordered, that Extract from these proceedings be furnished to the Petitioner for her information.-

Circular

F.R.

28th December 1855.

Circular Order

No. 57.

The Court of Foujdaree Ude-
lut having observed in the Reports fur-
nished by the Criminal Judges under
Section XXXV Regulation X. of 1816, that
the provisions of Section II Regulation
IX of 1832 have been construed to au-
thorize the punishment of witnesses who
may have appeared in support of false
charges preferred before the Native Offic-
ers of Police, they direct that it be notified
to the Magistracy and the several
Criminal, Joint Criminal, and Native
Criminal Judges in the Province, that
Regulation IX of 1832 has been ruled
not to apply to witnesses giving false
evidence, but only to the party by whom
the charge shall have been preferred; and
that inasmuch as it was found pre-
requisite to insist a Law for the punish-
ment of persons preferring false com-
plaints before a Police Officer, it cannot
be

F.R.

28th December 1855.

considered legal to punish persons
giving false evidence (not upon oath)
before the Native Police, without a spe-
cial provision rendering the act a crimi-
nal offence.

(Insert following Circular Order No. 1569
Read the Cuddapa Crimi-
nal Reports prescribed by Sections in
XXXV Regulation X. 1816 for November
(Here enter No. 2217.

Supplemental Report Cases 111 and 112

It appears to the Court that
the prisoners in the two cases noted in the
margin, should have been included in
a single case. The Criminal Judge
will explain the reason why they were
divided.

Case 104

The prisoner in this case was
charged with housebreaking, and held
to security on the following grounds.
The prisoner when called upon for his
defence offered none nor called any wit-
nesses. There is no direct proof of the
robbery by the prisoner, but he gave up

of certain trifling articles proved by two Wit-
nesses to belong to the prosecutor. If such
property was of a nature to be identified,
and was satisfactorily identified, the Court
of Foujdaree Adalut deem it proper to re-
quire the Criminal Judge to explain why
the prisoner in this case was not con-
victed upon such strong proof.-

Case 172. 3. In this case the prisoner,
charged with having "enticed away the
Prosecutor' "knocked him down and rob-
bed him of ready cash. 3 Rupees", has
been held to security on grounds, which,
as they appear stated in the Report,
would have justified the Criminal &
Judge in his commitment.-

Report Y
Case 175 4. A similar remark is appli-
cable to this case also, as regards the
1st prisoner.-

5. The Court of Foujdaree &
Adalut resolve to call the &
attention of the Judge proceeding on &
Circuit

Circuit to the two last mentioned cases
with the view to his passing such orders
upon them, as may appear proper on con-
sideration of the proceedings held, and
they accordingly direct that copies of them
as they stand in the Report, and of pa-
ras 3, 4 and 5 of these proceedings be
sent to the Provincial Court of Circuit
in the Centre Division for the informa-
tion and guidance of the 1st Judge, who
will be pleased to report to the Foujdaree
Adalut his opinion and orders regarding
them.-

Ordered, that Extract of these
proceedings be sent to the Criminal &
Judge of Cuddapa for his information
and guidance by Precept returnable in 3
days after receipt.-

Sent following Precept No 1570

Ordered also, that Extract of
these proceedings, (viz. paras 3, 4 and 5)
together with copies of the cases 172 and
175 be sent to the Provincial Court of
Circuit, for the information and guidance
of

the Court to judge whether the act constitutes the offence thus designated, so also in other cases with the exception of those of Perjury the facts charged as should be concisely narrated in the charge.

Report X
Case 88

It is stated in this case that the Police Officer reported the Prosecutor to have been too severely hurt to be forwarded to the Court; but the Assistant Criminal Judge concludes his observations by saying - "The case is one of Petty Assault which ought not to have been forwarded to the Court. The prisoners are therefore released!

5. Under this representation it would appear that the Police Officer's Report as to part of the conduct of the Prosecutor is incorrect. If incorrect, has been false. The Court however not being satisfied that the case has been disposed of properly, deem it right to direct to it the attention of the Judge who may next proceed on Circuit. The Acting Criminal Judge will accordingly furnish the Provincial Court of Circuit in

in the Northern Division for their information and guidance with the copy of the case as entered in the return, and of this and the foregoing paragraphs.

Case 94

The charge in this case stands incorrectly recorded, inasmuch as it is not declared therein that the prisoner received the stolen property knowing it to be so.

Case 95

The Court await a report of the date of the reapprehension of the prisoner in the case noticed in the Report as not mentioned.

