246

At a

on Thomas

Monday William

1st July 1839 Henry

L.R.C.

Read letter dated the 20

May 1839 from the Third Judge late

Circuit in the Western Division, tribun

for the final judgment of the Court of

Tanjore Adalut, the Record of Case

on the Calendar of the Principal Sud

Ameen of Sirdee for the first Sessions

of 1839.-

(Here ents P.Co. No. 836 of 1839.)

Mr. Oakes
Mr. Huddleston
and
Mr. Dickinson.

The Court of Tanjore Ada

having maturely considered the proceedings

held before the Judge on Circuit, the

of the Provincial Law Officer, and the

of the Cazee-ool Cozat and Mooftees of

Tanjore Adalut, confirm such part of

said Futwa of the Cazee-ool Cozat and

Mooftees as convicts the

Gopalla

cessary to the crime of Murder accompanied by robbery and awards Ootroobut, under the provisions of Claus Third Section VII Regulation XII 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 ten years.—

And being of opinion that the proof against the Prisoner

1st Manicka

is sufficient to convict him of the crime of Murder committed in the perpetration of Robbery by open violence, the Court do, under the authority with which they are vested by Claus first, Section II, Regulation I of 1818, convict him thereof, and under the provisions of Claus first Section IV Regulation XV of 1803, sentence the said prisoner to suffer death by being hanged at the usual time and place of execution.—

The Court of Foujdaree Udalut resolve, in virtue of the authority vested in them by Section XXI Regulation IX of 1816, to direct that the Magistrate of Canara

14th July 1839.

be instructed to offer
(100) one hundred, for
Rama who appears from
have acted a prominent par
payable under the Provisions of
Regulation I of 1818, on the delive
the said Rama to the Magistrate of C
or to the Magistrate in whose jurisdictio
he may be apprehended.—

Ordered, that Extract from
these proceedings be sent to the Thir
Late on Circuit in the Western Divisio
for his information and guidance.—

(Sent following letter No. 767)

Read letter dated the 13
Ultimo from the Criminal Judge of Ba
forwarding the Criminal Reports of the
Zillah Court for the month of May.—

(Here Enter F.R. No. 906 of 1839.)

Suppl. Report
Case No. 104.

There does not appear to be
any thing against the first and fifth
prisoners in this case beyond their unco
borated confessions before the Police Offi
which are not considered to afford suffic
ground for the requisition of security.—

2. The Court of Foujdaree Udalut accordingly direct that the Bail Bonds be cancelled, and that the prisoners, if in confinement on default of finding the requisite security, be immediately discharged from custody.

3. The Court of Foujdaree Udalut await the explanations called for in parah 4 of their Proceedings of the 15th May 1839 on the Bellaree Criminal Reports for March, in regard to the delay in disposing of the cases reported to be "under examination."

4. The delay in disposing of the cases more recently sent up to the Criminal Court is attributable, it is presumed, to the indisposition of the Criminal Judge as lately reported; but the Court of Foujdaree Udalut observe that in such cases, arrangements should be made for the disposal of business and a greater proportion of cases be referred to the Assistant Criminal Judge and the Sudr Ameens.

5. The detentions of the prisoners and of the Prosecutors and witnesses, is much to be deprecated.

Ordered,

F.R.
1st July 1839.

Ordered, [illegible] proceedings be sent to the [illegible] of Bellary for his information by Precept returnable within [illegible] from and after its receipt.

(Sent following precept No. 768)

Read Return dated the 19 Ultimo from the Provincial Court of Circuit in the Centre Division, to the Precept of the Court of Foujdaree Udalut under date the 5th June 1839, directing them to look into certain cases of the Cuddapah and Cumbum Criminal Reports for the month of April 1839.—

(Here enter F.R. No. 1006 of 1839.)

Cuddapah Case No. 52.

1. The Court of Foujdaree Udalut resolve to direct the Provincial Court of Circuit to instruct the Criminal Judge of Cuddapah to commit the eighth prisoner in this case

Woddary Shiddoogadoo

to take his trial before the Court of Circuit.

Case No. 74.

2. The Acting Second Judge, after reciting the substance of the evidence submitted

Case 85.

submits his opinion that "the whole of the Prisoners in this case should be committed."

3. The Court of Foujdaree Udalut agree in this opinion, and accordingly direct that the requisite instructions on the subject be issued to the Criminal Court.

4. In accordance with the opinion of the Acting Second Judge, the Court of Foujdaree Udalut direct that the proceedings in this case be transmitted to the Magistrate, with instructions to make any examination he may deem necessary into the conduct of the Police.

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 No. 769)

Read Return dated the 24th Ultimo from the Provincial Court of Circuit in the Centre Division, to the Precept of the Court of Foujdaree Udalut under date the 3rd June 1839 directing the Provincial Court to look into the proceedings in

1st July 1839.

in Case No. 94 of the Bellary Criminal Report for the month of April, and pass such orders thereon as they may deem proper, with reference to the provisions of Section XXIII. Regulation X of 1816.

(Here enter F.C. No. 1026 of 1839.)

Upon a consideration of the substance of the evidence as recited by the Acting Second Judge in the Return now recorded, the Court of Foujdaree Udalut resolve to direct that the prisoners

1st Lodogowdd

and

2nd Moodelegah

be committed to take their trial before the Court of Circuit at the next ensuing Sessions of Jail Delivery: and the Acting Second Judge will be pleased to issue the requisite instructions on the subject to the Acting Criminal Judge of Caddapah.

Ordered, that Extract from these proceedings be sent to the Provincial Court of Circuit in the Centre Division for

ly 1839.

for their information and guidance.—

(Sent in Nº 770.)

Read return dated the 24th Ultimo from the Provincial Court of Circuit in the Southern Division, to the precept of the Foujdaree Udalut of the 6th Ultimo directing them to call for the proceedings in Case Nº 20 of the Report Nº V of the Trichinopoly Criminal Reports for the month of April 1839, and to pass such orders thereon as may appear requisite reporting the result to this Court.—

(Here enter Nº 1040.)

Read return, dated the 27th Ultimo, from the Criminal Judge of Chittoor, to the precept of the Foujdaree Udalut dated the 24th June 1839, conveying their observations and orders on the Criminal Reports for the month of May 1839.—

L.P.O

(Here enter Nº 1044.)

F.C.

At a Court of the Foujdaree Udal

Present

Thomas Alexr Oakes Esqr — Judge & Pnisne Jud

Tuesday

2nd July 1839.

William Hudleston Esqr — 2d Puisne Judge

Henry Dickinson Esqr — Judge 3d Puisne Jud

Read letter dated the 4th

L.P.O

Ultimo from the Magistrate of Rajahmun submitting the explanation called for by the Court of Foujdaree Udalut in parah 6 of their proceedings under date the 13th May 1839 - relative to Case Nº 20 of the Supple mental Criminal Report of the Zillah Court of Rajahmundry for the month of March last.—

(Here enter F.C. Nº 902 of 1839.)

The Magistrate - adverting to the remarks of the Criminal Judge that there is no evidence against the 6th, 7th, 8th, 9 10th, 11th, 12th, 13th, 14th, 15th, 16th, 17th and 19th co prisoners - observes that "on reference to the Head of Police and the Record held by him it appears that stolen property was found in

ly 1839.-

in the possession of each of these individuals equally with the 5th, 18th, 20th, 21st and 22nd "Accd."

2. From the preceding Statement it would appear that the Remark in the Criminal Report is incorrect.-

Ordered, that Extract from these proceedings, together with a copy of the Magistrate's letter be sent to the Acting Criminal Judge of Rajahmundry for his information.-

(Sent in No. 772)

Read the Criminal Reports of the Auxiliary Court at Vizagapatam for the month of May.-

(Here enter Fla No. 1020 of 1839.)

Suppl. Report 1. The two prisoners in this case

Case No. 51. were charged "with having opened the lock of the Prosecutrix's house in her absence, with its Key which was in the possession of the first prisoner, the adopted Son of the Prosecutrix, entered it and stolen therefrom gold ornaments, cloths &c. of the value of Rupees 228-12-6.-

2. The prisoners were sentenced by

2nd July 1839.-

by the Sudr Ameen "under Clause fourth Section III - Regulation VI of 1822 to sixteen months' imprisonment hard labor in Irons and 120 lashes each."-

3. It appears from the abstract of the evidence that the Prosecutrix, in her examination before the Criminal Court stated that "the 2nd Prisoner's house was searched and Articles Nos. 1, 2, 3, 17 and 18 were found - the rest of the property was found hidden in Prosecutrix's own house."-

4. The Court of Foujdaree Adawlut with reference to the Provision above cited direct that the Acting Joint Criminal Judge be called upon to report what was the value of the Property removed from the house - That which was left in the house - was not stolen from it.-

5. It is observed that this Report was received in the Registrar's Office on the 26th June, the Report itself being dated the 31st May 1839.-

6. The Court of Foujdaree Adawlut direct that the attention of the Acting Joint Criminal Judge be called to para. 6.

July 1839.

of their Circular Order of the 18th April 1835. No 10 which required the Criminal Courts to transmit these Reports "so as to arrive at Madras by the fifteenth day of the month succeeding that for which the said Reports are furnished": and that he be enjoined to cause those instructions to be strictly adhered to in his Office.—

Ordered, that Extract from these proceedings be sent to the Acting Joint Criminal Judge of Vizagapatam by Precept returnable within Seven days from and after its receipt.—

(Sent following precept No 773.)

Read return dated the 25th Ultimo from the 2d Judge on Circuit in the Southern Division, to the precept of the Tonjore Udalut dated the 17th June 1839, calling upon him to state whether or no Mr Vaughan's plan of summoning witnesses was adopted as required by Circular Order of the 2d October 1833 No 93; and if not to explain the circumstances which renders its adoption impracticable.

(Here Enter No 1046.)

L.P.C.

Thursday, 4th July 1839.

L.P.C.

At a Court of the Tonjadaree Udalut.

Present,

Thomas Alexr Oakes Esqre 1st Puisne Judge
William Rudleston Esquire 2d Puisne Judge
Henry Dickinson Esqre Acting 3d Puisne Judge

Read letter dated the 30th April 1839 from the 1st Judge of the Provincial Court in the Northern Division, transmitting the Record in Case No 7 on the Chicacole Calendar for the 2d Session of 1838.

(Here enter No 924.)

The Court of Tonjadaree Udalut

Mr Oakes and Mr Dickinson 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 Tonjadaree Udalut, confirm the said futwa of the Cazee-ool-cozat and Mooftees aforesaid, convicting the prisoners

1st Sooraya Dauledoo

and

3d Chintada Tylogandoo

of the crimes charged and awarding Dokoobut, and sentence the prisoner

1st Sooraya Dauledoo

4th July 1839.

to be imprisoned and Kept to hard labour in Irons on the
public roads, or other public works, for, and during the
period of Seven (7) years; and the Prisoner

3d Chintada Pologandoo

to be imprisoned and Kept to hard labour in irons on
the public roads or other public works, for, and during
the period of four (4) Years.

/ Sent in No. 778 /

Read Letter dated the 4th Ultimo
from the 2d Judge on Circuit in the Northern
Division, transmitting the Record in Case No. 1.
on the Rajahmundry Calendar for the 1st Sessions of 1839

/ Here enter No. 937. /

Mr. Huddleston and Mr. Oakes.

The Court of Foujdaree Adalut, on a
deliberate consideration of all the circumstances of the
Case in Evidence before them, being of opinion that the
proof against the Prisoner

Mahomed Ali

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 or
places beyond Sea, as the Governor in Council shall
appoint

4th July 1839.

appoint, there to be imprisoned and Kept to hard labour
in Irons on the public roads, or other public works, for
and during the period of his Natural Life.

/ Sent in No. 779 /

Read Return dated the 20th
Ultimo from the Provincial Court of Circuit in the Centre
Division, to the Precept of the Court of Foujdaree
Adalut under date the 28th May 1839, directing them
to Submit a Report on the conduct of the Tahsildar
in respect of Case No. 48 of the Criminal Report of
the Auxiliary Court at Cuddalore for the Months of
April.

/ Here enter F. H. No. 1013. of 1839. /

The Court of Foujdaree Adalut con-
-cur in opinion with the Acting Second Judge of the
Provincial Court that the Tahsildar should be
warned against a repetition of the delay which oc-
-curred in sending up the Case in question to the
Magistrate: and the Acting Second Judge will be
pleased to instruct the Magistrate of South Arcot
accordingly.

Ordered, that Extract from these
proceedings

to be imprisoned and Kept to hard labour in Irons on the
publick roads, or other publick works, for, and during the
period of Seven (7) years; and the Prisoner

3d Shivlada Polorgandoo

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

/ Sent in No. 778 /

Read letter dated the 4th Ultimo
from the 2d Judge on Circuit in the Northern
Division, transmitting the Record in Case No. 1.
on the Rajahmundry Calendar for the 1st Sessions of 1839

/ Here enter No. 937. /

Mr. Hudleston
and
Mr. Oakes.

The Court of Fonjdaree 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

Mahomed Ali

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 or
places beyond Sea, as the Governor in Council shall
appoint

1st July 1839.

there to be imprisoned and Kept to hard labour
in Irons on the publick roads, or other publick works, for
and during the period of his natural life—

/ Sent in No. 779 /

Read Return dated the 20th
Ultimo from the Provincial Court of Circuit in the Centre
Division, to the Precept of the Court of Fonjdaree
Adalut under date the 28th May 1839, directing them
to submit a Report on the conduct of the Tahsildar
in respect of Case No. 48 of the Criminal Report of
the Auxiliary Court at Cuddalore for the months of
April—

/ Here enter F. R. No. 1013. of 1839. /

The Court of Fonjdaree Adalut con-
-cur in opinion with the Acting Second Judge of the
Provincial Court that the Tahsildar should be
warned against a repetition of the delay which oc-
-curred in sending up the case in question to the
Magistrate: and the Acting Second Judge will be
pleased to instruct the Magistrate of South Arcot
accordingly—

Ordered, that Extract from these
proceedings

July 1839.

proceedings be sent to the Acting Second Judge of the Provincial Court of Circuit in the Centre Division, for his information and guidance.—

/ Sent in Nº 780 /

Read letter dated the 24th Ultimo from the Magistrate of Madura, forwarding a copy of a Memorandum of Explanation in case Nº 45 Madura Criminal Report for the Month of April 1839 from the Joint Magistrate.—

/ Here Enter Nº 1042. /

Read Return, dated the 21st Ultimo from the Provincial Court of Circuit in the Northern Division, to the precept of the Tanjadore Udalut of the 13th May 1839, conveying their remarks on the Rajahmundry Criminal Reports for the month of March 1839.

/ Here Enter Nº 1047 /

Read letter dated the 27th Ultimo from G. I. Waters Esqr, Acting 1st Judge of the Provincial Court of Circuit in the Southern Division, reporting his intention of opening the 2d Session of 1839 at Madura on the 22nd Proximo.

L.R.O. / Here Enter Nº 1058 /

F.C.

At a Court of the Tanjo...

Present

Thomas Alexr Oakes Esqre — Acg 1...

Friday 5th July 1839.

William Huddleston Esqre — 2d Puisne J...

Henry Dickinson Esqre — Acg 3d Puisne Judge

Read Return dated the 20th Ultimo from the Assistant Criminal Judge in charge of the Tillaki Court of Chicacole to the Precept of the Court of Tanjadore Udalut under date the 13th June 1839 conveying their observations and orders on the Criminal Reports of the Tillaki Court for the month of April.—

L.R.O.

(Here enter F.C. Nº 1034 of 1839.)

1. Under the circumstances recited by the Assistant Criminal Judge in para 2. of this Return, the Court of Tanjadore Udalut deem it proper to set aside the sentence passed upon the prisoner Nundighee Upperee poloo in Case Nº 23 and to direct that he be forthwith discharged from custody.—

2. With reference to the Explan... in

July 1839.

proceedings be sent to the Acting Second Judge of the Provincial Court of Circuit in the Centre Division, for his information and guidance.—

/ Sent in No. 780 /

Read letter dated the 24th Ultimo from the Magistrate of Madura, forwarding a copy of a Memorandum of Explanation in case No. 45 Madura Criminal Report for the Month of april 1839 from the Joint Magistrate.—

/ Here Enter No. 1042. /

Read Return, dated the 21st Ultimo from the Provincial Court of Circuit in the Northern Division, to the precept of the Foujdaree Adalut of the 13th May 1839, conveying their Remarks on the Rajahmundry Criminal Reports for the Month of March 1839.

/ Here Enter No. 1043 /

Read letter dated the 27th Ultimo from G. S. Waters Esqr. Acting 1st Judge of the Provincial Court of Circuit in the Southern Division, reporting his intention of opening the 2d Session of 1839 at Madura on the 22nd Proximo

L.R.O. / Here Enter No. 1058. /

Ent.

F.C.

At a Court of the Fouj

Present

Thomas Alexr Oakes Esqre — Actg

Friday 5th July 1839. William Hudleston Esqre — 2d Puisne

Henry Dickinson Esqre — Act. 3d Puisne Judge

Read Return dated the 20th Ultimo from the Assistant Criminal Judge in charge of the Zillah Court of Chicacole to the Precept of the Court of Foujdaree Adalut under date the 13th June 1839. conveying their observations and orders on the Criminal Reports of the Zillah Court for the month of April.—

L.R.O. (Here enter F.C. No. 1034 of 1839.)

1. Under the circumstances recited by the Assistant Criminal Judge in para 2. of this Return, the Court of Foujdaree Adalut deem it proper to set aside the sentence passed upon the prisoner Nundighee Upparee polo.

in Case No. 27, and to direct that he be forthwith discharged from custody.—

2. With reference to the Explan-

July 1839.

proceedings be sent to the Acting Second Judge of the Provincial Court of Circuit in the Centre Division, for his information and guidance.-

/ Sent in No. 780 /

Read letter dated the 24th Ultimo from the Magistrate of Madura, forwarding a copy of a Memorandum of Explanation in case No. 45 Madura Criminal Report for the Month of April 1839, from the Joint Magistrate.-

/ Here enter No. 1042. /

Read Return, dated the 21st Ultimo from the Provincial Court of Circuit in the Northern Division, to the precept of the Foujdaree Adalut of the 13th May 1839, conveying their remarks on the Rajahmundry Criminal Reports for the Month of March 1839.