Ordered, that Extract of these proceedings be sent to the Criminal Judge at Chicacole for his information and guidance by Precept returnable in 5 days after receipt.

Ditto following Precept No 1573

Read Letter dated the 10th Instant, from the Acting First Judge late on Circuit in the Southern Division, submitting copies of the Coimbatore Primary and Supplemental Calendars for the Second Sessions of 1835.

(Secretaries File No 2235 of 1835)

Primary Calendar
Case No 1.

The prisoners in this case seven in

28th December 1835.

murder. Stood charged with Gang Robbery, and further with ill treating the prosecutrix by tying her and burning her with a lighted torch.

2 The Court of Foujdaree Udalut observe that if the alleged burning with a lighted torch was not proved at the trial before the Court of Circuit, it should have been so stated in the Calendar.

Case No 7 3 The Court of Foujdaree Udalut having maturely considered all the circumstances of this case as they appear in abstract in the Calendar with the representations of the Presiding Judge, resolve, under the authority vested in them by Clause Third, Section III, Regulation X of 1825 to sanction the mitigated sentence proposed by that Officer, and accordingly direct that the prisoner Palaingammandy be imprisoned and kept to labour suitable to her sex without irons for and during the period of one (1) Year.

Ordered, that Extract from these proceedings be sent to the Acting First Judge late on Circuit in the Southern Division for his information and guidance by Precept returnable within five days from and after the receipt of the same.

Sent following Precept No 1574

F. Vc.

At a Court of the Foujdaree Udalut.

Present;

Tuesday 29th December 1835. John Bird Esqre ..... 2d Puisne Judge
William Hudleston Esqre ... 3d Puisne Judge
Alexr Duncan Campbell Esqre Acting Puisne Judge.

Read the Chingleput Criminal Reports prescribed by Section XXXV Regulation X 1816 for November.

Here enter No 22074

Supplemental Report 1. The Court of Foujdaree Udalut being

Case No 196. of opinion that the case noted in the margin, in which the prisoner Hood" charged with having on the 9th August "1835, maliciously and falsely made a complaint "before the Collector in the Zillah of Chingleput, against "Chinna Krishnama Rajah, that he embezzled the "Malewarum produce of 20 Cawnies Nunjah and "Poonjah land situated in the Village of Ellapoor "Kum", did not come within the provisions of Regulation IX 1833, nor of perjury, think that it ought not to have been forwarded to the Criminal Court. The Acting Criminal Judge will furnish Copy of the case and of this paragraph to the Magistrate upon whom the Court deem it proper to call for an explanation as to the ground for the case being thus sent up. The Magistrate will be pleased to make return direct to this

this Court within 10 days after receipt of this Order.

Report V Case 210. 2. On this and the subsequent cases of smuggling, the Court would remark that the fine should always be considerably above the duty, otherwise, if the mere duty is levied as a fine, the offender has nothing to fear - by payment of a trifle more than the duty he will escape all punishment -

Case 237. 3 In this case the prisoner was charged with having "smuggled within the limits of Madras "18 Maunds and 2¼ Viss of Tobacco valued at Rupees "91-5-10 on which a duty of Rupees 73-15- was leviable "with an intent thereby to defraud the Circar of the same," and it is represented in the Report that he was one of a Gang of nine smugglers, the others having escaped but thrown down their bundles. The Acting Criminal Judge recorded the following order. "It appears" that "the prisoner's bundle contained 9 Viss of Tobacco," the "prisoner did not carry 18 Maunds and 2¼ Viss, but carried "only nine." "The prisoner is therefore ordered to pay a "fine of 10 Rupees or to be confined for One Month in "Jail with labour without irons under Claude first "Section XXI Regulation III 1812."

4 Although the sentence need not in the present instance be disturbed, the Court direct that it be pointed out to the Acting Criminal Judge that the

the punishment is quite indefficient - The prisoner having been one of a Gang, should have been punished, not with reference to his own bundle only, but to the extent of the fraud involved on the act of the whole Gang.

Case 238. 5. The sentence passed on this case also upon the prisoner described as "carrying on an "illicit traffic in betel of which he has been repeatedly "convicted and released with a warning" appears - to the Court, with reference to past convictions, to be very indefficient -

Case No 241. 6 With reference to the following entry in the Report, "The 1st prisoner stated in his defence the "prosecutor was present when the Peschar flogged "him before reducing his confession to writing, the "Prosecutor admits the truth of this assertion," the Court direct that a Copy of the case as it stands in the Report and of this paragraph be furnished to the Magistrate, who will report direct to the Foujdaree Udalut his proceedings against the Police Officer, within 10 days after receipt of this Order. The Magistrate will at the same time submit an explanation as to the authority under which the Peschar held proceedings in the case which is described as forwarded by the Police Ameen of Polaveram.