/ Here enter No. 1047 /

Read letter dated the 27th Ultimo from G. A. Waters Esqr. Acting 1st Judge of the Provincial Court of Circuit in the Southern Division, reporting his intention of opening the 2d Session of 1839 at Madura on the 22nd Instimo.

/ Here enter No. 1058 /

L.R.O.

Ent.

F.A.

Friday 5th July 1839.

At a Court of the Foujd[illegible]

Present

Thomas Alexr. Oakes Esqre. — Acg. [illegible]

William Huddleston Esqre. — 2d Puisne [illegible]

Henry Dickinson Esqre. — Acg. 3d Puisne Judge

Read Return dated the 20th Ultimo from the Assistant Criminal Judge in charge of the Tillak Court of Chicacole to the Precept of the Court of Foujdaree Adalut under date the 13th June 1839 conveying their observations and orders on the Criminal Reports of the Tillak Court for the month of April.-

L.R.O.

(Here enter F.A. 1st 1034 of 1839)

1. Under the circumstances recited by the Assistant Criminal Judge in para 2. of this Return, the Court of Foujdaree Adalut deem it proper to set aside the sentence passed upon the Prisoner Nundighee Ulpeeree Poloo in Case No. 27 and to direct that he be forthwith discharged from custody.

2. With reference to the Explan[illegible]

July
1839.-

in regard to Case No. 39 of the Report No. V.
the Court of Foujdaree Udalut observe that
a man cannot be convicted of that with which
he is not charged.-

3. In the present case, it appears
by the explanation of the Assistant Criminal
Judge that "the charge sent in by the Police
makes no mention of the Prisoner's knowingly
receiving stolen property."-

4. The Court of Foujdaree Udalut
consider the flaw fatal to the conviction: and,
as the prisoner, who has already been in
confinement, under the sentence, for nearly two
and a half months, cannot be tried again,
they direct that he, namely-

Yerra Lutchmiah

be immediately discharged from custody.-

5. Defects in charges framed by
the Police Officer should be rectified, when
possible by the Criminal Judge.-

Ordered, that Extract from
these proceedings be sent to the Officer in charge
of the Zillah Court of Chicacole by Precept
returnable within three days, from and after
its receipt.-

(Sent following precept No. 782)

5th July 1839.-

Read Return dated ... June
Ultimo from the Criminal Judge
to the Precept of the Court of Fouja
under date the 17th June 1839, convey
observations and orders on the Crimin
Reports of the Zillah Court for the M
of May.-

(Here enter F.R.C. No. 1060 of 1839.)

1. In regard to Case No. 61 of the
Report No. V, the Criminal Judge explain
that "there is no direct proof that the ac
prisoner committed the Theft of Grain of
which he was accused" but that "sentence
of punishment was awarded on four grounds
namely, his being seen, the day after the
alleged Theft taking grain to the second
prisoner's house under suspicious circumstance
the statement of the inmates of his hou
that they knew nothing of his having
grain: his bad character: and his failur
to prove the allegation whereby he attempt
to account for the disposal of the grain

2. It appears to the Court of
Foujdaree Udalut that the Theft was
not proved, and the conviction not pro

July

1839.

and they accordingly resolve to direct that the prisoner in question be immediately set at liberty.—

Ordered that Extract from these proceedings be sent to the Criminal Judge of Canara by Precept returnable within five days from and after its receipt.—

(Sent following precept No. 783)

Read return dated the 24th Ultimo from the Provincial Court of Circuit in the Centre Division, to the precept of the Foujdaree Adalut of the 11th Ultimo, enclosing their observations on the proceedings of that Court dated the 23d May 1839, in Cases Nos. 35 39 and 46 of the Supplemental Criminal Report of Cuddapah for the month of March 1839.—

(Here enter No. 1025.)

Read letter dated the 28th Ultimo from the 2d Judge on Circuit in the Southern Division, transmitting copy of the Coimbatore Calendar for the 1st Sessions of 1839.—

(Here Enter No. 1054.)—

Z.A.C.

4 N.L.

F.C.

At a Court of the Foujdaree Adalut

Present,

Saturday, 6th July 1839.

The Honorable J. Bird Esqre. Acting Chief

Thomas Alexr. Oakes Esqre. Acting 1st Puisne Judge

William Hudleston Esquire 2nd Puisne Judge

Henry Dickenson Esqre. Acting 3d Puisne Judge

D.A.C.

Read again Miscellaneous Petition presented on the 25th March last by Ramgoundan of the Tillah of Combaconum—

(Here enter M. P. No. 45 of 1839.)

Read also Miscellaneous Petition presented on the 6th May 1839. by Nagoo Ummaul of the Tillah of Combaconum—

(Here enter M. P. No. 64 of 1839.)

Read also Returns dated the 27th May and Supplemental Return dated the 17th June from the Acting Third Judge late in Circuit in the Southern Division, to the Precept of the Court of Foujdaree Adalut under date the 29th April 1839, directing that Officer to send up for their consideration, English Translations of the Record of Case No. 82. of the Combaconum

July
1839

and they accordingly resolve to direct that
the Prisoner in question be immediately
set at liberty.—

Ordered, that Extract from
these proceedings be sent to the Criminal
Judge of Canara by Precept returnable
within five days from and after its receipt.—

(Sent following precept No. 783)

Read return dated the 24th Ultimo
from the Provincial Court of Circuit in the
Centre Division, to the precept of the Tondaree
Adalut of the 11th Ultimo, enclosing their
observations on the proceedings of that Court
dated the 23d May 1839, in Cases Nos. 2539
and 46 of the Supplemental Criminal Rept
of Cuddapah for the month of March 1839.—

(Here enter No. 1025.)

Read letter dated the 28th
Ultimo from the 2d Judge on Circuit in
the Southern Division, transmitting copy
of the Coimbatore Calendar for the 1st
Sessions of 1839.—

(Here Enter No. 1054.)

T. A. C.

Saturday,
6th July 1839.

P. A. C.

JS

T. W.

At a Court of the Tondaree Ada

Present,

The Honorable J. Bird Esqre Acting C
Thomas Aleat. Oakes Esqre Acting 1st Puis
William Huddleston Esquire 2nd Puisne Judg
Henry Dickenson Esqre Acting 3rd Puisne Judge

Read again Miscellaneous Petition
presented on the 25th March last by Rengunnaul of
the Zillah of Combaconum—

(Here enter M. P. No. 45 of 1839.)

Read also Miscellaneous Petition
presented on the 6th May 1839. by Nagoo Ummaul
of the Zillah of Combaconum—

(Here enter M. P. No. 64 of 1839.)

Read also Return dated the 29th
May and Supplemental Return dated the 19th June
from the Acting Third Judge late in Circuit in the
Southern Division, to the Precept of the Court of Tondar
Adalut under date the 29th April 1839, directing that
Officer to send up for their consideration, English
Translations of the Record of Case No. 82. of the C

Combaconum

July
of 1839.

Combaconum Calendar of the Second Sessions of 1838. and
of the Proceedings held by the Police and by the Co
Assistant Criminal Judge in Case No. 223 of the
Combaconum (Supplemental) Criminal Report for July
1838.

/Here enter F.H. Nos. 854 and 1009 of 1839./

1. With the Supplemental Return of the
17th Ultimo, the Acting Third Judge submits English
Translations of the Records of the Cases above Co
mentioned -

2. The considerations which led the Co
Court of Tanjadore Adalut to call for the Translations,
are explained at length in the Extract from their Pro-
=ceedings under date the 29th April 1839.

3. On Examination of the Proceedings Co
held before the several Tribunals, the Court of Tanjadore
Adalut are satisfied that the Prosecutor and his Co
witnesses, tried in Nos. 52 to 58 of the Combaconum
Calendar of the Second Sessions of 1838, have been Co
properly convicted of Perjury -

4. The Prosecutor charged the persons
accused in No. 223 of 1838. of the Criminal Report above
referred to, with a Highway Robbery, committed in
there

6th July 1839.

upon day in the Presence of ten or twelve
5. The Alibis were, in the
the Court of Tanjadore Adalut, fully proved
6. The Court of Tanjadore Ad
resolve accordingly to reject the Prayers of the
Petitions Nos. 65 and 66 of which - the Prayer of No. 66
is that an order may be issued for the release of Co
Verrapillay - the Convicted Prisoner in No. 55 of the
Combaconum Calendar of the Second Sessions of 1838

Ordered accordingly, and that Co
Extract from these Proceedings be furnished to the Co
Petitioners upon their application -

Ordered also, that Extract from these
Proceedings be sent to the Acting Third Judge Tate Co
Circuit in the Southern Division for his information.

/Sent in No. /

Read again Miscellaneous Petition
presented on the 22d April last by Sangara Naicken
and Anganmal of the Tillati of Combaconum -

/Here enter Mr. P. No. 24 of 1839./

The Court of Tanjadore Adalut
direct that the Petitioners be informed that having

called

July
1839

called for and attentively considered the Records of the Cases in which the prisoner Vineatachella Naick is concerned, they have failed to perceive any grounds on which to doubt his guilt or the propriety of the Sentence passed on him by the Court of Circuit in Case No. 2 of the Combaconum Calendar of the Second Sessions of 1838, but that in consideration of his advanced age, they issued an order under date the 15th June 1839 to the Judge of Circuit, prohibiting his being put in Irons, and directing that he should be kept to Labour proportioned to his Strength—

Ordered, that the Prayer of this Petition be rejected, and that Extract from these Proceedings be furnished to the Petitioners upon their application—

Read Miscellaneous Petition presented on the 29th April 1839 by Arnoogutta Pillay, Vakeel of Sukkara Nadan—

(Here enter No. 58 of 1839.)

The Petitioner repeats the request preferred in the Petition of Sukkara Nadan No. 30 of 1839. praying for the release of his younger brother

Iyya

No.
6th July 1839.

Iyya Nadan, 1st Prisoner in Case No. 20 of the Combaconum Calendar for the 2d Sessions of 1838.

The Court of Foujdaree Adalut direct that the petitioner be referred to their order of the 11th March 1839. and informed that the same is final—

The Court observe that even had the case in question not been finally disposed of, this Petition could not have been noticed, by reason of the non-production of a Vakalutnamah by the applicant.

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 29th April 1839 by Sobaroyah Setty of the Tillah of Chittoor—

(Here enter M. P. No. 60 of 1839.)

The Petitioner repeats the request preferred in his petition No. 11. of 1839. that the Court would call for the proceedings in Case No. 1. of the 5th Supplemental Calendar of the Tillah of Chittoor 4th Quarter Sessions

6th July 1839.

Sessions of 1838 and order the release of his brother Vencate Mooneesetty, the 3d prisoner in that Case.

The Court of Foujdaree Udalut direct that the petitioner be referred to their order of the 23d ult. February 1839, and informed that the same is final. It is observed that the prisoner in question was convicted upon his own confession before the Criminal Court.

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 6th May 1839 by Chinnoo alias Aroona Chella Moodeley of the Zillah of Combaconum.

(Here enter No. 1 of 1839.)

The petitioner, referring to his former petitions Nos. 42 and 53. of 1839. and the orders passed thereon under dates the 8th and 29th April 1839. requests that the Court will grant him Copies of the petitions in question and of this present petition, and also of the orders passed thereon.

The Court are pleased to accede to the prayer of this petition, and direct that the petitioner

6th July 1839.

be supplied with the documents in question.

Ordered accordingly that Extracts from these proceedings be furnished to the petitioner on his application.

Read Miscellaneous Petition presented on the 6th May last by Rasmee Setty of the Zillah of Cuddapah.

(Here enter No. 1 of No. 65 of 1839.)

The Petitioner prays for a reconsideration of the Order passed by the Court of Foujdaree Udalut under date the 18th March 1839. rejecting the prayer of his former Petition No. 17. of 1839. that the Court would order the release of his nephew Naythee Pedda Soobbadoo the ninth prisoner in Case No. 21. of the Cuddapah Calendar of the Second Sessions of 1838, who was convicted and sentenced by the Court of Circuit to imprisonment with hard labour in Irons for fourteen years.

The Court of Foujdaree Udalut direct that the Petitioner be informed, that their order of the 18th March last is final, and that any further application on this subject will not receive attention.

Ordered

6 July 1839.

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

Read Miscellaneous Petition presented on the 6th May 1839. by Jassy of the Tillah of Cuddapah.

/Here enter Rs. P. No. 66 of 1839/

The prayer of this Petition is, that the Court of Fouzdaree Adalut will order the Release of the Prisoners in Case No. 23. of the Chittoor Calendar of the First Quarter Sessions of 1839. who were convicted of Robbery and sentenced to imprisonment with hard labour in Irons for fourteen years.

The Petitioner alleges that the Prisoners were induced to confess by the severe ill usage exercised towards them by the Tahsseldar and the Talook Police.—

The Court of Fouzdaree Adalut observe that the accused confessed both before the Criminal Court and the Court of Circuit.—

The prayer of the Petition is inadmissible.—

Ordered

F.H.

6th July 1839.

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

Read Miscellaneous Petition presented on the 6th May 1839 by Conamalay Ammal of the Tillah of Combaconum.—

/Here enter No. 67 of 1839/

The Petitioner repeats the Request preferred in her former Petition No. 129 of 1838 for the remission of the Punishment awarded to Pavady [illegible] in Case No. 11 of the Combaconum Calendar for the [illegible] Sessions of 1837.

The Court of Fouzdaree Adalut direct that the Petitioner be referred to their order of the 8th October 1838. and informed that the same is final and that no further Petition on this subject will be received.

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

Read Miscellaneous Petition presented on the 6th May 1839 by Champana Maistry of the Tillah of Chingleput.—

/Here enter Rs. P. No. 69 of 1839./

The

6th July 1839.

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

Read Miscellaneous Petition presented on the 6th May 1839. by Jassy of the Tillah of Cuddapah.

/Here enter Mr. P. No. 66 of 1839./

The prayer of this Petition is, that the Court of Fouzdaree Adalut will order the Release of the prisoners in Case No. 23. of the Chittoor Calendar of the First Quarter Sessions of 1839. who were convicted of Robbery and sentenced to imprisonment with hard labour in Irons for fourteen years.

The Petitioner alleges that the prisoners were induced to confess by the severe ill usage exercised towards them by the Tahsseldar and the Talook Police.—

The Court of Fouzdaree Adalut observe that the accused confessed both before the Criminal Court and the Court of Circuit.—

The prayer of the Petition is inadmissible.—

Ordered

F. H.
6th July 1839.

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

Read Miscellaneous Petition presented on the 6th May 1839 by Cunnamalay Ammal of the Tillah of Combaconum.—

/Here enter No. 67 of 1839./

The Petitioner repeats the request preferred in her former Petition No. 129 of 1838 for the remission of the punishment awarded to Pavady 1st Prisoner in Case No. 11 of the Combaconum Calendar for the Sessions of 1837.

The Court of Fouzdaree Adalut direct that the Petitioner be referred to their order of the 8th October 1838. and informed that the same is final and that no further Petition on this subject will be received.

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

Read Miscellaneous Petition presented on the 6th May 1839 by Chungana Maisty of the Tillah of Chingleput.

/Here enter Mr. P. No. 69 of 1839./

The

1839.

The Petitioner repeats the request pre-ferred in his petition No. 24 of 1838 for the Release of his Son Vacalatapatee prisoner in Case No. 28 of the Chingleput Calendar of 1st Sessions of 1834.

The Court of Fouzdaree Udalut are direct that the Petitioner be referred to their order of the 5th March 1838. and informed that the same is final.

Ordered, that the Prayer of the Petition be rejected, and that Extract from these Proceedings be furnished to the Petitioner on his application.—

Read again letter dated the 20th May 1839 from the 2nd Judge on Circuit in the Southern Division, transmitting the record in Case No. 5. on the Salem Calendar 1st Sessions of 1839.

/ Here enter No. 817. /

Read also Return dated the 27th Ultimo from the 2d Judge on Circuit in the Southern Division, to the Precept of the Fouzdaree Udalut of the 5th June 1839, directing him to issue a Precept to the Criminal Judge of Salem, requiring him to Examine the Sailor in regard to the general conduct and behaviour of Colundapieu prisoner in Case No. 5. Salem Calendar 1st Sessions of 1839 before and after his arrival at the Jail

6th July 1839.

Jail and forward English translations of the examinations to be taken for the consideration of the next Court.

/ Here enter No. 1056. /

Case No. 5.

Mr. Hudleston.

and

Mr. Dickinson

The Court of Fouzdaree Udalut having maturely considered the Proceedings held by the Judge on Circuit, the Futwa of the Provincial Law Officer and the Futwa of the Cazee-ool-coozat and Mooftees of the Fouzdaree Udalut, confirm the said Futwa of the Cazee-ool-coozat and Mooftees aforesaid, so far as respects the proof of the fact that the prisoner Colundy pieu killed the deceased Lutchmee. But considering that the prisoner was in a State of insanity at the time he committed the fatal act of Violence Established by the Evidence, the Court of Fouzdaree Udalut direct that he be placed under charge of the Surgeon of the Zillah of Salem, in view to his eventual confinement in the Lunatic Asylum at Madras, under the rules prescribed by the Circular Order of the 1st June 1839, and that he be on no account released without the orders of this Court.

/ Sent in No. /

S.D.C.

113

At a Court of the Court of Sanjdara
held the 1st June 1839, direc
Court to call for the Proce
Thomas Alexr Vanlet Esqre 1st Assistant
Wednesday, William Hudleston Esqre 2d Puisne Judge
10th July 1839. Henry Dickinson Esqre 3d Puisne Judge

Read Return dated the 26
L. R. O
Ultima from the Third Judge on Circuit
in the Western Division, to the Precept
of the Court of Sanjdara Adalut under da
the 12th June 1839, directing him to for
up for the Courts consideration an English
Translation of the Record of Case No 7
on the Sirdar Calendar of the First Sessi
of 1839.-

(Here enter T.R. No 1067 of 1839.)

The Court of Sanjdara Adalut
observe that the reason why "hearsay evidence
of a fact is not admissible, is, because the
Statement repeated was not given on oath
but the admission of the accused is not
permitted to be proved to, and evidence to
such admission or confession stands on a
totally

cting from evidence to what
s may have stated, criminatory
t.—

The Prisoner
Gopallea

having been discharged without trial upon
erroneous grounds, the Court of Foujdaree Udalut
resolve to direct that steps be taken to
effect his re-apprehension, and that he be
re-committed to take his trial before the
Court of Circuit at the next sitting Sessions
of Jail Delivery.—

3. The Third Judge will accordingly
be pleased to issue the requisite instructions
on the subject to the proper authorities.—

Ordered that Extract from
these proceedings be sent to the Third Judge
late on Circuit in the Western Division
by Precept returnable within five days from
and after its receipt.—

(Sent following precept No. 790)

Read Return dated the 2nd
Ultimo from the First Judge of the Provincial
Court of Circuit in the Northern Division.
to

10th July 1839.—

to the Precept of this Court of Foujdaree
Udalut under date the 5th June 1839, directi
the Provincial Court to call for the Proceed
ings in Case No. 23 of the Supplemental
Criminal Report of the Zillah Court of
Rajahmundry for the Month of April, and,
with reference to the Provisions of Section
XXIII. Regulation X of 1816. to pass such
orders thereon, as, upon consideration may
be deemed necessary, reporting the result
to the Foujdaree Udalut.—

(Here enter T. No. 1066 of 1839.)

Mr. Oakes
and
Mr. Dickinson.

1. The First Judge being alone
in the Provincial Court submits a copy of
the opinion recorded by him in the case
in question for the orders of the Foujdaree
Udalut.—

2. On a consideration of the cir-
cumstances recited by the First Judge,
the Court of Foujdaree Udalut resolve to
over-rule the order for the commitment for
Trial of the fifth and sixth prisoners,
and to direct that they be required to
find security for their future good conduct for
three years in the sum of twenty five Rs. each

Both

10th July 1839.-

3. But previously to the requisition of security, their witnesses must be heard as agreeably to the Circular Order of the Tongdaree Adalut dated the 7th April 1835 - No 38. and the First Judge will be pleased to enjoin the Criminal Court to avoid any future deviation from the provisions of that order.-

4. But with reference to the remark of the First Judge that "no property was discovered in" the house of the fifth prisoner the Court of Tongdaree Adalut observe that it is stated in the Criminal Report, that "the property identified to be the Prosecutors was "found" in the houses of the 1st, 4th, 5th and 6th prisoners."-

5. The First Judge will be pleased to instruct the Acting Criminal Judge to examine the witnesses on behalf of the second and third prisoners, before demanding security from them.-

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

(Sentence No 791)

L.P.C.

G.P.C.

F. 16.

At a Court of the Tongdaree Adalut

Present:

Thursday, 11th July, 1839.

Thomas Alexr Oakes Esqre — 1st Puisne Judge
William Hudleston Esqre — 2d Puisne Judge
Henry Dickinson Esqre — 3d Puisne Judge

Read letter dated the 18th
L.P.C. and received on the 25th Ultimo from the Acting Criminal Judge of Chittagong, forwarding the Criminal Reports of the Zillah Court for the month of May 1839.

(Here enter F. 16 No 1019 of 1839.)

The Court of Tongdaree Adalut direct that the attention of the Acting Criminal Judge be called to paragh 6. of their Circular Order of the 18th April 1835 - No 40, and that he be enjoined, in accordance with its provisions, to take care that the Criminal Reports are despatched "so as to arrive at Madras by the fifteenth day of the month succeeding that for which the said Reports are furnished."-

Ordered, that Extract from these

7th July 1839.-

these proceedings be sent to the Criminal Judge of Malabar for his information and future guidance.-

(Sentnc. No. 794)

Read Return dated the 26th Ultimo from the Third Judge on Circuit in the Centre Division to the Precept of the Court of Foujdaree Udalut under date the 21st June 1839, directing him to report whether during the late Sessions of the Court of Circuit at Bellary he adopted Mr. Vaughan's plan of summoning witnesses as required by the Circular Order of the 2nd October 1837 - No. 93 - and if not to explain the circumstances which rendered its adoption impracticable or inexpedient.-

(Here enter Ltr. No. 1033 of 1839.)

Under the circumstances represented in this Return, the Court of Foujdaree Udalut consider the reasons charged of Batta to be satisfactorily accounted for.

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

(Sentnc. No. 795)

11th July 1839.-

Read the following letter dated the 22nd Ultimo from Captain Vallancey Assistant General Superintendant for the Suppression of Thuggee at Vizagapatam.

(Here enter Ltr. No. 1038 of 1839.)

1. With this letter Captain Vallancey submits for the consideration and orders of the Court of Foujdaree Udalut a copy of a decision of the Joint Criminal Judge of Vizagapatam on a case committed by Captain Vallancey under the provisions of Act XXX of 1836: and in requesting that it may be laid before the Court, he observes - "it does appear to me even by the wording of this decision that the prisoner Rahmoo is guilty of the crime with which he was charged under the said act namely for having belonged to a gang of Thugs."-

2. Captain Vallancey states that the prisoner "Rahmoo" has declared before himself and before the Magistrate of Guntoor that he belonged to a gang of Thugs,- that it was through his agency and on his confession that the Magistrate of Guntoor effected the seizure of nearly all

11th July 1839.

all the Gang in 1836, and from the circumstance and his free confession, this prisoner "was admitted an approver by the General Superintendant for the Suppression of Thuggee."—

3. It would seem that Rahmoo having been sent to the Joint Criminal Judge in order to his commitment to take his trial for the offence provided for by Act No XXX of 1836, has been ordered to be "released," the evidence appearing to the Joint Criminal Judge not sufficient to warrant his commitment.—

4. In the Joint Criminal Judge's order there is no allusion to the prisoner's confession of having belonged to a Gang of Thugs either before Captain Vallancey or before the Magistrate of Guntoor; and with reference to this letter, the Court of Sunjaur Oolaluk resolve to direct the Provincial Court of Circuit in the Northern Division to call upon Captain Vallancey to explain his having reported to the Joint Criminal Judge that there was no further evidence, while the confessions in question would seem

Ft. No.

11th July 1839.

not to have been sent to the Joint Criminal Judge.—

5. Captain Vallancey observes that "it will be very injudicious to release this prisoner."—

6. The Court of Sunjaur Oolaluk do not see how a Thug approver who has admitted his belonging to a Gang of Thugs can be released with reference to para. 2. of the Draft of Instructions by the Government of India, circulated with the Extract from the Minutes of Consultation dated the 8th July 1839. But this admission had apparently been withheld from the Joint Criminal Judge.—

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

(Sent following Precept No. 96)

Read letter dated the 27th Ultimo from the Second Judge late on Circuit in the Southern Division forwarding Translation

11th July 1839.-

Translations of the Ukeze and Mahazernamah received from the Criminal Judge of Combaconum regarding the ingnest held upon the body of the deceased Rockmanee - in Case No. 2. of the Combaconum Primary Calendar of the First Sessions of 1839 called for in parah 4. of the Extract from the Proceedings of the Court of Tanjore Udalut under date the 24th May 1839.-

(Here enter F.M. No. 1055 of 1839)

1. The Court of Tanjore Udalut observe that the Judge of Circuit has not explained why he threw out of consideration the dying declaration of the deceased; which the Court in parah: 3. of their proceedings of the 24th May last observed was "strong evidence" and they accordingly resolve to direct the Second Judge to submit an explanation on that point.-

2. The Court disapprove of the acquittal in Case No. 2.-

3. The Court observe that the papers should have been submitted by the Second Judge with a supplemental

11th July 1839.-

to the Precept of the 24th May last. Communication by a Diary letter, on such occasions, is irregular.-

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

(Sent following precept No. 797)

Read Statement dated the 30th Ultimo from the Criminal Judge of Chingleput shewing the amount realized by the labour of the Prisoners in that Zillah for the 2d Quarter of 1839.-

(Here enter No. 1089)

Read letter dated the 2d Instant from the Acting Judge on Circuit in the Centre Division reporting his intention of opening the 2d Sessions of 1839 at Cuddalore on the 23d Instant.

(Here enter No. 1099)

LAO

Ent'd

Ft. Wm.

At a Court of the Foujdaree Udalut

Present,

Thomas Alexr. Oakes Esqre. 1st. Puisne judge

Saturday, William Hudleston Esqre. 2d. Puisne judge

13th. July 1839. Henry Dickinson Esqre. 3d. Puisne judge

Read letter dated the 8th. Ultimo from the Acting 1st. judge of the Provincial Court of Circuit in the Centre or Division, transmitting the Record in Case No. 1. on the Chittoor Calendar for the 1st. Quarterly Sessions of 1839.

L.R.O.

(Here enter No. 939.)

Mr. Oakes
Mr. Hudleston
and
Mr. Dickinson.

The Court of Foujdaree Udalut having maturely considered the proceedings held before the Court of Quarter Sessions, the Futwa of the Provincial Law Officers, and the Futwa of the Cazee-ool-Cozat and 4 Mooftees of the Foujdaree Udalut, are of opinion that the Prisoner

3d. Daseegaundoo

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

confession, notwithstanding the failure of their
law officers, and do accordingly acquit him;
but considering that strong suspicion though
not amounting to conviction attaches to him,
they direct that under the provisions of
Clause Sixth Section II Regulation XV
of 1803, he be required to find two Sureties
in fifty Rupees each Surety, for his good
behaviour and appearance when required
within three years, or in default thereof that
he be detained for three years in confinement
And being of opinion that
the proof against the Prisoners
1st. Moondra Gungadoo
2nd. Chengadoo
and
4th. Bundy Veeradoo
is sufficient to convict them of the crime of
murder committed 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 IV of
1818, convict them thereof; and under the
provisions of Clause first and fifth Section
IV Regulation XV of 1803, sentence them

be transported to such place or places beyond
Sea, as the Governor in Council shall ap-
point, 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. 804)

Read letter dated the 4th
Instant from the 3rd Judge on Circuit
in the Centre Division, forwarding the
death Warrant in Case No. 39 on the Bellary
Calendar for the 1st Sessions of 1839.-

(Here enter No. 1102.)

Read Statement dated the
4th Instant from the 3d Judge on Circuit
in the Centre Division of Batta paid
to Prosecutors and Witnesses attending
before the Court of Circuit for the 1st
Sessions of 1839.-

(Here enter No. 1105.)

Read letter dated the 4th
Instant from the Acting Magistrate of
Bellary, forwarding the explanation
called for in the Extract from the
Proceedings

13th July 1839.

Proceedings of the Tanjalore Udalut dated the 15th May 1839 relative to certain cases on the Bellary Criminal Reports for the month of March 1839.

(Here enter No. 1111.)

Read letter dated the 5th Instant from the Magistrate of Cuddapah, submitting the report called for in the Extract from the Proceedings of the Tanjalore Udalut under date the 5th Ultimo, relative to Case No. 21 of the Cuddapah Criminal Report for the month of April 1839.

(Here enter No. 1112.)

Read return dated the 8th Instant from the 3d Judge on Circuit in the Northern Division, to the precept of the Tanjalore Udalut under date the 3d June 1839 directing him to call for the proceedings in Cases Nos. 26 and 31 on the file of the Joint Criminal Judge of Madura, and to pass such orders as may appear to him proper with reference to Section XXIII Regulation X of 1816, reporting the result for the information of the Tanjalore Udalut.

L.R.O.

(Here enter No. 1130.)

F. No.

At a Court of the Tanjalore Udalut.

Present,

Monday, 15th July 1839.

Thomas Alexander Oakes Esqre. 1st Puisne Judge
William Huddleston Esquire 2nd Puisne Judge
Henry Dickinson Esqre. 3rd Puisne Judge

Read Miscellaneous Petition presented on the 18th March 1839 by Krishnamachary Vakeel on behalf of Kahoonada Swyaly of the Zillah of Malabar.

(Here enter No. P. No. 41 of 1839.)

L.R.O.

The prayer of this Petition is that an order may be issued for the release of the Petitioner

1st Kakoonada Koya Cutty Hajee
and
2nd Kakoonada Komby Moodia

who, in Case No. 1 of the Talleherry Calendar of the First Quarter Sessions of 1839 were convicted of severely wounding the Prosecutor with a Knife, and were sentenced to imprisonment with hard labour in Irons the first Prisoner for five years and the Second Prisoner for seven years imprisonment.

The

15th July 1839.

The Court of Foujdaree Adalut, on having referred to the Calendar, are desirous of perusing the record of the Case in question: and they accordingly resolve to direct the Provincial Court of Circuit in the Western Division to send up an English Translation of the same at their earliest convenience.

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

(Sent following Precept No. 808)

Ordered also, that Extract from these Proceedings be furnished to the Petitioner's Vakeel on his application.

Read Miscellaneous Petition presented on the 29th April 1839 by Dyaramandha Dillay of the District of Tumeralla.

(Here enter Mr. P. No. 57 of 1839.)

1. The Petitioner prays that an order may be issued for the release of his brother-in-law Dyaryon Dillay prisoner in Case No. 91 of 1838 in the File of the Joint Criminal Court of Tumeralla who was sentenced by the Joint Criminal Judge

15th July 1839.

on the 21st November 1838, to be imprisoned for one year on his conviction of the charge of defrauding the Customs while Employed as Chowkeedar of Streevellipoor.

2. It appears that the accused in the Case to which this Petition refers was forwarded to the Joint Criminal Judge by the Assistant Magistrate of Tumeralla on a charge of defrauding the Customs, under the provisions of Section XXI Regulation I. of 1812.

3. The Court of Foujdaree Adalut conclude that this was because the Customs were not punished, under Section XLIV. Regulation IX of 1816.

4. The Joint Criminal Judge not thinking the Provisions of Section XXI Regulation I of 1812 "altogether applicable to the Prisoner a public Servant" proceeded to pass Sentence of one year's imprisonment under the provisions of Clause first, Section XXII, Regulation IX of 1822.

5. It appears to the Court of Foujdaree Adalut that the provisions of this Clause apply exclusively to Cases brought before the Criminal Court by Collectors

on

15th July 1839

on Proceedings held under the provisions of Regulation IX of 1822: and that it was not, therefore, competent to the Joint Criminal Judge to apply those provisions to the case of a person forwarded by the Assistant Magistrate on a charge of fraud on the Customs under the provisions of Section XXI, Regulation I of 1812.

6. The Prisoner's offence appears to have been embezzlement, and he ought to have been sent back to be disposed of by the Assistant Collector under Clause first, Section V, Regulation IX of 1822, or Clause first, Section XVII of the same Regulation: but this mode of proceeding not having been pointed out to the Court of Tongdaree Adalut previous to their sentence that the prisoner, who has already been (irregularly) imprisoned longer than is authorized (on non-payment of Fine) by Clause Second, Section XXI, Regulation I of 1812, be forthwith discharged out of Custody.

7. The Provincial Court of Circuit will be pleased to communicate the above remarks to the Magistrate, and instruct the requisite instructions on the subject to the Joint Criminal Judge of Chittagong.

Ordered, that Extract from these proceedings be sent to the Provincial Court of Circuit in the Southern Division by Precept returnable on within seven days from and after its receipt.

/Sent following Precept No. 889/

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

J. 26.
15th July 1839.

Read Miscellaneous Petition presented on the 29th April 1839 by Gonga of the Zillah of Chittagong.

/Here enter No. P. No. 89 of 1839/

The prayer of this petition is that

1.

an order may be issued for the release of Gungadoo, the fifth prisoner in Case No. 1 of the 10th Supplemental Calendar for the 2d Quarter Sessions at Chittagong, who was sentenced by the Court of Tongdaree Adalut to five years imprisonment.

2. There is no appeal from the sentences of the Court of Tongdaree Adalut: and this Petition is therefore inadmissible.

Ordered, that the prayer of the petition

15th July 1839.

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

Read Miscellaneous Petition presented on the 6th May last by Immuttal of the Tillah of Combaconum.

/Here enter M. P. No. 62. of 1839/

The Petitioner prays for a reconsideration of the order of the Court of Foujdaree Udalut dated the 22d April 1839. declining to call for the Record of Case No. 62 of the Combaconum Calendar of the 2nd Sessions of 1838. wherein her son Ponnondayan was convicted of Robbery by the Court of Circuit and sentenced to imprisonment with hard labour in Irons for fourteen years.

The Petitioner admits the error in her former petition in respect of the appearance of the mother in law of Soobramanyar Odayar as Prosecutrix before the Mahd of Police pointed out in the Order of the Court of Foujdaree Udalut above cited. but she urges that the Calendar does not show that her Son was recognized among the Gang of Robbers.

15th July 1839.

The Court of Foujdaree Udalut observe that the Calendar states that the prosecutor and the first witness deposed that they knew the prisoner in question among the Gang.

The Petitioner in the first instance misstated as to the Proceedings: and she is now equally in error as to the contents of the Calendar.

The Ground on which this Court, on the 18th March last, rejected eventually the consideration of the Record, has been removed by the Return of the acting Third Judge late on Circuit in the Southern Division under date the 27th March 1839.

The Court of Foujdaree Udalut see nothing in this Petition to induce an alteration of their order of the 22d April 1839.

Ordered, that the petition be rejected, and that Extract from these Proceedings be furnished to the Petitioner upon her application.

Read Miscellaneous Petition presented on the 6th May 1839 on behalf of Mr. Appalacharlu by his Mookhtyar Vakeel G. Sadhacharlu of the Tillah of Nellore.

/Here enter M. P. No. 68 of 1839./

The

15th July 1839.

The Petitioner after re-capitulating the Statements made in his former Petitions, prays that the proper authorities may be peremptorily instructed to carry into Effect the order of the Court of Tanjore Udalut dated the 9th January 1839, whereby the Magistrate of Nellore was required to obtain the Key of the Pagoda from Sannordana Ramaswamy and return them to the Petitioner.

The order in question was cancelled by the Subsequent Proceedings of the Court of Tanjore Udalut under date the 18th March 1839, whereby the Petitioner was referred to a Civil action for redress.

The Court of Tanjore Udalut direct that the Petitioner be informed that the third order of the 18th March 1839 is final.