Ordered

Ordered, that Extract from these proceedings be sent to the Acting Criminal Judge of Chingleput for his information and guidance by Precept returnable in 5 days after receipt.

(Sent following Precept No 1579

Read letter, dated the 7th Instant, from the 3rd Judge of the Court of Circuit in the Western Division, submitting the Report prescribed by Section XXXVII Regulation VII of 1802 on the Second and Third Quarterly Sessions of 1835 at Tellicherry—

/Here enter No 2244/

The above Report not requiring any observation from the Court of Foujdaree Udalut

Ordered, that a Copy of the Report, and Extract from these proceedings be forwarded to the Chief Secretary to Government for the purpose of being laid before the Right Honorable the Governor in Council.

(Sent in No 1580

Read the Bellary Criminal Reports prescribed by Section XXXV. Regulation X. 1816 for November

(Here enter No 2,250/

Supplemental Report 1 Case 139. The detention of the prisoner in this case before the Criminal Court from the 1st September last, in consequence of further evidence expected against him

him not having been furnished, has attracted the attention of the Court of Foujdaree Udalut. They deem it proper to call upon the Magistrate to explain why the required witnesses could not be earlier forwarded. The Officiating 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 submit his return direct to the Foujdaree Udalut—

Report V Case 170 2 The Officiating Criminal Judge has recorded the following sentence upon the prisoner in this Case, Convicted of Theft of property valued at Rupees 30—3—6. "As he is a Circar peon, he is therefore sentenced "to be imprisoned during the period of one Year, with "labor in irons, under Clause fourth Section III. Regula-"tion VI. of 1822". If the prisoner however was thus sentenced simply because he was a "Circar Peon," and not a person of the description stated in the Clause cited it is inapplicable to his case. In the event of this being the fact, the Officiating Criminal Judge will modify his Sentence, passing it under Section VIII. Regulation X. 1816, and reporting it for the information of the Foujdaree Udalut. If the prisoner falls within the description of persons referred to in Clause fourth Section III. Regulation VI. 1822. the Sentence recorded.

recorded will of course remain undisturbed.

Case 1171-2-3-4-5. 3 In these cases the prisoner has been sentenced under Clause fourth Section III. Regulation VII. 1822 - The Court conclude that the charge of Cattle Stealing in the last case (275) was duly substantiated, as otherwise the Clause quoted would appear inapplicable - The Court observe that the Officiating Criminal Judge has omitted to give a concise note of the grounds of his Order; an omission which he will avoid in future; a Statement that "conviction" is established against the prisoner does not enable the Court to judge whether the case has been properly disposed of.

4 The Officiating Criminal Judge will endeavour in future to transmit his Reports in a more compressed form - It is remarked that out of the 46 pages of which the present are composed, 11 are blank, on two merely "Supplemental Report," and "Report No 5" are written - and the blank Report No 7. has been forwarded contrary to the Circular Order 4th September 1820.

Ordered, that Extract from these proceedings be sent to the Officiating Criminal Judge of Bellary for his information and guidance by precept returnable in 3 days after receipt.

Sent following precept No 1581

Read

Read the Combaconum Criminal Reports prescribed by Section XXXV. Regulation X. 1816 for November -

(Here enter No 2251)

Suppl.a Report Cases 232 and 262 1. From the circumstances stated in the Report it appears to the Court of Foujdaree Udalut that there are not sufficient grounds for the requisition of security from the prisoners in these Cases; and they accordingly resolve to direct, unless the Criminal Judge should have any information not entered in the Report to lay before the Court regarding them, that the several prisoners be released if still in confinement, or the Bail bonds cancelled if they have been entered into -

Case 241 2 In this case, according to the Charge, the property lost amounted to Rupees 18 6 4, and the Court of Foujdaree Udalut deeming it proper to exhort the Magistrate to endeavour to recover part of it, the Criminal Judge will be pleased to furnish that Officer with Copy of the Case as it stands in the Report, and of this paragraph, for his information and guidance.

Report V Case 245 3 The sentence passed by the Mooftee Sudr Ameen in this Case having expired, the Court can only now record their opinion as to the impropriety of it. In a case of this nature unless persons

recorded will of course remain undisturbed.

Cases 1 / 1 - 2 - 3 - 4 - 5.