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

Read Miscellaneous Petition presented on the 6th July 1839 by Chinnoo alias Arunachella Moodelliar of the Tillai of Chidambaram

(Here enter No. 971 of 1839)

15th July 1839.

The Petitioner prays to be furnished with an attested copy of the order passed by the Court of Tanjore Udalut under date the 8th April 1839 on his Petition No. 12 of 1839.

The Court of Tanjore Udalut direct that the prayer of this Petition be complied with on the Petitioner's producing the requisite Stamped paper.

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

Read letter dated the 4th June 1839 from the Criminal Judge of Nellore, forwarding the Criminal Reports of that Zillah Court for the month of May last.

(Here enter No. 961)

Report No. V.
Case No. 41.

It is reported that although the Prisoners in this case were apprehended on the 17th and 18th May respectively, they did not arrive before the Head Police of Nellore before the 25th of that month.

The Court of Tanjore Udalut accordingly direct that a copy of this Case and of this Parah be sent by the Criminal

15th July 1839.

Criminal Judge to the Magistrate of Nellore, who will be pleased to ascertain and report direct to the Fouzdaree Udalut, what became of the Prisoners from the date of their apprehension to the 25th of May.

Ordered, that Extract from these proceedings be sent to the Criminal Judge for his information and guidance.

Sent in N.o 810.

Read the Criminal Reports for the month of May 1839 submitted by the Criminal Judge of Rajahmundry.

Here Enter N.o 1050

Supplemental Report for the month of April N.o 48.

The Court of Fouzdaree Udalut find that the charge in this Case has been incorrectly framed. The Criminal Judge has omitted to charge the prisoner in receiving the goods, with the guilty knowledge that they were stolen.

Report N.o V. Cases N.os 54. 55. 56. 57. and 58.

2.

The Court of Fouzdaree Udalut observe that although in the Annual Returns noted in the margin, the prisoners were detained in the Talooks beyond the prescribed period, no explanation has been afforded to account for the delay in each case. The Court therefore direct that a copy of these cases and

15th July 1839.

this parah be sent by the Criminal Judge to the Magistrate of Rajahmundry, who will be pleased to advise the several Police Officers concerned, that it is expected that in all occasions in which circumstances may have occurred to prevent the seasonable transmission of a case to the Criminal Court, a note explanatory of the cause of the delay be appended to the paper sent with the prisoner to the Criminal Court.

Case N.o 60.

3.

In this case, which was detained in consequence of a reference to the Magistrate, the Police Officer has assigned no reason for the reference. The Court therefore direct that a copy of this Case also and of this parah be sent to the Magistrate, who will be pleased to require the attention of the Police Officer of Cocanada to the Circular Order of the Fouzdaree Udalut N.o 62 dated 26th February 1836.

4.

It is remarked that the above Criminal Reports were not dispatched from the Criminal Court at Rajahmundry before the 22d June. The Court of Fouzdaree Udalut accordingly direct that the attention of the Criminal Judge be called to the 6th parah of their Circular Order N.o 40, wherein the Annual Criminal Courts are instructed to transmit their Criminal

Reports

15th July 1839.

Reports to arrive at Madras by the 15th day of the month succeeding that for which the said Reports are furnished.

Ordered, that Extract from these Proceedings be sent to the Criminal Judge of Rajahmundry for his information and guidance by Precept returnable in 5 days from and after its receipt.

/Sent following Precept No. 811/

Read Return dated the 28th ultima from the Provincial Court of Circuit in the Ceded Division, to the Precept of the Court of Foujdaree Udalut under date the 10th June 1839, directing them to send up English Translations of the whole of the Police Officer's Proceedings in Case No. 29 of the Chittoor Calendar of the First Quarter Sessions of 1839 referred for their final Judgment by the First Judge of the Provincial Court.

/Here enter F.P. No. 1053 of 1839/

1. The Court of Foujdaree Udalut observe that the third Witness Sreenevasulum, before the Police Officer states that in the night, "a tall man" called deceased. And being a second time

Examined

F.P.
15th July 1839.

examined, he said that the Prisoner called him—

2. Before the Criminal Judge he stated that deceased woke him and said that Prisoner had called him, that the Prisoner went away with the deceased, and in the direction of the Spot where the body was found. Before the Court of Circuit he deposed to the same effect adding, however, that he recognized the Prisoner "by his voice" whereas before the Criminal Judge he said, that he did not speak.

3. Before both Courts he stated that he told his brother Comarun or Comarasawmy that the Prisoner had called and gone away with the deceased.

4. It thus appears that regarding the very important fact of the deceased's having been last seen alive going with the Prisoner, the third witness has varied materially. His brother Comarapadiamy ought to have been a witness, and before proceeding to the final Judgment in this Case, the Court of Foujdaree Udalut resolve to direct the Provincial Court of Circuit to issue a Precept to

the

the Criminal Judge of Chittur, requiring him to summon before him and examine on oath in the presence of the prisoner, the said Coomaraswamy, as to whether or not the third witness told him at the time that the prisoner had called and gone away with the deceased.

5. The Criminal Judge will permit the prisoner to cross examine the witness and to offer anything further in his defence, should he wish it, at the close of the examination.

6. The Criminal Judge will likewise submit through the Provincial Court of Circuit an English translation of the additional evidence taken under these instructions, for the consideration and final Judgment of the Court of Zoujdaree Udalut.

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

/ Sent following Precept No. 812 /

Read letter dated the 5th instant from the Acting Third Judge of the Provincial Court of Circuit in the Southern Division forwarding a Copies

Copies of the third and fourth Supplemental Calendars of the Second Quarterly Sessions of 1839 holden at Trichinopoly.

/ Vide entry F.H. No. 1108 of 1839 /

Fourth Suppll Calr 1. Case No. 3.

In this case, the prisoner "Rasooloo" was charged with having "thrown a Cocoanut at Mollocumpoo aged forty years the uncle of the Prosecutor whom he was in a Cocoanut Tree Tope in the Paroongody Village of the Canard Talook, in consequence of his having taken up one of the Cocoanuts which the prisoner had plucked from the trees in the said Tope of which he was the Renter; Struck him therewith and thereby immediately caused his death."

2. The prisoner was sentenced to Six months' imprisonment with hard labour in Irons; the Acting Third Judge observing that "there was no previous enmity whatever between the Prisoner and the deceased and there was not the smallest reason to believe that the Prisoner had any intention to injure the deceased severely, much less

to

the Criminal Judge of Chittoor, requiring him to summon before him and examine on oath in the presence of the prisoner, the said Comaraswamy, as to whether or not the third witness told him at the time that the prisoner had called and gone away with the deceased.

5 The Criminal Judge will permit the prisoner to cross examine the witness and to offer anything further in his defence, should he wish it, at the close of the examination.

6. The Criminal Judge will transmit to Madras through the Provincial Court of Circuit an English translation of the additional evidence taken under these instructions, for the consideration and Judgment of the Court of Sudder Adalut.

Ordered, that Extract from the proceedings be sent to the Provincial Court of Circuit in the Centre Division by Express returnable within twelve days from and after its receipt.

(Sent following Express No. 812)

Read letter dated the 8th instant from the Acting Third Judge of the Provincial Court of Circuit in the Southern Division forwarding copies

copies of the third and fourth Supplemental Calendars of the second Quarterly Sessions of 1839 holden at Trichinopoly.

(Here enter Ft. No. 1108 of 1839)

Fourth Suppll. Calr. 1. Case No. 3.

In this case, the prisoner "Ravoolen" was charged with having "thrown a Cocoanut at Mottoocumpen aged forty years the uncle of the Prosecutor whom he was in a Cocoanut Tree Tope in the Arroongody Village of the Conand Talook, in consequence of his having taken up one of the Cocoanuts which the Prisoner had pickled from the trees in the said Tope of which he was the Renter; struck him therewith and thereby immediately caused his death."

The Prisoner was sentenced to

2. six months' imprisonment with hard labour in Irons by the Acting Third Judge observing that "there was no previous enmity whatever between the Prisoner and the deceased and there was not the smallest reason to believe that the Prisoner had any intention to injure the deceased severely, much less

to

to cause his death which might almost be said to have been accidental."

3. Under all the circumstances of this case, the Court of Tanjore Adalut proceed to order the immediate and unconditional release of the Prisoner: and the acting Third Judge will be pleased to issue the requisite instructions on the subject to the Joint Criminal Judge of Trichinopoly.

Ordered, that Extract from these proceedings be sent to the acting Third Judge of the Provincial Court of Circuit in the Southern Division, by Precept returnable within five days from and after its receipt.

(Sent following Precept No. 813)

Read letter dated the 13th Inst. from the 3d Judge late on Circuit in the Western Division annexing copy of the Return from the Acting Magistrate Canara to the Circuit Court's Precept of the 13th Ultimo directing some of the other parties said to have been implicated in the Murder of Kempee, being Case No. 3 on the Sircar Diwany Calendar 1st Sessions of 1839.

(Here enter No. 1001.)

Read

F. 16.

15th July 1839.

Read the Criminal Reports of the Zillah Court of Salem for the Month of May 1839.

(Here enter F. 11 No. 975 of 1839.)

Suppl. Report Case No. 92. 1. The prisoners in this Case were charged "with having murdered their Step-mother by pounding "her head with a Stone."

2. It is stated in the Report that "the Assistant Criminal Judge altogether discredits the charge and dismisses the prisoners enjoining them to do their utmost towards bringing to Justice the real murderers of their relative."

3. The Court of Tanjore Adalut deem it proper with reference to the peculiar circumstances of this case, to direct the Provincial Court of Circuit in the Southern Division to call for the Proceedings and pass such orders thereon, as they may consider necessary with reference to the Provisions of Section XXIII. Regulation X. of 1816. reporting the result to this Court.

Report No. 7. Case No. 76. 1. The Prisoners in this Case were convicted of Cattle Stealing and sentenced by the Moosty Sudr Ameen to Eight months imprisonment with

with labour in irons, and to receive each fifty lashes.

5. It is stated that the Assistant Criminal Judge deeming the foregoing award inadequate to the prisoner's offence, extends the term of imprisonment to fifteen months.

6. The Court of Foujdaree Adalut are of opinion that an Assistant Criminal Judge in charge of a Zillah Court is competent to exercise the control vested in Criminal Judges by Section II Regulation III of 1838.

7. If therefore, as there seems reason to believe, the order above quoted was passed in preference to, or in the absence of the Criminal Judge, it must be immediately cancelled.

Case No. 81. 8. The prisoner in this case was charged "with having during the day of the 30th April 1839 attempted to steal a Sonar Duble containing different Coins, to the value of Rupees 12 annas 10. Six brass "Hooe Hawks which the 1st witness (the Sonar Sheriff of Dharampoory) and others had placed on the top "of a wall".

9. The prisoner was sentenced by the

Assistant Criminal Judge to one year's imprisonment with labour in Irons under Section VII Regulation X of 1816.

10. The Court of Foujdaree Adalut observe that the Section cited does not authorize an absolute Sentence of one year's imprisonment: and the Assistant Criminal Judge must accordingly be required to revise his Sentence, with reference to the Provisions of that Enactment.

Ordered, that Extract from these Proceedings (Paragraphs 1 & 3) be sent to the Provincial Court of Circuit in the Southern Division by Precept returnable within twenty five days from date after its receipt.

Sent following Precept No. 814.

Ordered also, that Extract from these Proceedings be sent to the Acting Criminal Judge of Salem by Precept returnable within seven days from and after its receipt.

Sent following Precept No. 815.

L.P.D.

W.D.

F. 16.

At a Court of the Foujdaree Adalut

Present,

Thomas Alexr. Oakes Esqre. — 1st Puisne Judge

Tuesday 16th July 1839. — William Huddleston Esqre. — 2nd Puisne Judge

Henry Dickinson Esqre. — 3rd Puisne Judge

Read letter dated the 6th Instant from the Second Judge on Circuit in the Northern Division, transmitting the Record in Case No 9 of the Rajshye Mundree Primary Calendar for the 1st Sessions of 1839.-

(Hereunto No 955)

L.H.C.

Mr. Oakes and Mr. Dickinson.

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

Bundla Verdadoo

is sufficient to convict him of the crime charged, do under the authority with which they are vested by Clause first Section II Regulation I of 1813, convict him thereof,

and

and Sentence him to be transported to such place or places beyond Sea, as the Governor in Council shall appoint, there to be imprisoned and kept to hard labour in irons on the public roads or other public works, for and during the period of his natural life.-

(Sent following letter No 817)

Read return dated the 28th Ultimo from the Provincial Court of Cis in the Southern Division, to the precept of the Fouzdaree Udalut dated the 8th June 1839, explaining by a Circular No 107 that the Circular Order No 21 dated 20th April 1835 is not superseded by the Circular Order No 84.-

(Here enter No 1057.)

Read return dated the 28th Ultimo from the 3d Judge late on Cuttack in the Western Division, to the precept of the Fouzdaree Udalut of the 21st May 1839, directing him to review the proceedings held in Case No 15 on the Hooghly Criminal Report for the month of April last and pass such orders thereon as may appear

appear requisite, reporting the same for the information of the higher Court.-

(Here enter No 1059.)

Read letter dated the 28th Ultimo from the Acting Magistrate of Canara, forwarding a copy of a letter from the Acting Joint Magistrate, explaining the circumstances which caused the delay in committing the prisoner Ajee in Case No 20 of the Canara Criminal Reports No V. for the months of May 1839 for trial, as called for in the Proceedings of the Fouzdaree Udalut under date the 17th Ultimo.-

(Here enter No 1070.)

Read second Supplemental return dated the 29th Ultimo from the Acting Criminal Judge of Cuddapah, to the precept of the Fouzdaree Udalut dated the 5th June 1839, containing their observations and orders on the Criminal Reports for the month of April 1839.-

(Here enter No 1073.)

Rea

16th July 1839.

Read letter dated the 4th Instant from the 3d Judge on Circuit in the Northern Division, reporting his having opened the 3d Sessions of 1839 at Vellore on the 1st Instant & transmitting the State of the Calendar.

(Here enter No 1075.)

Read letter dated the 8th Instant from the 3d Judge on Circuit in the Northern Division, reporting that no Proclamation had been transmitted to the Joint Criminal Court for opening the 2d Sessions of 1839 at the Station.—

(Here enter No 1119)

Read order of Government dated the 8th Instant observing that the Report of the 2d Judge late on Circuit in the Western Division for the 2d Sessions of 1838 does not specify & call for any particular observations of Government.—

(Here enter at No 1123.)

S.P.C.

Wednesday 17th July 1839.

F.C.

At a Court of the Foujdaree Adalut

Present

Thomas, Alexr Oakes Esqre — 1st Puisne Judge

William Hudleston Esqre — 2d Puisne Judge

Henry Dickinson Esqre — 3d Puisne Judge

Read letter dated the 5th Instant from the Acting Joint Criminal Judge of Cochin forwarding the Criminal Calendar & Reports of the Auxiliary Court for the month of June.—

(Here enter F.C. No 1118 of 1839.)

S.P.C.

Case No 20.

1. In this Case, the first and second prisoners were charged "with having on the night of the 1st June 1839 stolen, whilst conveying by back water, planks and pieces of wood valued at Rupees Six belonging to the Protector Poranoy: and the third and fourth prisoners with having bought part thereof of the value of 3 gs and 10 Rds, knowing that the same had been stolen."

2. The first prisoner was sentenced to

to "Six Months in Jail and 100 Lashes" the "2nd 3rd and 4th to 1 Month &c with hard labour

3. Adverting to the character given of the first prisoner namely that he is an inveterate rogue and thief, has been punished by Mr Greenway and Mr White, was flogged by the former, and bound to Security by the latter" and that "however he has been 30 times punished by the Circuit &c" the Court of Sanjalarea Udalut are of opinion that the Sentence on the said first prisoner was too lenient. The Case falls under the provisions of Clause four Section III Regulation VI of 1822.-

Case No 23

4. In this Case also, the Court of Sanjalarea Udalut are of opinion that the Sentence of Six Months Imprisonment upon the first and third prisoners, is too lenient for the offence of Housebreaking.-

Ordered, that Extract from these proceedings be sent to the Acting Joint Criminal Judge of Cachar for his information and future guidance.-

(Sentence No 820)

Read

Read letter dated the 8th Instant from the 2d Judge of the Provincial Court of Circuit in the Southern Division, submitting copy of the Trichinopoly Calendar for the 3d Quarterly Sessions of 1839.-

(Here enter No 1128)

Read letter dated the 4th Instant from the 2d Judge of the Provincial Court of Circuit in the Western Division, forwarding the Statement of Batta paid to Prosecutors and Witnesses during the 2d Quarterly Sessions of 1839.-

(Here Enter No 1130)

Read letter dated the 11th Instant from the 3d Judge on Circuit in the Central Division, reporting his having opened the 1st Sessions of 1839 at Cuddalore on the 11th Instant, and the State of the Calendar at that Station.-

(Here enter No 1141)

L.A.O.

J.K.D

F.C.

At a Court of the Sanjedaree Udalut

Present

Thomas Alexr Oakes Esqr 1st Puisne Judge present

Thursday Williams Hudleston Esqr 2d Puisne Judge

18th July 1839. Henry Dickinson Esqr 3d Puisne Judge

Read the Criminal Reports

L.P.C. of the Auxiliary Court at Masulipatam

for the month of May.—

(Here enter F.C. No 991 of 1839.)