3

In these cases the prisoner has been sentenced under Clause fourth Section III. Regulation VI. 1822 - The Court conclude that the charge of Cattle Stealing in the last case (375) was duly substantiated, as otherwise the Clause quoted would appear inapplicable - The Court observe that the Officiating Criminal Judge has omitted to give a concise note of the grounds of his Order; an omission which he will avoid in future. A Statement that "conviction" is established against the prisoner does not enable the Court to judge whether the case has been properly disposed of.

4.

The Officiating Criminal Judge will endeavour in future to transmit his Reports in a more compressed form - It is remarked that out of the 46 pages of which the present are composed, 11 are blank, on two merely "Supplemental Report," and "Report No." are written - and the blank Report No. 7. has been forwarded contrary to the Circular Order 4th September 1820.

Ordered, that Extract from these proceedings be sent to the Officiating Criminal Judge of Bellary for his information and guidance by precept returnable in 3 days after receipt.

Sent following precept No. 1581

Read

Read the Lambaconium Criminal Reports prescribed by Section XXXV. Regulation X. 1816 for November -

(Here enter No. 2251)

Suppl.y Report Cases 232 and 262 -

1.

From the circumstances stated in the Report it appears to the Court of Foujdaree Udalut that there are not sufficient grounds for the requisition of security from the prisoners in these cases; and they accordingly resolve to direct, unless the Criminal Judge should have any information not entered in the Report to lay before the Court regarding them, that the several prisoners be released if still in confinement, or the Bail bonds cancelled if they have been entered into -

Case 241

2

In this case, according to the Charge, the property lost amounted to Rupees 18, 661, and the Court of Foujdaree Udalut deeming it proper to exhort the Magistrate to endeavour to recover part of it, the Criminal Judge will be pleased to furnish that Officer with Copy of the Case as it stands in the Report, and of this paragraph, for his information and guidance.

Report V Case 245

3

The sentence passed by the Moofteesudr Ameen in this Case having expired, the Court can only now record their opinion as to the impropriety of it. In a case of this nature unless persons

29th December 1835

recorded will of course remain undisturbed.

Cases 1171-2-3-4-5. 3 In these cases the prisoner has been sentenced under Clause fourth Section III. Regulation VI. 1822 - The Court conclude that the charge of Cattle Stealing in the last case (1175) was duly substantiated, as otherwise the clause quoted would appear inapplicable - The Court observe that the Officiating Criminal Judge has omitted to give a concise note of the grounds of his Order; an omission which he will avoid in future. A Statement that "conviction" is established against the prisoner does not enable the Court to judge whether the case has been properly disposed of.

4 The Officiating Criminal Judge will endeavour in future to transmit his Reports in a more compressed form - It is remarked that out of the 46 pages of which the present are composed, 11 are blanks, on two merely "Supplemental Report," and "Report No" are written - and the blank Report No 7. has been forwarded contrary to the Circular Order 4th September 1820.

Ordered, that Extract from these proceedings be sent to the Officiating Criminal Judge of Bellary for his information and guidance by precept returnable in 3 days after receipt.

Sent following precept No 1581

Read

29th December 1835.

Read the Lumbaconium Criminal Reports prescribed by Section XXXV. Regulation X. 1816 for November -

(Here enter No 2251)

Suppl to Report. Cases 232 and 242 - 1 From the circumstances stated in the Report it appears to the Court of Foujdaree Udalut that there are not sufficient grounds for the requisition of security from the prisoners in these cases; and they accordingly resolve to direct, unless the Criminal Judge should have any information not entered in the Report to lay before the Court regarding them, that the several prisoners be released if still in confinement, or the Bail bonds cancelled if they have been entered into -

Case 241 2 In this case, according to the Charge, the property lost amounted to Rupees 18,641, and the Court of Foujdaree Udalut deeming it proper to exhort the Magistrate to endeavour to recover part of it, the Criminal Judge will be pleased to furnish that Officer with Copy of the Case as it stands in the Report, and of this paragraph, for his information and guidance.

Report V Case 245 3 The sentence passed by the Mooftee Sudr Ameen in this Case having expired, the Court can only now record their opinion as to the impropriety of it. In a case of this nature unless persons

are specifically named as accused by the Complainant, the charge is not of a description to be included under the provisions of Regulation IX. of 1832, which requires that the charge should be malicious as well as false.

Case 248 4 The Order for the requisition of security from the second prisoner in this case appearing to the Court to be founded on insufficient grounds, the Court direct that he be released, or the Bail bond cancelled, if it has been entered into.

Case 251 5 The same Order is applicable to the 1st first prisoner in this Case, who should likewise be released if still in Confinement, or the Bail bond cancelled, if he has furnished the required Security.