Case No 54. 1. The prisoner in this case,
being convicted of Housebreaking and
Theft, was sentenced to two months
imprisonment under Clause fourth, Sec-
tion IV. Regulation VI of 1822.—

2. The Court of Sanjedaree on
Udalut consider this sentence to be too
lenient. Moreover the Provision cited is
inapplicable. The case falls under Clause
Sixth, Section II of that Regulation.—

Report 3. The acting joint Criminal
Case No 55. Judge will be pleased to point the
attention of the Magistrate to this case

and the latter officer will submit direct to the Sanjdarree Udalut an explanation of the great delay on the part of the Head of Police of Juggiapett in forwarding the accused to the Criminal Court.-

Ordered, that Extract from these Proceedings be sent to the Acting Joint Criminal Judge of Moodelipatam for his information and guidance.-

(Sentence Nº 828)

Read Return dated the 1st Instant from the Assistant Criminal Judge in charge of the Zillah Court of Salem to the Precept of the Court of Sanjdarree Udalut under date the 25th June 1839 - conveying their observations and orders on the Criminal Reports of that Court for the months of May.-

(Herewith Nº 1092 of 1839)

That Assistant Criminal Judge adverting to the requisition by the Court of Sanjdarree Udalut for information in regard to the circumstances under which the District Moonsiff of Seetanagaram held the preliminary Proceedings in Case Nº 4 of the Report Nº V. for the months of May transmits a translation of the Moonsiff's Obuzze bringing the case in question to the notice of the Court, and observes that he "erroneously supposed that the wording of Section II and Clause II Section II of Regulation VIII of 1829 gave the Moonsiff primary cognizance of all such charges, and consequently the Court did not direct him to inform the Police of the subject."-

2. Upon a further consideration of this subject, the Court of Sanjdarree Udalut are of opinion, that the case in question fell within the scope of the provisions of Section II Regulation VIII of 1829.- The Document referred to in the case was evidently a "Process" and was taken from a person "having lawful custody thereof;" it was moreover "unlawfully injured" and that for a "fraudulent purpose".- Hence, under the provisions of Clause Second of the same Section, the Criminal Court had "primary cognizance of the charge" "without the intervention of the Magistrate".-

Ordered, that Extract from these

and the latter officer will submit direct to the Sudder Udalut an explanation of the great delay on the part of the Head of Police of Juggiapett in forwarding the accused to the Criminal Court.-

Ordered, that Extract from these Proceedings be sent to the Acting Joint Criminal Judge of Moradabad for his information and guidance.-

(Sent in at No. 928)

Read Return dated the 1st Instant from the Assistant Criminal Judge in charge of the Allahabad Court of Circuit to the Precept of the Court of Sudder Udalut under date the 25th June 1839 - conveying their observations and orders on the Criminal Reports of that Court for the month of May.-

(Hereunto is Ut. at No. 1092 of 1839)

1. That Assistant Criminal Judge adverting to the requisition by the Court of Sudder Udalut for information in regard to the circumstances under which the District Moonsiff of Sultanpore held the preliminary proceedings in Case No. 4

of the Report for the month of May, transmits a translation of the Moonsiff's Ebuzza bringing the case in question to the notice of the Court, and observes that he "erroneously supposed that the wording of Section II and Clause II Section II of Regulation VIII of 1829 gave the Moonsiff primary cognizance of all such charges, and consequently the Court did not direct him to inform the Police of the subject.-

2. Upon a further consideration of this subject, the Court of Sudder Udalut are of opinion, that the case in question fell within the scope of the provisions of Section II Regulation VIII of 1829. The Document referred to in the case was evidently a "Process" and was taken from a person "having lawful custody thereof" it was moreover "unlawfully injured" and that for a "fraudulent purpose". Hence, under the provisions of Clause second of the same Section, the Criminal Court had "primary cognizance of the charge" "without the intervention of the Magistrate"

Ordered, that Extract from these

18th July 1839.

these proceedings be sent to the Officer in charge of the Criminal Court at Chicacole for his information.—

(Sent in a/c No. 827)

Ordered also, that Extract from these proceedings be sent to the 2nd Assistant Criminal Judge late in charge of the Lillah Court of Chicacole and now at Vizagapatam for his information.—

(Sent in No. 828)

Read letter dated the 5th Instant from the Third Judge on Circuit in the Centre Division, forwarding a copy of the Chingleput Calendar for the first Sessions of 1839.—

(Here enter F.Rs. No. 1103 of 1839.)

Case No. 1.

1. It appears that "the conduct of the Police Officers in regard to the Prisoner in this case has been brought to the notice of the Magistrate" and the Court of Foujdaree Adaulut resolve to direct the Third Judge to submit for their information, a copy of that Officer's report of the result of his investigation.—

Case No. 2.

2. In this case, the Prisoner

Goorooviah

F.Rs.
18th July 1839.

Goorooviah

was charged with having, on the night of the 28th November 1838 in conjunction with another who has absconded, stopped the Prosecutor and another on the road, beaten them and robbed them of their Cumblies valued at fifteen annas and ten Pice.—

3. The Prisoner is convicted of that "not having any old in conjunction of him" offence and the robbery not attended with any personal injury and as the stolen property is of very trifling value" "the Third Judge thinks that the ends of justice will be fully satisfied by a mitigation of the punishment prescribed for this offence by the Regulations to four years imprisonment with hard labour in Irons and which he has consequently kept to recommend.—

4. The Court of Foujdaree Adaulut are of opinion that in a case of Robbery, the sentence should exceed that prescribed by the Regulations for Theft. If the parties robbed had had more property, it would doubtless have been taken.—

5. The Court, therefore, resolve

to

to authorize the Third Judge to issue his warrant to the Criminal Judge of Chingleput for the imprisonment of the prisoner "Goorooven" with hard labour in Irons for eight (8) Years.—

Ordered, that Extract from the proceedings 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 &c. No. 829)

Read letter dated the 9th Instant from the Criminal Judge of Canara, submitting the Criminal Reports of the Zillah Court for the month of June.—

(Here enter C.C. No. 1129 of 1839.)

Cases No. 78. 1. The prisoners in this case were charged with having in their possession plundered property: but the guilty knowledge is not charged.—

Case No. 83. 2. The prisoner in this case was charged with having jumped over the wall of the Prosecutor's house, entered it and stolen from the house property value

at Rupees 11-2-82.—

3. The prisoner was sentenced to one year's imprisonment with labour and irons on the road "under Clause fourth, Section III. Regulation VII of 1822."—

4. The Court of Sunjdaur &c. Udalut observe that the provisions cited does not apply; and that the case falls within the provisions of Clause sixth, Section II of that Regulation.—

Ordered, that Extract from these proceedings be sent to the Criminal Judge of Canara for his information.—

(Sent No. 830)

Read Return dated the 11th Instant from the Acting Second Judge of the Provincial Court of Circuit in the Centre Division, to the precept of the Court of Sunjdaur Udalut under date the 24th June 1839, directing the Provincial Court to look into the Proceedings in Case No. 85 of the Supplemental Report and Case No. 109 of the Report V. of the Criminal Court of Chittoor for the month of May and pass such orders thereon as they may deem

18th July 1839.-

deem proper, with reference to the provisions of Section XXIII Regulation X of 1816.-

(Here enter F.C. № 1136 of 1839.)

The Court of Sunjdaree Udalut concur with the Acting Second Judge in the view he has taken of these cases and they accordingly resolve to authorize him to instruct the Criminal Judge of Chittagong to take the requisite steps for causing the re-apprehension of the Prisoners, and committing them all to take their trial before the Court of Quarter Sessions.-

Ordered, that an Extract from these proceedings be sent to the Acting Second Judge of the Provincial Court of Circuit in the Centre Division for his information and guidance.-

(Sentence № 831)

Read letter, dated the 22nd Ultimo from the 3rd Judge on Circuit in the Centre Division, reporting his intended opening the 1st Sessions of 1839 at Cuttack on the 11th Proxima.-

(Here enter № 1011.)

F.C.

At a Court of the Sunjdaree Udalut

Present

Friday 19th July 1839.-

Thomas Alexr Oakes Esqre — Acg 1st Puisne Judge

William Hudleston Esqre — 2d Puisne Judge

Henry Dickinson Esqre — Acg 3d Puisne Judge

Read letter dated the 22nd May 1839 from the First Judge of the Provincial Court of Circuit in the Northern Division, transmitting the Record in Case No. 1 of the Calendar for the 2nd Quarterly Sessions of 1839.-

(Here enter № 993.)

The Court of Sunjdaree Udalut having maturely considered the proceedings held before the Court of Quarter Sessions, the Futwa of the Provincial Law Officers and the Futwa of the Cazee and Cazee Mooftees of the Sunjdaree Udalut are of opinion that the prisoner

Doonah Paupeegaudoo

is not convicted on presumptive proof, or on the evidence of credible witnesses on any this

18th July 1839.

deem proper, with reference to the provisions of Section XXIII Regulation X of 1816.

(Here enter F.R. No. 1136 of 1839.)

The Court of Sunjdarce Udalut concur with the Acting Second Judge in the view he has taken of that case and they accordingly resolve to authorize him to instruct the Criminal Judge of Chittoor to take the requisite steps for causing the re-apprehension of the Prisoners, and committing them all to take their trial before the Court of Quarter Sessions.

Ordered, that Extract from these proceedings be sent to the Acting Second Judge of the Provincial Court of Circuit in the Centre Division for his information and guidance.

(Sentence No. 831.)

Read letter, dated the 22nd Ultimo from the 3d Judge on Circuit in the Centre Division, reporting his intention of opening the 1st Sessions of 1839 at Cuddapah on the 11th Proximo.

(Here enter No. 1011.)

Friday 19th July 1839.

F.R.

Present:

Thomas Alexr Oakes Esqre — Actg 1st Puisne Judge

William Rundleston Esqre — 2d Puisne Judge

Henry Dickinson Esqre — Actg 3d Puisne Judge

Read letter dated the 22nd May 1839 from the First Judge of the Provincial Court of Circuit in the Northern Division, transmitting the Record in Case No. 1. on the Masulipatam Calendar for the 2nd Quarterly Sessions of 1839.

(Here enter No. 993.)

The Court of Sunjdarce Udalut having maturely considered the proceedings held before the Court of Quarter Sessions, the Futwa of the Provincial Law Officer and the Futwa of the Cazees and Cazeat and Mooftees of the Sunjdarce Udalut are of opinion that the Prisoner

Doonah Paupeegaudoo

is not convicted on presumptive proof, or on the evidence of credible witnesses on on this

his own confession, of the crime of wilful murder, notwithstanding the futwa of their Law Officers, and do accordingly acquit him thereof; but being of opinion that the proof against him is sufficient to convict him of the crime of manslaughter, they require their Law Officers to declare by a second futwa to what specific punishment the prisoner would have been liable under the Mahomedan Law, had he been convicted of the said crime.

Answer.

In the event of the prisoner being proved by full legal evidence to have been guilty of the crime of manslaughter, his Akilah would be liable to a Deyut of ten thousand Dirhems, to be paid to the heirs of the deceased in the space of three years.-

Mr. Baker
and
Mr. Dickinson

The Court of Sunjdarut Adalut in commutation of the penalty of Deyut declared in the foregoing futwa, sentence the prisoner

Doonah Panpeegaudoo

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 one Year.

(Sent following letter &c.)

The Court of Sunjdarut Adalut observing it stated in the evidence of the first witness for the Prosecution before the Court of Quarter Sessions that the Police "came and carried the corpse to be thrown away," deem it proper to direct that the First Judge be instructed to compare the original Record with the English Translation, and should they agree to call upon the Magistrate to explain the indecorous manner in which the corpse of the deceased would appear to have been treated.-

Ordered, that Extract from these proceedings be sent to the 1st Judge of the Provincial Court of Circuit in the Southern Division, by Precept returnable within seven days from and after its receipt.-

(Sent following precept &c.)

Read again letter dated the 6th Ultimo from the Second Judge on Circuit in the Southern Division, transmitting the record in Case No. 14 on the Sessions Calendar for the 1st Sessions of 1839.-

(Here enter 19/19)

Read

19th July 1839.

Read also return dated the 6th Instant, from the Second Judge late on Circuit in the Southern Division, to the precept of the Fouzdaree Udalut of the 26th June 1839, requiring him to call upon the Assistant Surgeon of the Zilla of Salem and take his examination on oath touching the death of the Prisoner's wife in Case No. 18 of the Salem Calendar for the 1st Session of 1839, and submit the deposition of the Medical Officer for the consideration and final Judgment of the Sudder Fouzdaree Udalut.

(Here enter No. 1100.)

Mr. Oakes. and Mr. Dickinson.

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 Czeemee Court and Moofties of the Fouzdaree Udalut, confirms the said futwa of the Czeemee Court and Moofties of the said convicting the prisoner

Chinnapien

of the crime charged and awarding Deyoke and sentence him to be transported to such

No. 26

19th July 1839.

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

(Sent following letter No.)

Read letter dated the 19th Ultimo from the Second Judge on Circuit in the Northern Division transmitting the proceedings in Case No. 18. of the Rajahmundry Primary Calendar for the 1st Sessions of 1839.

(Here enter No. 1029.)

Mr. Oakes. and Mr. Huddleston.

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

Chintah Seeroopiah

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 under the provisions of Section X Regulation VIII of 1802, sentence the said prisoner to suffer death by

being

19th July 1839.

being hanged at the usual time and place of execution.—

(Sent following letter &c.)

Read letter dated the 11th Instant from the Acting Joint Criminal Judge of Lyantonia, forwarding the Criminal Reports of the Auxiliary Court for the month of June.—

(Here enter F.M. No. 1142 of 1839.)

Suppl. Report Case No. 19.

The Court of Singdaree Udalut observe that in Committed Cases, de gratia detail of evidence as in other Cases is not required.—

Ordered, that Extract from these proceedings be sent to the Acting Joint Criminal Judge of Lyantonia, for his information and future guidance.—

(Sent in No.)

Read Return dated the 13th Instant from the Acting Criminal Judge of Cumbacanum, to the Precept of the Court of Singdaree Udalut under date the 26th June 1839, transmitting their observations and orders on the Criminal Reports of that Court for the month of May.—

(Here enter F.M. No. 1158 of 1839.)

19th July 1839.

1. The Acting Criminal Judge adverting to the remarks of the Court of Singdaree Udalut in para. 5 of their proceedings of the 26th Ultimo in regard to Case No. 79. observes that "the evidence tends to prove that the act committed was one of Robbery, but the Case was committed by the Assistant Criminal Judge upon the charge worded as it was, when sent up by the Joint Magistrate."—

2. The Court of Singdaree Udalut observe that when the evidence accompanying a case shows the charge to be erroneously or defectively drawn up, the Criminal Judge should correct it.—

Ordered, that Extract from these proceedings be sent to the Acting Criminal Judge of Cumbacanum for the information and future guidance of himself and the Assistant Criminal Judge.—

(Sent in No.)

Read Letter dated the 26th Ultimo from the Second Judge on Circuit in the Northern Division, reporting that owing to the deficiency of evidence and irregularity

19th July 1839.-

irregularity of the proceedings in the few Thug Trials which have been laid before him in the Supplemental Calendar for the present Sessions at Vizagapatam, he will be under the necessity of postponing nearly the whole of them.-

(Here enter F.C. No 1063 of 1839.)

Read also Letter dated the 27th Ultimo from the same Officer, forwarding copies of Extracts from his Proceedings and Returns from the General Superintendant of Thuggee and Dacoity Magistrate of Vizagapatam, referred to in his letter of the 26th Ultimo and submitting some further remarks regarding the Supplemental Calendar which has occasioned his detention at Vizagapatam.-

(Here enter F.C. No 1054 of 1839.)

1. In Parah: 7 of his letter of the 26th Ultimo the Second Judge submits his opinion "that the evidence of Bangly and Ramadoo, and any other persons not yet examined who could prove that the prisoners were living on terms of intimacy with the Thug approvers, who have studiously avoided all intercourse with strangers

3.

F.C.

19th July 1839.-

strangers, would have been of essential importance to the prosecution" in the case referred to; but "that he has not yet determined upon postponing the trial on that account and "is desirous of being favored with the opinion of the higher Court upon this point."-

2. The Court of Sudder Adalut observe that it is impossible for them to give directions, or indeed to form an opinion at all on the point under consideration without a previous perusal of the Records of the Case: and in such cases the Circuit Judge must exercise his own discretion.-

3. With reference to the remark in Parah: 9 that "in Case No 5.... the Punchayetnamah or award drawn up at the Spot,... pointed out by the Second Witness a Thug approver, as that in which the bodies of the travellers who were murdered there by the Gang of Thugs, had been slightly interred, showing that these bodies had been discovered by the Collector living witnesses almost immediately after the perpetration of the murder, has not been proved"

proved" the Court of Foujdaree Udalut observe that the Circular Order No. 102 dated the 14th February 1802 regarding the mode of proving the discovery of bodies buried by Thugs to which the second judge evidently alludes, was recalled and cancelled by the Circular Order No. 105 dated the 25th May 1839: of which a copy ought to have been furnished to the Second Judge by the Provincial Court of Circuit in the Northern Division, who will now be instructed to do so without delay.

4. With reference to paragraph 12 of the Second Judge's letter the Court of Foujdaree Udalut desire that it may be explained by Captain Wallancey upon what grounds the approvers referred to were charged with the capital crime instead of the minor offence.

5. With reference to the concluding Statement of the defence of the second prisoner Shaikh Ebraum in Case No. 4 on the Supplemental Calendar, the Court of Foujdaree Udalut observe that the evidence of the witnesses cited by that prisoner to prove that "they

"they knew him very well and that he was accustomed to purchase cloths from them and sell them again" cannot be held to be of much weight, since it is notorious that when not on their expeditions, the Thugs are in the habit of employing themselves in ordinary occupations and conducting themselves as reputable and inoffensive members of Society.

6. With reference to paragraph 2. of the Second Judge's Letter of the 27th Ultimo, the Court of Foujdaree Udalut observe that that Officer has rightly concluded that in authorizing him to receive the Supplemental Calendar, it was their intention that he should only receive and try the Thug Cases which were ready for Trial when it was laid before him and not that he should remain at Vizagapatam for an indefinite period while new Trials were being prepared to be added to the Calendar.

7. With reference to paragraph 1. of the Extract from the Proceedings of the Court of Circuit under date the 18th June 1839 it does not appear to the Court of Foujdaree

19th July 1839.

Sanjdarie Udalut that the two depositions therein referred to as having been given by Shaikh Beefsain alias Badakha Beefsain the 11th Witness for the Prosecution in Case № 2. of the Supplemental Calendar and an approver, were "in direct and positive contradiction the one to the other, as to the matter of Fact" deposed to.—

8. Adverting to the last paragraph of the "Return of Captain Vallancey and" date the 21st Ultimo, the Court of Sanjdarie Udalut observe that the approvers should not be examined on oath unless legally examined as witnesses.—

9. The Court agree with Captain Vallancey in thinking that "the oath for which" Bathak Beefsain the Thug Approver "has already been committed, will endorse the spirit of the order" of the Court of Circuit which directs the prisoner to be committed for the oath in which he gave the false evidence before the Court.

10. The Court further observe with reference to paras 2. and 3. of Captain Vallancey's letter of the 10th October 1838 to the

4. J.M.C.

19th July 1839.

the Joint Criminal Judge of Bungapatam and to paragraph 4. of the latter Officer's reply thereto under date the 19th of the same month, that the approvers therein referred to ought not to be put on their trials for murder if they have been admitted as approvers and have not refused to give evidence or withheld material evidence.—

11. The cases referred to in these papers appear to have been sadly mismanaged and there is too much reason to believe that there will yet be serious delays. But on the perusal of the Calendars and of such cases as may be referred for their final judgment, the Court of Sanjdarie Udalut will take the whole subject into their deliberate consideration and issue such instructions for the guidance of the local Officers as may there be found requisite.—

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

(Sentence &c.)

Ordered also, that Extract from

19th July 1839.

D.A.G

from these Proceedings (paras. 3.) be sent to the Provincial Court of Circuit in the Northern Division for their information and guidance —

Copd

(Sent in Ct.) Jr.

J.R.D

At a Court of the Fouzdaree Udalut.

Present,

Thomas Alexr. Oakes Esqre. — Actg. 1st. Puisne Judge

Monday 22nd. July 1839. — William Rudleston Esqre. — 2nd. Puisne Judge

Henry Dickinson Esqre. — Actg. 3rd. Puisne Judge

S. U.

Read a Miscellaneous Petition presented on the 6th. Instant by Mucktoom Saheb of North Arcot:—

(Hereunto a N. P. No. 72 of 1839.)

Mr. Rudleston. and Mr. Dickinson.

1. The prayer of this Petition is that an order may be issued for the release of Hyder Saheb. Prisoner in Cade No. 105 of the Criminal File of the Zillah Court of Chittoor, who was sentenced for a misdemeanor to imprisonment for three months.

2. The Petitioner alleges that the charge was false, and states that he Petitioned the Court of Circuit on the subject, and that the Acting Second Judge of that Court by an order dated the 8th. June 1839. of which he produces a copy, declined to interfere.—

The

22nd July 1839.-

3. The Court of Tanjore Udalut observe that under the Provisions of Section XXIV. Regulation X of 1816, Petitions against Decisions of the Criminal Judge should be presented to the Collective Court of Circuit: to whom accordingly the Petitioner is referred.-

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

Read Miscellaneous Petition presented on the 6th Instant by Shaikh Ibraheem of Chittoor and a Pardiamed Subahdar Major.-

(Here enter M. P. No. 3 of 1839.)

1. The Petitioner prepresents himself to be the Prosecutor in Case No. 5 of the Chittoor Calendar of the Second Quarter Sessions of 1839.- wherein certain parties were tried for Forgery: and the Prayer of this Petition is that the Sentence passed by the Court of Quarter Sessions on one of the Prisoners convicted, may be enhanced and that certain others acquitted and released may be punished.-

The

22nd July 1839.-

2. The Prayer of this Petition is altogether irregular and must be rejected.-

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

Read again letter dated the 19th April 1839 from the Third Judge on Circuit in the Western Division, forwarding the trial in Case No. 12 on the Mangalore Primary Calendar for the 1st Sessions of 1839.-

(Here enter No. 646.)

Read also return dated the 28th June 1839 from the Third Judge late on Circuit in the Western Division to the precept of the Tanjore Udalut of the 10th June 1839 directing him to cause to be read and proved in the usual manner before the Criminal Court the declaration delivered before the Head of Police and the Criminal Judge by the 1st and 2nd Prisoners in Case No. 12 of the Canara Calendar for the 1st Sessions of 1839 which were not put in and proved on the Trial before the Court of Circuit and to forward English translations

of

22nd July 1839.

of the same for the consideration and final judgment of the Court of Singhalese Adalut.

(Here enter No. 1086.)

The Court of Singhalese Adalut having maturely considered the proceedings held before the Judge on Circuit, the future of the Provincial Law Officer, and the future of the Crown Counsel Corah and Moorteer of the Singhalese Adalut, confirm such part of the said future of the Crown Counsel Corah and Moorteer aforesaid, as convicts the prisoners

3rd Dhen Modhar

of the crime charged and awards Dishonour, and under the provisions of Clause third Section VII Regulation XV of 1803, sentence the said prisoner to be imprisoned and kept to hard labour in irons on the public roads or other public works, for, and during the period of eight years.-

But being of opinion that the proof against the prisoners

1st Succoor Shetty

and

2nd Mulecoodien Colee

is insufficient to convict them of the crime of

Murder

Mr. Oakes.
Mr. Maclaster
and
Mr. Dickinson.

F. U.

22nd July 1839.

Murder, the Court do, under the authority with which they are vested by Clause first Section II Regulation I of 1818, convict them thereof, and under the provisions of Clause third Section II Regulation I of 1825, sentence the said prisoners to receive one hundred and ninety five lashes of a cat of nine tails, and to be transported to such place or places beyond sea as the Governor in Council shall appoint, there to be imprisoned and kept to hard labour in irons on the public roads, or other works for and during the term of their natural lives respectively.-

(Sent following letter No. 858)

Read letter dated the 13th July 1839 from the Criminal Judge of Chingleput, submitting the Criminal Reports for the month of June 1839.-

(Here enter No. 1149.)

Report No. V
Case No. 28.

1.

Four prisoners in this case were charged with having at night, burglariously entered the house of the Prosecutor and stolen therefrom property valued at Annas 12.

The three first prisoners were convicted

2.

convicted and sentenced to six months imprisonment under the provisions of Clause Sixth Section II Regulation VI of 1822 and the 5th prisoner was required to find two Sureties in the sum of 10 Rupees each for his future good conduct for two months, under the provisions of Clauses first and second Section VIII Regulation VI of 1827.-

3.

The Court of Tonjolanee Udalut observe that Clause first Section IV Regulation II of 1822 is the authority under which Criminal Judges are competent to demand security from persons laying under strong suspicion of any act of criminality.-

4.

To further the reasons assigned for the delay in the transmission to the Criminal Court of this as well as of case No. 36 being considered by the Court of Tonjolanee Udalut altogether unsatisfactory, they direct that copies of these cases and of this parah be sent by the Criminal Judge to the Magistrate, who will be requested to ascertain and report direct to the Court of Tonjolanee Udalut any further explanations the Heads of the Police of Peria

Peria Pillaum and of Sydapett may have to offer on this subject.-

Ordered, that Extract from these proceedings be sent to the Criminal Judge of Chingleput by Precept returnable in 5 days from and after its receipt.-

(Sent following precept 4th 1839)

Read Supplemental return dated the 3d Instant from the Provincial Court of Circuit in the Centre Division, to the precept of the Tonjolanee Udalut dated the 11th June 1839, conveying their observations on the proceedings of that Court dated the 23d May 1839 in Cases Nos. 25-29 and 46 of the Supplemental Criminal Reports of Cuddalore for the month of March 1839.-

(Here enter No. 1083.)

Read letter dated the 5th Instant from the Third Judge late on Circuit in the Western Division, forwarding the Half yearly Statement required by the Circular Order No. 4. dated the 5th July 1834.-

(Here enter No. 1132.)

Read

Read letter dated the 15th Instant from the Third Judge on Circuit in the Northern Division, reporting that the 2nd Sessions of 1839 at Jaffna must close on the 13th July 1839.

(Here enter No. 1167.)

Read return dated the 10th Instant from the Criminal Judge of Jaffna to the precept of the Tenjalane Udalut of the 5th Instant, directing the immediate release of the prisoner in Case No. 61 on the Criminal Reports for the Months of May 1839.

(Here enter No. 1153.)

Read return dated the 11th Instant from the Acting Joint Criminal Judge at Vingapatam, to the precept of the Tenjalane Udalut of the 2nd Instant containing their determinations on the Criminal Reports for the month of May 1839.

L.R.C.

(Here enter No. 1174.)

S.L.C.

J.W.D.

J.U.

At a Court of the Tenjalanee Udalut

Present

Tuesday 23rd July 1839.

Thomas Alexr. Oakes Esqr. 1st Puisne Judge

William Rudleston Esqr. 2d Puisne Judge

Henry Dickinson Esqr. 3d Puisne Judge

L.A.C.

Read Return dated the 5th Instant from the Provincial Court of Circuit in the Centre Division, to the precept of the Court of Tenjalane Udalut under date the 30th June 1839 directing them to look into the Proceedings in Case No. 1. of the Caddapah Criminal Report No. V. for January 1839 and pass such orders thereon as they may deem proper with reference to the provisions of Section XXIII Regulation X of 1816 reporting the result to the Tenjalane Udalut.

(Here enter J.U. No. 1093 of 1839.)

In parah. 14 of this Proceedings under date the 5th Instant, the Acting Second Judge of the Provincial Court records his opinion that the examination of the case was

"has been imperfectly made: and that the case should be revived by the Acting Criminal Judge and such proceeding held by him in communication with the Magistrate, as in his Judgment may appear proper."

2. The Court of Foujdaree Adalut concur in the view taken of this case by the Acting Second Judge- who will accordingly be pleased to issue instructions to the effect above indicated to the Criminal Judge of Cuddapah.-

Ordered, that Extract from proceedings be sent to the Acting Second Judge of the Provincial Court of Circuit in the Centre Division, for his information and guidance.-

(Sent in No. 863.)

Read return dated the 11th Instant from the Head Assistant Magistrate in charge of the Lillah Court of Chicacole, to the precept of the Foujdaree Adalut of the 5th Instant, relative to the Criminal Reports for the month of April 1839.-

(Here enter No. 1175.)

Read return dated the 15th Instant from

from the Criminal Judge of Bellary to the precept of the Foujdaree Adalut of the 1st Instant, conveying their observations and orders on the Criminal Reports for the month of May 1839.-

(Here enter No. 1181.)

Read return dated the 16th Instant from the Acting Magistrate of Coimbatore, to the precept of the Foujdaree Adalut dated the 14th June 1839, directing him to call upon the Police Officer of Collegal to explain on what grounds he cancelled No. 82. of the Report of the Coimbatore Criminal Report for the month of May 1839, and to submit a translation of his explanation to this Court.-

(Here enter No. 1190.)

Read letter dated the 8th Instant from the Principal Sudr Ameen at Honore, transmitting the Criminal Reports for the month of June 1839.-

(Here enter No. 1201.)

Read letter dated the 16th Instant from

"has been imperfectly made: and that the case should be revised by the Acting Criminal Judge and such proceeding held by him in communication with the Magistrate, as in his Judgment may appear proper"

2. The Court of Foujdaree Adalut concur in the view taken of this case by the Acting Second Judge- who will accordingly be pleased to issue instructions to the effect above indicated to the Criminal Judge of Cuddapah.-

Ordered, that Extract from these proceedings be sent to the Acting Second Judge of the Provincial Court of Circuit in the Centre Division, for his information and guidance.-

(Sent in No. 863.)

Read return dated the 11th Instant from the Head Assistant Magistrate in charge of the Lillah Court of Chicacole, to the precept of the Foujdaree Adalut of the 5th Instant, relative to the Criminal Reports for the month of April 1839.-

(Here enter No. 1175.)

Read return dated the 15th Instant from

from the Criminal Judge of Bellary to the precept of the Foujdaree Adalut of the 1st Instant, conveying their observations and orders on the Criminal Reports for the month of May 1839.-

(Here enter No. 1181.)

Read return dated the 16th Instant from the Acting Magistrate of Coimbatore, to the precept of the Foujdaree Adalut dated the 14th June 1839, directing him to call upon the Police Officers of Collegal to explain on what grounds he sent up the Criminal Case No. 82. of the Report of the Coimbatore Criminal Report for the month of May 1839, and to submit a translation of this explanation to this Court.-

(Here enter No. 1190.)

Read letter dated the 8th Instant from the Principal Sudr Ameen at Honore, transmitting the Criminal Reports for the month of June 1839.-

(Here enter No. 1201.)

Read letter dated the 16th Instant from

23rd July 1839.

from the Acting Criminal Judge of Malabar replying to the Extract from the Proceedings of the Tanjore Udalut of the 11th Instant calling his attention to their Circular Order of the 18th April 1835 & No. 40.

(Here enter No. 1202.)

Read return dated the 17th Instant from the Provincial Court of Circuit in the Northern Division, to the precept of the Tanjore Udalut of the 24th Ultimo directing them to call for the proceedings in Cases Nos. 14 and 15 of the Quarterly Criminal Report for the month of May 1839, and pass such order thereon, with reference to the provisions of Section XXIII. Regulation X of 1816.

(Here enter No. 1204.)

Read return, dated the 19th Instant from the Acting Criminal Judge in the Zillah of Salem, to the precept of the Tanjore Udalut of the 15th Instant conveying their observations on the Criminal Return Reports for the Month of May 1839.

(Here enter No. 1205.)

L.P.O.

Ent'd.

S. 116

At a Court of the Tanjore Udalut

Present,

Thomas Alexr Oakes Esqr in the 1st Puisne Judge

Wednesday, William Huddleston Esqr 2d Puisne Judge

24th July 1839. Henry Dickinson Esqr 3d Puisne Judge

Read letter dated the 6th of

L.P.O. May 1839 from the 3d Judge on Circuit in the Centre Division, transmitting the English translation of the Record in Case No. 23 on the Criminal Calendar for the 1st Sessions of 1839.

(Here enter No. 1232.)

Mr Oakes and Mr Dickinson

1. The Court of Tanjore Udalut in their proceedings of the 30th March last on reviewing the Criminal Calendar observed with reference to the foregoing case that they entertained no doubt that the deceased was murdered, that they were at a loss to understand how the Judge could arrive at the conclusion that the deceased had met with his death accidentally, and that the case ought to be referred to the Tanjore Udalut

Udaluk and a perusal of the record has shown that the view then entertained of the violent death of the deceased was correct.—

2. There is nothing on the trial which affords the slightest probability that the conclusion arrived at by the 3d Judge is correct while the evidence on the record of the trial leaves the strongest impression that the deceased was murdered.—

3. The Court are satisfied that the prisoners were actively concerned in the murder of A. Dapanah, and that the confessions made by them before the Rajah of Punganoor of having been concerned in the murder of the deceased, were in all respects true.—

4. The Court moreover see no reason to doubt that the 4th Prisoner concealed the clothes worn by the deceased at the time of the murder, and that in the presence of the witnesses he removed the stones which he had placed over to conceal the clothes and gave them up to the Police authorities.

5. The witnesses for the Prosecution have however either from design, or from accident, in consequence of the imperfection

of their memories, so grossly contradicted themselves and each other in the several statements they have given before the different tribunals before which they have been examined, that strongly as the Court are impressed with the guilt of the prisoners, they are constrained to consider the evidence insufficient to warrant their conviction.—

6 The Court observe that the failure in establishing the charges against the prisoners has arisen principally if not entirely from the grossly negligent manner in which the preliminary investigation was conducted by the Punganoor Rajah, who instead of taking a separate deposition from each of the witnesses whereby the facts of the case would have been recorded and the witnesses afraid of swerving materially from them, contented himself with taking their signatures to two memorandums which they all declare were not read to them, and of the contents of which they were consequently ignorant.—

7. It being therefore desirable to obviate as far as practicable the ill effects which

which might arise from the continuance of a practice calculated to obstruct the due administration of Criminal Justice, the Court of Foujdaree Udalut resolve to direct that the Magistrate of Cuddapah be instructed to point out to the Rajah of Punganoor that in all cases in which it may be necessary for him to exercise the powers of Heads of Police vested in him, he should strictly conform to the provisions of the Regulations.

8. Although the Court of Foujdaree Udalut do not consider that the 3d Judge could with such defective evidence as that on record on this trial, have done otherwise than concur in the acquittal of the prisoners, yet they are of opinion that the prisoners should not have been unconditionally released but should have been required to furnish securities for their future good conduct.

9. In conclusion the Court of Foujdaree Udalut observe that both the Law Officers of the Court of Circuit in their pleas and the 3d Judge on Circuit in his remarks agree in stating that the Prosecutor declared that his brother had

F. 86.

been subject to fits of insanity - while in the examination of the Prosecutor before the Criminal Court as recorded in the translation of the trial submitted to the Court the word insanity or madness does not occur, but the Prosecutor in his answer to the 5th question particularly mentions that his brother had not been subject to fits of epilepsy -

10. In his examination before the Court of Circuit the Prosecutor states that his brother had not been subject to fits of insanity -

Ordered, that Extract from these proceedings be sent to the 3d Judge late on Circuit in the Centre Division for his information and guidance by precept returnable in 10 days from date after its receipt -

(Sent following precept the 8th)

Read further return dated the 27th Ultimo from the Criminal Judge of Bellary to the precept of the Foujdaree Udalut dated the 15th May 1839, conveying their observations and orders on the

Criminal

24th July 1839.-

Criminal Reports for the months of March 1839.-

(Here enter No. 1051.)

Read letter dated the 9th Instant from the Acting Magistrate of Bellary, forwarding the explanation called for in the proceedings of the Tinjanore Adalut under date the 15th May and 3d June 1839 relative to certain Cases on the Bellary Criminal Report for the months of April and May 1839.-

(Here enter No. 1155.)

Read letter dated the 15th Instant from the 3d Judge on Circuit in the Northern Division, submitting Printed Statement of Batta required by the Circular Order No. 35 of the Sillabd of Letters for the 2d Sessions of 1839.-

(Here enter No. 1168)

Read letter dated the 18th Instant from the 1st Judge on Circuit in the Western Division, reporting his having opened the Sessions at Calicut, on that Side, and the state of the Calendar.-

(Here enter No. 1208.)

L.P.C.

Read

Ft. Co.

At a Court of the Tinjanore Adalut.

Present,

Thomas Alexr Oakes Esqre — As 1st Puisne Judge

Thursday William Rudleston Esqre — 2d Puisne Judge

25th July 1839.- Henry Dickinson Esqre — As 3d Puisne Judge

Read Supplemental Return dated the 4th Instant from the Acting Second Judge of the Provincial Court of Circuit in the Centre Division, to the Precept of the Court of Tinjanore Adalut under date the 3d June 1839, transmitting the Provincial Court to look into certain cases on the Cuddapah and Cumbum Criminal Reports for the month of April 1839.