Ordered, that Extract of these proceedings be sent to the Criminal Judge at Combaconum for his information and guidance by Precept returnable in 4 days after receipt

(Sent following Precept No. 1582

Read return dated the 16th Instant, from the Criminal Judge of Rajahmundry to precept of the Foujdaree Udalut dated the 30th November 1835 on the Criminal Report for the month of October last.

(Here enter No. 2281)

At a Court of the Foujdaree Udalut.

Present,

Wednesday 30th December 1835. John Bird Esqr. ——— 2d Puisne Judge
William Hudleston Esqr. ——— 3d Puisne Judge
Alexr. Duncan Campbell Esqr. ——— Acting Puisne Judge

Read the Cuddapah Criminal Reports prescribed by Section XXXV Regulation X. 1816 for November.

(Here enter No. 2218)

Supplemental Report 1 Case 55. The prisoner in this case was forwarded by the Cuddapah Police Officer to the Native Criminal Court "charged with having at midnight on the 18th "October 1835 murdered the Prosecutor's elder brother "Chentsoo by beating him in his house." The Native Criminal Judge recorded the following Order — "The prisoner admitted of having beat "and murdered the deceased Chentsoo whilst "attempting to commit theft in his house at night "and brought the circumstance immediately to "the notice of Villagers. Some witnesses affirm "the prisoner's Statement to them to that effect. "The Native Criminal Judge is of opinion that the "prisoner should be set at large but finding no "Orders on the subject in the Court, he directs the "prisoner to attend the Circuit Court for trial on bail."

30th December 1835.

2. It appears to the Court of Foujdaree Udalut that this is a case of justifiable homicide and that it ought to have been forwarded to the European Magistracy under the Circular Orders 19th February and 9th April 1834.

3. The Court resolve on due consideration of the circumstances of the case to order the immediate discharge of the prisoner if in confinement, or that the bail bond, if it had been entered into, be cancelled. They further deem it proper to direct that Copy of the case as it stands in the Report and of these proceedings be furnished to the Judge about to proceed on Circuit who will be pleased to make such enquiry into it as to satisfy himself that the case was actually one of justifiable homicide, reporting the result for the information of the Foujdaree Udalut.

4. The Court await an explanation as to the appearance of the prisoner's name in the Report No VIII as "in Jail", for in such a case very light bail should be demanded.

5. The Criminal Judge will furnish the Magistrate with Copy of the case as it stands in the Report, and of para 2 of these proceedings, with a view to the prevention of a future similar case being forwarded to the Native Criminal Court.

Ordered

30th December 1835.

Ordered, that Extract from these proceedings be sent to the Native Criminal Judge at Cumbum that the Criminal Court at Ruddapah for his information and guidance by Precept — returnable in 3 days after receipt.

(Sent following Precept No 1584

Ordered also, that Extract of these proceedings viz: paras 2 and 3, together with Copy of the case as it stands in the Report be transmitted to the Provincial Court of Circuit in the Centre Division, for the information and guidance of the Judge about to proceed on Circuit, by Precept returnable without delay.

(Sent following Precept No 1585

Read return dated the 11th Instant from the Provincial Court of Circuit in the Western Division to Precept of the 26th Ultimo conveying the Orders of the Foujdaree Udalut on the Sirdee Criminal Reports for October.

(Here enter No 2279)

Read also letter dated the 11th Instant from the Provincial Court of Circuit in the Western Division forwarding the translation of a communication from the Native Criminal Judge at Sirdee requesting with reference to the proceedings of the Foujdaree Udalut under date the 26th Ultimo that sanction may be given for the permanent employment of

of 6 Peons to guard the Convicts in his Jail even though their number be reduced.

(Here enter №2280.)

Under the circumstances represented in the above communications, and since the number of the prisoners has increased to 7 according to the last returns, the Court resolve to allow the standing guard of 6 Peons to remain attached to the Jail at Sirdee. They direct however that the Native Criminal Judge be desired not to entertain any Extra Peons except absolutely necessary.

Ordered, that Extract from these proceedings be sent to the Provincial Court of Circuit in the Western Division for Communication to the Native Criminal Judge at Sirdee for his information and guidance by Precept returnable in 6 days after receipt

(Sent following Precept №1536

Read Extract from the Minutes of Consultation under date the 15th December 1835 Conveying the observations of the Governor in Council on the Extract from the proceedings of the Foujdaree Udalut dated the 23d November 1835, relative to the administration of Criminal Justice during the half Year ending the 31st of December 1833

(Here enter J. U. №3226 of 1835.)