(Here enter Ft. Co. No. 1094 of 1839.)

With his Supplemental Return now recorded the Acting Second Judge submits the result of his review of Cases Nos. 16, 20 and 22 of the Cumbum Report.-

Case No. 16.

The Court of Tinjanore Adalut concur in the view taken of this case by the Acting Second Judge: and they according authorize

authorize that Officer to instruct the Criminal Judge of Cuddalore to commit the fourth, fifth, sixth and seventh prisoners for Trial before the Court of Circuit.—

3. The case of the eighth prisoner was not referred to in the proceedings of the Foujdaree Adalut of the 5th June last: but with reference to what is stated in this Supplemental Return of the Acting Second Judge, the Court of Foujdaree Adalut are of opinion that if that prisoner joined in the attempt at a rescue, he also should be committed for Trial: and the Acting Second Judge will be pleased to issue the requisite instructions on the subject to the Criminal Judge.—

Case No. 20. 4. The Court of Foujdaree Adalut observe that the proceedings in this case as represented in para: 2nd of the Supplemental Return are irregular and invalid, and the Criminal Judge must be instructed to re-investigate the case and dispose of it in accordance with the Provisions of the General Regulations.—

Case No. 22 5. The Court of Foujdaree Adalut observe

observe that the release of the Prisoner in this case cannot be overruled according to repeated decisions: but if the Native Court at Cumbum had not been abolished, the proceedings of that Principal Sudr Ameen in regard to the case would have warranted his removal.—

Ordered, that Extract from these proceedings be sent to the Acting Second Judge of the Provincial Court of Circuit, the Centre Division for his information and guidance.—

(Sentence No. 871)

Read Return dated the 16th Instant from the Second Judge late on Circuit in the Southern Division, to the Precept of the Court of Foujdaree Adalut under date the 11th July 1839 directing him to explain why, on the trial of Case No. 2 of the Cumbaconum Primary Calendar of the First Sessions of 1839 he threw out of consideration the dying declaration of the deceased, which the Court in para: 3 of their proceedings of the 25th May last observed was "strong evidence".—

(Here enter F.D. No. 1180 of 1839.)

In

25th July 1839.-

In this Return, the Second Judge states "that there was no dying Declaration of the Deceased Rea Kmanee before the Court of Circuit, nor did it appear that any Deposition had been taken from her previous to her death:" and he adds "this true that the Prosecutor and the 1st, 2d and 3d Witnesses in their Declarations represented that the deceased had remarked before her death that she was likely to die in consequence of having eaten the Sugar, which, she affirmed, had been given to her by the woman (Mootenmaudy) as they might have been poison mixed with it.

2. The Court of Suijdaree Udalut observe that this was a dying Declaration which need not be reduced to writing. It is sufficient that Witnesses prove such Statement under such circumstances.-

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

(Sent in 4th 872).-

L.S.C.

Cpl.

Ft. 6.

At a Court of the Foujdaree Udalut.

Present,

Thomas Alexr. Oakes Esqre. — Actg 1st Puisne Judge

Friday 26th July 1839.- William Rudleston Esqre. — 2d Puisne Judge

Henry Dickinson Esqre. — Actg 3d Puisne Judge

Read the Criminal Report for the month of June 1839 submitted by the Joint Criminal Judge at Trichinopoly.-

(Here enter 4 to 11 4/).

L.S.C. Report No. V. Case No. 52.

1. Sellon was charged with having, when entrusted by his master with certain articles of dress valued at 9 Rupees 1/4 and with eight annas ready money, failed to deliver them to the person to whom they were sent: stolen the same and attempted to sell the former in the bazaar.-

The prisoner was sentenced to be imprisoned with hard labor for six months and at 2 months after date to receive 100 lashes with the cat of nine tails under Section VII. Regulation X. of 1816.-

2.

The Court of Foujdaree Udalut do

3.

do not understand that the Prisoner could be convicted of theft for which offence alone he could be corporally punished under Section VII Regulation X of 1816. and unless the Joint Criminal Judge have any further explanation to offer on the subject, they direct that this sentence be annulled and a fresh one passed on the Prisoner in accordance with the instructions laid down in the Circular Order of the 28th January 1828.-

Case No. 60.

4. The Prisoner is charged in this case with having for a gold Rupee given to him to change, feloniously substituted a counterfeit one then in his possession, knowing it to be a counterfeit one.-

5. The Joint Criminal Judge being of opinion that the evidence in the case was insufficient to ensure the conviction of the Prisoner before the Court of Circuit ordered him to furnish two Sureties of ten Rupees each for his future good behaviour for one Year.-

6. Under the circumstances of the case as recorded in the Report, the Court of Sylhet would resolve to direct the Provincial

Court of Circuit in the Southern Division to call for the proceedings held in the case and to pass on them such orders as may appear to them proper.-

Cases Nos. 62. and 63.

With a like object the Provincial Court are directed to call for the proceedings held in Cases Nos. 62 and 63 on this Report.-

8. In Case No. 62 the Prisoner is charged with being one of a gang who three years ago attacked the house of the Petitioner, broke in, beat and robbed him of property.-

9. The evidence being in the opinion of the Joint Criminal Judge insufficient for his committal for trial before the Court of Circuit, the Prisoner was required to find two Sureties of 10. Rupees each.

10. Adverting to the remark in the abstract of the evidence that a warrant was issued at the time of the robbery for the arrest of the Prisoner in this case, but he had absconded and only recently returned to his village- the Court of Sylhet would observe that it is hardly probable that

that an innocent man would absond on a warrant being issued against him.-

11. The Court further desires to be informed whether there was no further evidence besides that of the prosecutor and his brother procurable against the prisoner in the 1st case, and what was the number in the calendar of the former case alluded to in the Report as that in which some of the prisoners' relatives were formerly apprehended and convicted of the crime of gang Robbery by the Court of Circuit.-

12. In Case No. 63. the prisoners are charged with having made a promise of procuring the release of certain persons from a Criminal charge pending before the Police authorities receive from the Prosecutor certain valuable considerations to the extent of Rupees 200 in bonds and ready money and failed to restore them on the desired object not being effected.-

13. Although the Joint Criminal Court saw no reason to doubt the truth of the accusation preferred against the Prisoners so far as respects the valuable consideration specified

F. W.
26th July 1839.-

specified in the charge - the prisoners were released under the view that the circumstances of the money Vizt having been retained by the Prisoners instead of being returned to the Prosecutors when the persons in question were actually forwarded to the Criminal Court, cannot in the opinion of the Joint Criminal Judge be considered to affect criminally the Prisoners who are not Police Officers.-

14. It appears to the Court of Sanjdaree Adalut that the accused being influential persons in the village entered into an unlawful compact to bribe the Police Officers. All the parties are therefore in the opinion of the Court liable to punishment according to the Mahommedan Law.

Case No. 57. 15. The explanation of the detention of this cade in the Talook is far from satisfactory. The Joint Criminal Judge will therefore point the attention of the Magistrate to it with directions to communicate direct to the Sanjdaree Adalut any further explanation the Head of the Police of Canad may have to offer in the subject

according

16. According to the Statement of Extra Peons employed in the Jail of Trichinopoly during the month of June 29 Extra Peons were entertained at the close of last month as a guard for 91 prisoners worked outside the Jail - for 91 prisoners however only 23 Peons are allowable and four per cent on that guard to meet cases of absence on Sickness would authorize 24 and not 29 Peons - It will be the duty of the Joint Criminal Judge to make an immediate reduction of the unauthorized number of Peons.-

Ordered, that Extract from these proceedings be sent to the Joint Criminal Judge at Trichinopoly by Precept returnable in 5 days from and after its receipt.-

(Sent following precept No.)

Ordered also, that Extract from these proceedings of paragraphs 4 to 14. be sent to the Provincial Court of Circuit in the Southern Division by precept returnable within 30 days from and after its receipt.-

(Sent following precept No.)

Read letter, dated the 15th Ultimo from the Provincial Court of Circuit in

in the Western Division, transmitting translations of the Reports from the Principal Sud Ameen of Sirsee for May 1839.-

(Here Enter No. 1005)

Read return dated the 20th Instant from the Provincial Court of Circuit in the Southern Division, to the precept of the Fouzdaree Adaulut of the 24th Ultimo directing them to call for the record of Case No. 54 of 1839 on the file of the Criminal Court of Madura and pass such orders thereon as may appear proper.-

(Here enter No. 1206)

Read return dated the 16th Instant from the Second Judge on Circuit in the Northern Division, to the precept of the Fouzdaree Adaulut of the 13th Ultimo, directing him to look at the proceedings in Case No. 32 Report V of the Chicacole Criminal Report for the month of April 1839 and pass such orders thereon, with reference to the provisions of Section XXIII Regulation X of 1816.-

(Here Enter No. 1207)-

D.R.O.

D.R.O.

F.U

At a Court of the Faujdaree Adalut

Present,

Thomas Alexr. Oakes Esqr. — Actg. 1st. Puisne Judge

Saturday 27th. July 1839. — William Rudleston Esqr. — 2d. Puisne Judge

Henry Dickinson Esqr. — Actg. 3d. Puisne Judge

Read again letter dated the 15th. Ultimo from the Acting First Judge of the Provincial Court of Circuit in the Centre Division, submitting for the final Judgment of the Court of Faujdaree Adalut the Record of Case No. 21. of the Chittoor Calendar of the First Quarter Sessions of 1839.-

(Here enter F.U. No. 989 of 1839.)

Read also Return dated the 5th. Instant from the Provincial Court of Circuit in the Centre Division, to the Precept of the Court of Faujdaree Adalut under date the 29th. June 1839. sending back the English and Persian Translations of the Record of Case No. 21 of the Chittoor Calendar of the First Quarter Sessions of 1839 with instructions to make the necessary

correction

F.A.C.

correction of either one or the other in regard
to the statement of the third Prisoner in
his answer to the second question of his
Examination before the Criminal Judge.-
(Here enter F.C. & Nº 1106 of 1839)

Mr Anderson
and
Mr Dickinson.

The Court of Sungaree Ubolt
having maturely considered the proceedings
held before the Court of Quarter Sessions,
the Notes of the Provincial Law Officers, and
the Notes of the Cazee ool Cozat and
Moofties of the Sungaree Ubolt, confirm
the said Notes of the aforesaid, acquitting the
Prisoners

3rd Ramun
and
4th Curdun
and direct that they be set at liberty.-

1.
The Court of Sungaree Ubolt
observe that under their Circular Order
of the 23rd June 1835 the Acting
First Judge should have forbore the order
for requisition of security from the fourth
Prisoner recommended in his letter of reference
and remand that Prisoner on his providing

the same.-

2.
As however the trial has been
referred for their final judgment respecting
that Prisoner also, the Court of Sungaree
Ubolt have taken his case into considera-
tion; and not finding on the Record any
proof that property belonging to the Pro-
secutor was given up by this Prisoner
they have deemed it proper to order his
unconditional release.-

3.
In regard to the third Prisoner
Ramun, the Court of Sungaree Ubolt
observe that the act of giving up pro-
perty from the "channel" attributed to
him by the 6th, 7th and 8th Witnesses before
the Court of Cranichie, by the same
Witnesses ascribed to the 5th Prisoner in
their depositions before the Police Officer.-
The 3rd and 5th Prisoners are
4.
brothers and there is some confusion as
to what each did. It would appear
that the circumstances alluded to by
Mr Cattanagon in his letter of reference
prevented him from revising the English
Translation of the Record with his usual

The

27th July 1839.-

5. The Court of Tongataboo Udalut cannot regard the production of the property from the "channel" as a spot near the channel as brought home to the third prisoner.

6. There is no proof that the four articles found in his hands are not his own.

7. The testimony to the identification of this prisoner at the robbery fail from discrepancies before the different tribunals.-

8. What this prisoner admitted before the Criminal Judge would go to corroborate his Police confession: but that the Court of Tongataboo Udalut can find no evidence on the Trial as to the identification of any "purse" given up by him.-

9. The Prosecutor and the 1st, 2nd, 3rd and 5th witnesses swear to an old Cottonee purse - No 22 and the 6th, 7th and 8th witnesses before the Criminal Judge state that the 3rd prisoner gave it up, but there is no such Statement in the Trial.

10. The Court of Tongataboo Udalut finds no satisfactory evidence in the Record, corroborative of the 3rd prisoner's police declaration.

27th July 1839.-

declaration.-

11. Upon the whole, the Court of Tongataboo Udalut are unable to concur with the Crown Prosecutor in convicting this prisoner.-

12. The Court observe that this conviction by the Fautua of the Law Officer of the Court of Circuit was founded upon the mistranslation of the Examination before the Criminal Judge, which has been corrected: and in their Return of the 5th instant the Provincial Court certify that "the Acting Cauzee states that his Futua would not have been such as it was, had not the mistake occurred."-

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

(Sent in No 880)

Read letter dated the 15th Instant from the Third Judge in Circuit in the Northern Division, submitting copies of the Primary and Supplemental Calendars of the Lelieta Court of Session for the Second Sessions of 1839.

(Vide entry F.U. No 1171 of 1839.)

From

7th July 1839.-

was charged with having, at night, gone forth in company with four or five others, armed with sticks and swords, stopped the Prosecutor and others on the Highway, beaten them, and robbed them of property of the aggregate value of Rs. 114-10-2½.

2. The Prisoner is convicted: but from the circumstance of his being young and that appearing not to have been before accused of any offence, and from the circumstances of the injury sustained by the Prosecutor [illegible] the 3d Judge is of opinion that the ends of Justice will be met by mitigating the sentence against the Prisoner to seven years' imprisonment with hard labour according to recommendation.

3. The Court of Sunjdance Udalut are of opinion that at the intention of the Regulations that Robbery should be more severely punished than Theft: and in accordance with these principles, they resolve to authorize the Third Judge to issue this warrant to the Criminal Judge for the imprisonment of the Prisoner above mentioned for the period of [illegible] eight years.

The

F.U.

27th July 1839.-

10. The Court of Sunjdance Udalut observe that the Abstracts of the Examinations in the Cases on these Calendars, are needlessly long: they are, in fact, rather transcripts than abstracts.

11. This has on several former occasions been pointed out: and the Third Judge will be pleased to enjoin the Criminal Judge to adhere to the instructions issued for his guidance on this subject.

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

(Sentence &c.)

Read return dated the 25th Ultimo from the Third Judge on Circuit in the Central Division, to the Precept of the Court of Sunjdance Udalut under date the 13th June 1839.- conveying their observations and orders on the Ballance Calendar for the first Sessions of 1839.-

(Here enter F.U. No. 1021 of 1839.)

Read also letter dated the 11th Instant from the same officer, transmitting with

with reference to paragh: 5. of his Return of the 25th Ultimo, and paragh. 13. of the Proceedings of the Court of Singhalese Udalut under date the 13th June 1839.- a copy of a Return from the Acting Magistrate in the Tillak of Bellane, together with a translation of the Deposition of Ramana Gowda the ninth witness in Case No. 16 of the Bellane Calendar of the first Sessions of 1839.-

(Here enter P.R. No. 1140 of 1839.)

Case No. 16. 1. Under the circumstances represented in the Acting Magistrate's Return of the 2d. Instant, the Court of Singhalese Udalut do not think it necessary to take further notice of the conduct of the Witness Ramanah Gowda.-

Case No. 53. 2. Adverting to the remarks of the Court of Singhalese Udalut in this case, the Fiscal Judge states in paragh. 4 of his Return of the 25th Ultimo that "the Prosecutor's allegation that he was burnt with a Torch was not borne out by any of the witnesses examined for the Prosecution in this Case nor were there any marks visible on his person, of burns or other ill treatment."-

3. The Court of Singhalese Udalut observe that there is nothing to warrant the conclusion that the Prosecutor's statement is unworthy of credit, and under all the circumstances of the case, the Court do not see sufficient ground for sanctioning any mitigation of the penalty to which the Prisoners have rendered themselves liable.-

Case No. 60 4. The Court of Singhalese Udalut observe that the Prisoner in this case was in the first instance sentenced to only four years' imprisonment; but under Section XXI Regulation VII of 1802, to seven years' imprisonment.-

5. It appears to the Court to be no more than just that if the Fiscal Judge considered the minor period of imprisonment to be adequate to the Prisoner's offence, he should now apply for authority to pronounce that to which under the Provisions above cited, the said Prisoner is liable.-

Ordered, that Extract from these proceedings be sent to the Fiscal Judge on Circuit in the Centre Division by

27th July 1839.

by Precept returnable within five days from and after its receipt.

(Sent following precept &c.)

Read order of Government dated the 22d July 1839 No. 593 communicating with reference to paragraph 1 of the Extract from the Minutes of Consultation under date the 4th Ultimo No. 466 a letter from the Officiating Secretary to the Government of India dated the 15th July 1839 stating that, as recommended by the Governor of Fort St. George, the Honorable the President in Council has been pleased to sanction, for life, the grant of an allowance of two Rupees per mensem to the Widow of Venkiah from the date of her husband's demise.—

(Here Enter F.C. No. 1212 of 1839)

Ordered, that a copy of the order of Government now recorded, and of the letter from the Officiating Secretary to the Government of India which accompanied it, be sent with reference to the Extract from the Proceedings of the Court of Sudder Udalut under date the 18th June 1839.

F.C.

27th July 1839.

to the Provincial Court of Circuit in the Centre Division, with instructions to furnish transcripts of the same to the Magistrate of Cuddapah for his information, and to enjoin that Officer as directed in the order of Government to furnish the office of Audit and the Civil Pension Office each with a Descriptive Roll of the party on whom the Pension has been bestowed.—

(Sent in &c.)