Read also again Letter dated the 29th

J. U.

30th December 1835.

29th June 1835 from the Provincial Court of Circuit in the Southern Division submitting the explanation of the Magistrate of Trichinopoly on the point referred to in the fourth paragraph of the Extract from the Minutes of Consultation under date the 7th April 1835, conveying the observations and order of the Right Honorable the Governor in Council on the Extract from the proceedings of the Foujdaree Udalut under date the 29th November 1834, on perusal of the administration of Criminal Justice under the Presidency of Fort St George, during the half Year ending the 31st of December 1833.

(Here enter J. U. №536 of 1835.)

Read also again Return dated the 13th June 1835 from the Provincial Court of Circuit in the Centre Division to the Precept of the Court of Foujdaree Udalut under date the 29th May 1835, calling for a Return to former Orders requiring an explanation from the Criminal Judges of Bellary and Cuddapah of certain entries in the half Yearly Criminal Statements for the second half of the Year 1833.

(Here enter J. U. №985 of 1835.)

The Magistrate of Trichinopoly after remarking that there is "no tribunal for the "decision of petty Civil Suits" under ten Rupees for the "Town and environs of Trichinopoly, containing a population

"population little short of 100,000 Souls," and detailing the evils which the absence of such a tribunal engenders, records his opinion that it is "advisable to appoint "some respectable and duly qualified inhabitant of "the Fort, to the Office of Moonsiff, with the same jurisdiction granted to Village Moonsiffs by the several "Regulations enacted for their guidance."

2 In the first paragraph of the Extract from the Minutes of Consultation under date the 15th Instant, it is stated that "it appears to the Governor "in Council that this object" (the establishment of a Tribunal for the decision of petty suits under ten Rupees) "may be obtained either by Stationing the Moonsiff of "the Taluck in which Tirchinopoly is situated in "that Town or appointing a Separate Moonsiff for a "District to be composed of the Town and Fort of "Tirchinopoly and the villages in the immediate "neighbourhood" and the Judges of the Foujdaree Adalut are requested to "Submit their opinion as to the arrange-"ment which under this view of the case it may be "most expedient to adopt."

3 Before proceeding to record their own opinion, the Court of Foujdaree Adalut deem it proper to direct that the Provincial Court of Circuit in the Southern Division be instructed to call upon the Magistrate of Tirchinopoly to report which of the two plans

plans thus suggested he would recommend for adoption, stating at the same time the grounds on which his decision may be based.

4 The Provincial Court of Circuit in transmitting the Report of the Magistrate will also be pleased to submit their own opinion on the subject.

5 Ordered, that Extract from these proceedings be sent to the Provincial Court of Circuit in the Southern Division for their information and guidance by Circuit returnable within ten days from and after its receipt (sent following Circuit No 1587

6 In the second paragraph of the Extract from the Minutes of Consultation, the Foujdaree Adalut are instructed "to call the attention of the "Magistrate of Bellary to be called to the inefficient "State of the Police of this District."

7 The Court of Foujdaree Adalut accordingly direct that a Copy of the Concluding part of the Sixth paragraph, and a Copy of the Seventh paragraph of the Extract from their proceedings under date the 23rd November 1835, with a Copy of para 2. of the Extract from the Minutes of Consultation under date the 15th Instant, be sent to the Provincial Court of Circuit in the Centre Division for

with

with instructions to furnish transcripts of the same to the Magistrate of Bellary, and to enjoin upon that Officer the necessity of inciting the Native Police Officers throughout the District under his charge to a more efficient discharge of their duties.

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

(Sent in Lr. 1588

Read letter dated the 23d. Instant from the Acting Joint Criminal Judge at Vizagapatam forwarding a Statement of Batta paid to the Children of prisoners in the Jail at Vizagapatam.

(Here enter No. 2311)

Read letter dated the 15th Instant from the Provincial Court of Circuit in the Western Division forwarding translation of the Sircy Native Criminal Judge's Reports for November 1835.

Here enter No. 2273.

Read letter dated the 22nd Instant from the Magistrate of Rajahmundry submitting explanation required by the Joudaree Adalut in their proceedings of the 30th Ultimo relative to certain cases of the Criminal Reports for October.

(Here enter No. 2305)

Read letter dated the 2d. Feby. last, from the Provl. Court of Circuit in the Southern Division - Forwarding Return of work performed by the prisoners under the Civil Judge of Salem, for the Month of Decr. last. being No. 9. on the list of the papers connected with the Criminal Reports of the Division for that Month.-

(Here enter No. 199)

Read return dated the 6th Feby. last - from the Provl. Court of Circuit in the Southern Division - to Precept of the 12th Ultimo on the subject of the enquiry instituted by the Magistrate of Tinnevelly into the charges preferred by Ramsorg against Beram Khan, Head Peon in the Collectors Office.-

(Here enter No. 217.)

Read return dated the 7th Feby. last - from the Provl. Court of Circuit in the N. Dn. to precept of the F.D. dated the 22d. Jany. 1835. transmitting copy of the order of Govt. relative to the proper guards to be employed in the Jails of Guntoor Nellore.-

(Here enter No. 241.)

Read return dated the 7th March last from the Acting 2d. Judge late on Circuit in the N. Dn. to precept of the Foujdaree Adalut dated the 31st Jany. 1835. directing him to procure the attendance of 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 Polak Audenagaudoo prisoner in the same case, at the time of the Murder and to translate English

31st December 1835.

of Verdachellum and Madura, the number of persons summoned and punished by these authorities during the six months under review amounting in Verdachellum to only 2, and in Madura to 11.

8. The Districts in which resort to the Village Police has been most frequent are,

Bellary
Combaconum
Canara
Malabar
Coimbatore
Vizagapatam
and
Nellore.

9. The number of persons brought before the Village Police in,—

Bellary is... 506 of whom were punished — 268
Combaconum 346 — 217
Canara ..... 264 — 100.
Malabar ... 204 — 19
Coimbatore 188 — 177
Vizagapatam 185 — 110
Nellore — 100. — 23.

10. Of the remaining persons there were summoned in,—

Tinnevelly

31st December 1835.

Tinnevelly ..... 81 of whom were punished — 74
Chingleput — 52 — 44
Guntoor ..... 49 — 3.
Ganjam ..... 46 — 27.
Cuddapah ... 40 — 39.
Rajahmundry 38 — 37.
Salem ..... 20 — 15.
Chittoor ... 16 — 16.
Madura ... 11 — 11.
Verdachellum — 2 — 2.

11. Under the explanation offered by the Court of Foujdaree Adalut in the 10th and 11th paras of their proceedings under date the 24th Instant and in the 17th and two following paras of their proceedings under date the 22nd Instant, the Judges abstain from further remarks on this branch of the Police.

12. The total number of persons brought before the District Police from the 1st January to the 30th of June last, for petty offences punishable by themselves, was 37,420, besides whom there were 1,313 whose cases were not disposed of at the close of the previous Report.

13. In the preceding half year the number of persons summoned before District Police was 38,631.

14. The subjoined is a Statement of the acquittals and convictions by the District Police during the

31st December 1835.

32. The greatest number of the above cases have occurred in the undermentioned Districts.

Cuddapah
Malabar
Coimbatore
Canara
Chittoor
and
Nellore.

33. Of the 167 Cases of maiming and wounding ascertained to have occurred in all the Zillahs under this Presidency - 41 Cases or one fourth of the whole appear to have been committed in the District of Malabar - and the prevalence of such crime in this District can be traced only to the custom of most classes indiscriminately wearing the weapon termed Pisthumkuthy.

Nos 5 and 6. Criminal Courts.

34. Statement No 6 with the details in No 6. exhibits the operations of the Criminal Courts from the 1st January to the 30th June 1836.

35. The total number of cases brought before the Criminal Courts during the above period, inclusive of those not disposed of at the close of the preceding Report, is 1,944 containing 4,367 prisoners

36. In the preceding half year the total number of Cases was 2,752 including 6,663 prisoners being a decrease in favr

31st December 1835. favr of the half year under review of 808 Cases and 2296 prisoners

37. Of the Cases brought and depending before the Criminal Courts - 89 were Cases of Murder - 17 of Culpable Homicide - 24 of Robbery and Murder - 364 of Gang Robbery - 23 of Robbery by a single individual - 19 Cases of Housebreaking by day - 194 Cases of House-breaking by night - 420 Cases of Theft - 117 Cases of receiving Stolen goods - 26 Cases of Arson - 11 of Rape - 63 Cases of Perjury - 10 Cases of Subornation of Perjury and 172 Cases of a breach of the Revenue Laws &c. &c.

38 Of the 4,367 persons brought before the Criminal Courts -

808 in Cases adjudicable by them were released unconditionally.

Against 12 of whom the charge was considered entirely false and malicious.

106. were released on Security.

179. were detained on demand of Security.

1137. were convicted and punished.

937. were released in Cases punishable by the Courts of Circuit.

1017. were committed.

167. under examination.

6. dead.

9. punished by dismissal.

2. admitted as Approvers.

1. Forwarded for Trial to another Zillah.

4367

Of

The Court of Foujdaree Udalut concurred with the Presiding Judge in considering the prisoner convicted of Murder. It appeared in evidence that the deceased and the prisoner had not lived on good terms with each other: and that one day, as the was quitting the house with another man, the prisoner pushed back, and seizing a stone, threw it on her and killed her. It appeared, as observed by the Presiding Judge, that "in the consequent irritation and passion at the deceased's intention of "deserting him, he committed the crime:" and in conformity with to that Officer's recommendation, the Court of Foujdaree Udalut sentenced him to transportation for life.

Case No. 73. Madura Calendar. First Sessions of 1835.

The prisoner

"Andy"

both on his arraignment and defence before the Court of Circuit "denied the charge of having killed Reddy Nayen, the son of "the prosecutor Mootteya Naick, by wounding him with a stone and squeezing his throat, of having taken from him three pair of ear rings valued at Six Rupees and four annas together with a cloth, and thrown the Corpse into a well.

The Mahommedan Law Officer of the Court of Circuit convicted the prisoner on strong Presumptive proof

In expressing his concurrence in this finding the First Judge on Circuit recorded the following observations:

"there

"is no evidence as to the prisoner having committed "the act, but what is of a presumptive nature: but the pre- "sumptions are sufficiently strong to convict him of the "destruction of the deceased or of being an accessary. These "presumptions are founded upon the following facts: first "having been seen by the first and second Witnesses "to take away the deceased who was then playing "with them on his way to the arrack Shop, whither he "was going by desire of his father: secondly, the prisoner "having taken the prosecutor and the other witnesses "the third and fourth — to the well and showing them "the body: thirdly, by some of the boy's ornaments being "found upon him: and fourthly, his declaration before "the Criminal Judge which manifestly establishes his "cognizance, connivance and participation in the crime "of receiving the ornaments as a reward for his silence "even if he were not the actual perpetrator."

In this view of the Case, the Court of Foujdaree Udalut concurred, and accordingly sentenced the prisoner to Suffer Death.

Read return dated the 26th Instant from the Criminal Judge in the Zillah of Chittoor to Precept of the Foujdaree Udalut dated the 21st December 1835 on the Criminal Reports for November.

(Here enter No. 2308)

testimony only could be produced, as the prosecutor was alone: but he before both the Criminal and Circuit Courts consistently deposed that the two prisoners were the individuals who robbed and abused him:- the robbery was committed in broad day light, and from the length of time they were near him, and the situation in which he was he had abundant opportunity to observe them tho' he had never seen them before. The cloth which he claimed as his own, and which was found upon the prisoners had a very particular mark upon it, rendering it very easy of identification.-

In consideration of the prisoners being unarmed, and of there being but little violence used, they were sentenced to only six year's imprisonment with hard labour in irons.-

Case No. 13 Nellore Supplemental Calendar 1st Sessions of 1836.

The prisoner

"Coody Ramsaih"

was charged with having stopped the prosecutor on the high road, beaten him with a stick, and robbed him of a golden ornament Vizz. valued at two Rupees and four Annas.-

He pleaded "Not Guilty"

The Mahommedan Law Officer of the Court of Circuit acquitted him, but declared him

liable to suspicion.-

The Law Officers of the Conjeveram Tribunal in like manner acquitted him, considering the evidence to be insufficient.-

The Court of Conjeveram Tribunal concurred with the Presiding Judge in considering the prisoner acquitted. He was caught without having been once lost sight of, and the robbed property was found upon him.

He was sentenced to six years imprisonment with hard labour in irons.-

Case No. 10 Chicacole Calendar First Sessions of 1838.-

In this case the prisoner

"Poolaca Choodamany"

stood charged with having, in concert with others gone forth to the Village of Coojam, killed two persons, wounded some other persons, and plundered and set fire to the said Village.-

He pleaded "Not Guilty"

The Mahommedan Law Officer of the Court of Circuit in his second Futwa convicted the prisoner.-

The Judge on Circuit, likewise considered the prisoner "guilty of wilful murder in prosecution of Robbery by open violence" and referred the trial with a recommendation that he should be

31st December 1835

Read & Rem dated the 23rd Instant from the late Acting 3rd Judge Late on Circuit in the Northern Division to Precept of the Fourteenth dated the 15th December 1835 requiring an immediate return to the former Precept of the 10th Ultimo, relative to the business connected with his late Circuit.

/Here endr No 2302/

...is finding,
...ations:
...there