Read Extract from the Minutes of Consultation under date the 16th July 1839 No. 565 communicating the determinations and orders of the Right Honorable the Governor in Council on the Report of the Acting Second Judge late on Circuit in the Centre Division for the Second Sessions of 1838 submitted with the Extract from the Proceedings of the Court of Sessions under date the 21st June 1839.—

(Here enter F.C. No. 1185 of 1839)

Ordered, that a copy of the Extract from the Minutes of Consultation now recorded be sent to the Acting Second Judge late on Circuit in the Centre Division for

for his information, with reference to the Extract from the Proceedings of the Court of Sessions Ubaluk under date the 21st Ultimo with instructions to furnish copies of paras. 3 & 6 of the latter and para: 1 of the former to the Magistrate of Cuddalore for the information and guidance of that Officer.—

(Sent in a/c.)

2. Ordered also, that a copy of para: 7 of the Extract from the Minutes of Consultation be sent to the Provincial Court of Circuit in the Centre Division for the information and guidance with instructions to furnish transcripts of the same to the Judges now on Circuit in the Centre Division for the information and guidance of those Officers respectively.—

(Sent in a/c.)

3. With reference to para: 8 of the Extract from the Minutes of Consultation, the Court of Sessions Ubaluk observe that the adoption of the measure therein referred to would doubtless diminish that reluctance to prosecute which has always opposed serious an obstacle to the efficient administration

administration of Criminal Justice: and if the difficulty in a financial point of view be not insuperable, it appears to the Court that it would be desirable to refer the matter to the Indian Law Commissioners.—

Ordered, that Extract from the Proceedings (para: 3) be sent to the Chief Secretary to Government, to be laid before the Right Honorable the Governor in Council.—

(Sent in a/c.)

Read return, dated the 15th Instant from the Third Judge late on Circuit in the Western Division to the precept of the Sessions Ubaluk of the 10th July 1839. directing the re commitment of the Prisoner Gopallen in Case No. 1 of the Sircar Calendar of the 1st Sessions of 1839 who was discharged from the Bar without Trial.—

(Sircar Letter No. 1344.)

Read letter dated the 23d Instant from the Criminal Judge of Salem

4th July 1839.-

Sellore, forwarding an amended report regarding the Case No 41 on the Criminal Report No 5 for May 1839, with reference to the Extract from the Proceedings of the Court of Fouzdaree Udalut under date the 15th July 1839.-

(Here enter No 1228.)

Read letter dated the 24th Instant from the Acting Judge on Circuit in the Central Division, reporting the opening of the 2d Session of 1839 at Cuddapah on the 23d Instant, and the state of the Calendar.-

(Here enter No 1234.)

Read return, dated the 26th Instant, from the Criminal Judge of Chingleput, to the precept of the Fouzdaree Udalut dated the 22d July 1839, enclosing their observations on the Criminal Reports for the month of June 1839.-

(Here enter No 1241.)-

D.A.C.

Entd

D.W.

J. U.

At a Court of the Fouzdaree Udalut

Present.

Monday 29th July 1839.

Thomas Alexr Oakes Esqr — 1st Puisne Judge

William Hudleston Esqr — 2d Puisne Judge

Henry Dickinson Esqr — 3d Puisne Judge

Read Miscellaneous Petition presented on the 6th Instant by Cadoolla Annummah an Inhabitant of Ponoor in the District of Guntoor.-

(Here enter No. L.C. No 70 of 1839.)

L.P.C

The object of this Petitioner is to obtain redress for various alleged acts of oppression exercised towards the petitioner by different parties, including certain native officers of Government, whereby he asserts, he has lost his hereditary possession been subjected to much indignity, and at present prevented from returning to his village and residing on his own moorsee.-

1.

The Court of Fouzdaree Udalut observe that the charges brought by the Petitioner appear to have been investiga-

2.

29th July 1839.

and dismissed by competent authority: and the Court do not see any cause for their interference.-

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

Read Miscellaneous Petition presented on the 6th Instant by Iyya Naidoo and Moonesawmy Setty Dasay of the Pillah of Chingleput.-

(Here enter M. P. No. 14 of 1839.)

The Petitioners referring to the order of the Court of Sudr Adalut of the 5th February 1838 on their former Petition No. 4 of 1838 which directed the Provincial Court in the Centre Division to bring the Appeal No. 23 of 1836 wherein the disputes regarding the Right Hand and Left Hand Castes were at issue to a speedy hearing - submit a copy of the Decree of the said Court in that Appeal and with reference to the Decision therein recorded that the Left Hand Caste shall not carry their procession through the street of the Right Hand Caste - they pray the Court of Enquiries would now

29th July 1839.

now to order the remission of the fine imposed by the Magistrate on the Petitioner Iyya Naidoo and the removal of the attachment from the Mannium of the Petitioner Moonesawmy Setty - the Dasay.-

The Petitioners are informed

2. that there is nothing in the Decree of the Provincial Court to show that the interference of the Tongdaree Adalut is necessary in this matter: and they are therefore referred to the former order.-

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

Read Miscellaneous Petition presented on the 15th Instant by Palapurtee Mungatayammah of the Pillah of Chittoor.

(Here enter M. P. No. 15 of 1839.)

The Petitioner is dissatisfied

1. with the Judgment of the Assistant Criminal Judge of Chittoor in Case No. 83 of 1839 on the File of the Criminal Court of Chittoor - wherein the charged two persons with assaulting and maltreating her, and robbing

29th July 1839.-

robbing her of property of the value of three hundred Pagodas, and that officer dismissed the case, on the ground that there was little doubt that the charge was litigious arising out of a family quarrel, and that the evidence was mistakenly so.-

2. The Acting Second Judge of the Provincial Court of Circuit in the Cutchery Division having on the application of the Petitioner called up the Proceedings, recorded his approval of the judgment of the Assistant Circuit Judge.-

3. The Petitioner prays the Court of Sunjdaree Udalut to call up the Record, cause the Property to be restored to her- and pass orders for the punishment of the (alleged) offenders.-

4. The Court of Sunjdaree Udalut observe that under the Provisions of Section XXIV, Regulation X of 1816, the Petitioner should petition the Collective Court of Circuit.-

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

Read

2.

F.U.

29th July 1839.-

Read Miscellaneous Petition presented on the 15th Instant by Jafsy of the Tillak of Cuddapah.-

(Here enter M. P. No. 77 of 1839.)

The prayer of this Petition is

1. the same as that of No. 66 of 1839- presented by the same party- on which an order was passed by the Court of Sunjdaree Udalut under date the 6th July 1839.-

The Court of Sunjdaree Udalut

2. direct that the Petitioner be informed that that order is final and that no further Petition on this subject will be admitted.-

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

Read Miscellaneous Petition presented on the 15th Instant by Moottum- mauel of the Tillak of Salem.-

(Here enter M. P. No. 81 of 1839.)

The Petitioner prays that an

1. order may be issued for the release of ex Aurocmoogum and Ramum her husband and brother-in-law who, in Case No. 13 of the

29th July 1839.-

the Salem Calendar of the First Sessions of 1839- were convicted of Gang Robbery by open violence and sentenced by the Court of Circuit to imprisonment with hard labour in Irons for fourteen years.-

2. The Petitioner alleges, in general terms, the innocence of the Prisoners who were the Cauilgars of their Village.-

3. The Court of Foujdaree Adaulut observe that there is nothing in this Petition which goes to impugn the propriety of the conviction, which the Calendar shows to have been passed on the testimony of four eye-witnesses.-

Ordered, that the prayer of this Petition be rejected and that Extract from these Proceedings be furnished to the Petitioner upon her application.-

Salapurtee Mungatayarmmah of the Zillah of Chittoor, moves the Court to return the Indorsement in her Miscellaneous Petition No 75 of 1839.-

Ordered accordingly.-

Read the Criminal Reports for the Months of June 1839 submitted by the

29th July 1839.-

the Joint Criminal Judge at Tellicherry.-

(Here enter No 1151)

In Case No 46 two Prisoners

Report No V.

Case No 46. were charged with having broken open the lock of the Prosecutors shop at night, entered in and stolen therefrom property to the amount of Rupees 2.- The Prisoners were convicted and sentenced by the Punditk Sudr Ameen the 1st to 9 months imprisonment under the Provisions of Clause fourth Section III Regulation VII of 1832 the second to be imprisoned for one year under Clause 5th Section II Regulation VII of 1822.-

2. The Court conclude that the Provisions it was the intention of the Principal Sudr Ameen to cite in support of the sentence passed on the second Prisoner in this case, was Clause sixth not Clause fifth of Section II Regulation VII of 1822.-

3. With reference to the Provisions cited in support of the sentences passed on the first Prisoner - The Court of Foujdaree Adaulut direct the Principal Sudr Ameen be called on to explain whether Clause breaking open

was established against that prisoner. If the crime of theft was only proved, this circumstance should have been stated in the Report as required by the Circular Order of the 4th July 1836 - but if breaking was effected, the provision quoted is incorrect.-

4. The Court also observe that although it is not required that a full detail of the evidence in each case should be given in the Criminal Report - Yet it is expected that a concise and clear abstract of the circumstances of the case and of the evidence elicited thereon should be recorded in order to enable the Court of Sunjdanee Udalut to form a correct judgment as to the propriety of the manner in which each case may have been disposed of.-

Case No. 18. 5. In Case No. 18 the prisoner "Cowa" was charged with having entered, at night, the Prosecutors house by removing the latch of the door, and stolen therefrom property to the amount of Rupees 4-8-0 -

6. It is stated that the prisoner is convicted on the evidence of the Prosecutor and his wife and he was sentenced to be imprisoned

imprisoned for 9 months under Clause fourth Section III Regulation VII of 1822. This case is open to a similar remark as that made in para. 3. of these proceedings, and a similar explanation is required from the Joint Criminal Judge.-

Ordered, that Extract from these Proceedings be sent to the Joint Criminal Judge at Tellicherry by precept returnable in 5 days from and after its receipt.-

(Sent following precept p. 893)

Read Return dated the 1st Instant from the First Judge of the Provincial Court of Circuit in the Northern Division to the precept of the Court of Sunjdanee Udalut under date the 26th June 1839, directing the Provincial Court of Circuit to call for the Proceedings in Case No. 35 of the Report V. for the month of April, of the Criminal Court of Rajahmundry and pass such orders thereon as they may deem proper with reference to the Provisions of Section XXIII Regulation X of 1816, reporting the result to

29th July 1839.-

to the Tongdaree Udalut.-

(Here enter S.D. No. 1203 of 1839.)

The Court of Tongdaree Udalut approve of the Proceedings of the First Judge in the Case above mentioned, and resolve to confirm his order of the 17th Instant for the commitment of the Prisoners therein mentioned for Trial before the Court of Circuit.-

Ordered, that Extract from these Proceedings be sent to the First Judge of the Provincial Court of Circuit in the Northern Division for his information.-

(Sent in No. 894)

Read letter dated the 13th Instant from the Criminal Judge of Chittoon transmitting the Criminal Reports for the Month of June 1839.-

(Here enter No. 1165.)

Read letter dated the 18th Instant from the Third Judge late on Circuit in the Western Division, transmitting the Original Death Warrant issued in Case No. 8 on the Sirdar Primary Calendar for the 1st

29th July 1839.-

1st Sessions of 1839, with copy of the Corresponde communication from the Principal Sudr Ameen of Honore, shewing precautions thereof, and describing the particulars required to be reported under standing orders.-

(Here enter No. 1224.)

Read return dated the 24th Instant from the Acting Third Judge of the Provincial Court of Circuit in the Southern Division to the precept of the Tongdaree Udalut of the 15th Instant, on the unconditional release of Rowtun prisoner in Case No. 3. on the 4th Supplemental Calendar of the 2nd Quarterly Sessions of 1839, holden at Trichinopoly.-

(Here enter No. 1233.)

Read letter dated the 20th Instant from the Second Judge on Circuit in the Northern Division reporting his having opened the 1st Sessions of 1839 at Chicacole on the 20th Instant and the state of the Calendar.-

(Here enter No. 1242.)

L.R.O

Ent'd

F.U.

At a Court of the Fouzdaree Adalut

Present

Thomas Alexr Oakes Esqr — Offg 1st Puisne Judge

Tuesday 30th July 1839 — William Hudleston Esqr — 2d Puisne Judge

Henry Dickinson Esqr — Offg 3d Puisne Judge

Read letter dated the 12th Instant from the Acting Second Judge of the Provincial Court of Circuit in the Cuttack Division, submitting for the final Judgment of the Court of Fouzdaree Adalut the Record of Case No. 11. of the Chittoor Calendar of the Second Quarter Sessions of 1839.-

(Hereafter F.A. No. 115 of 1839)

It is observed that the prisoner in this case is stated to have been arraigned before the Court of Quarter Sessions by the name of "Jungum Ramoodoo" by which he is not designated in any other part of the Record, but throughout by that of "Bronja Ramoodoo."

Mr. Hudleston. and Mr. Dickinson. 1.

The

2. The Court of Fouzdaree Udalut, before passing Sentence, deem it necessary to return the Record to the Acting Second Judge in order that the same may be corrected.

Ordered, that Extract from these proceedings together with the Record of the Trial be sent to the Acting 2nd Judge of the Provincial Court of Circuit in the Centre Division, by Precept returnable within five days from and after its receipt.—

(Sent following precept No. 897)

Read the Criminal Reports of the Provincial Court of Masulipatam for the month of June 1839.—

(Here enter F. No. 1166 of 1839.)

Report V. Case No. 64. 1. In no communication has yet been made to the Magistrate in regard to the proceedings of the Head of Police in this case, the Court of Fouzdaree Udalut direct that that Officer's attention be now called to the subject: and that any observations which he may have to offer be submitted direct for their consideration.—

Case No. 65. 2. With reference to the remarks of the Acting Joint Criminal Judge in this case, the Court of Fouzdaree Udalut observe that pursuant to instructions conveyed in the Extract from the Minutes of Consultation under date the 17th March 1839 No. 226 a Circular was addressed by the Fouzdaree Udalut under date the 13th April 1839 through the Provincial Courts of Circuit to all the Magistrates in this Presidency specially enjoining them to keep a vigilant watch on the shops of the arrack vendors, and pointing out to them that Government must rely on the exertions of the local Magistracy to check in every possible manner the nefarious practices to which the Circuit Judges have so frequently alluded.—

Ordered, that Extract from these Proceedings be sent to the Acting Joint Criminal Judge of Masulipatam, for his information and guidance.—

(Sent in No. 898)

Read order of Government dated the 16th July 1839 No. 571 Communicating the sentiments of Government on the Extract from the Proceedings of the Court

30th July 1839.

Court of Foujdaree Udalut under date the 29th June 1839 submitting the Reports of the several Subordinate Officers in the Provinces relative to the Strolling and Predatory Tribes.—

(Here enter F.C. No. 1195 of 1839)

Ordered, that copies of paras 12 & 16 of the Proceedings of the Court of Foujdaree Udalut under date the 29th June 1839 and a copy of paragraph 1 of the order of Government now recorded be sent to the four Provincial Courts of Circuit, with instructions to furnish transcripts of the same to the several Magistrates within their respective Divisions, for their information and guidance respectively.—

(Sent in No. 899)

Read letter dated the 23d Instant from the Acting First Judge in Circuit in the Southern Division, reporting his having opened the Sessions at Madura on the 23d Instant, and the state of the

Ent'd. S.P.C. Calendar.—

(Here enter No. 1230)

S.P.C.

F.C.

At a Court of the Foujdaree Udalut.

Present.

Thomas Alexr Oakes Esqre — Actg 1st Puisne Judge

Wednesday 31st July 1839. William Hudleston Esqre — 2d Puisne Judge

Henry Dickinson Esqre — Actg 3d Puisne Judge

Circular Order

No. 108.

The Court of Foujdaree Udalut with a view to diminish, in some measure, the labour imposed upon the Judges of Circuit, resolve to revoke such parts of their Standing Orders as require a detailed abstract of the evidence in Trials referred for the Court's final Judgment under the Provisions of the General Regulations, and to direct that in future, a Judge of Circuit, shall, in his letter of reference accompanying such Trials, confine himself to a short Summary of the evidence generally and a detail of that part only on which his opinion in respect of the guilt or innocence of the accused party rests.—

Ordered, that Extract from these

these proceedings be sent to the Four Provincial Courts of Circuit by Precept requiring them to communicate the same to the several Judges on Circuit in their respective Divisions: returnable within seven days from and after its receipt.-

(Sent following precept No. 903 & 904

Read letter dated the 22d Instant from the Second Judge on Circuit in the Northern Division, transmitting the original death warrant in Case No. 3 on the Roscommon Primary Calendar for the 1st Sessions of 1839.-

(Here enter No. 1244)

Read letter dated the 25th Instant from the Third Judge on Circuit in the Northern Division, reporting his having opened the 2d Sessions of 1839 at Gunton on the 25th Instant and the state of the Calendar.-

(Here enter No. 1251)

Read return dated the 24th Instant from the Acting Criminal Judge of Roscommon to the precept of the Longford Clerk dated the 15th July 1839 containing their observations and orders on the Criminal Reports for the month of May last.-

(Here enter No. 1262)

Read return dated the 29th Instant from the Third Judge on Circuit in the Centre Division to the precept of the Longford Clerk under date the 18th July 1839 conveying their observations and orders on the Chief Peace Calendar for the 1st Sessions of 1839.-

(Here enter No. 1270)

F. M.

At a Court of the Tongdaree Adalut

Present,

Friday, 2nd August 1839

Thomas Alexr Oakes Esqre A. 1st Puisne Judge

William Rudleston Esquire 2nd Puisne Judge

Henry Dickinson Esqre Acting 3rd Puisne Judge

L. S. D.

Read again Order of Government

dated the 7th May 1839 No 380 referring for the

investigation and Report of the Court of Tongdaree Adal

an Extract from the Medical Inspection Report

referring to the State of the Gaol of the Auxiliary

at Masulipatam

(Here enter Ft. No 712 A of 1839)

Read also Return dated the 17

June last from the Provincial Court of Circuit in the

Northern Division to the Precept of the Court of

Tongdaree Adalut under date the 15th May 1839 direct

them to instruct the Acting Joint Criminal Judge

Masulipatam to call upon the Civil Engineer to pre

pare the necessary Estimates for effecting the requis

repairs and improvements in the Gaol at that Stat

An

and in Sending up the Estimates, to Submit their own opinion in regard to the adequacy of the Measures proposed in Parah: 7 of the Proceedings of the Second Judge late Presiding at the Third Quarter Sessions of 1838.

(Here enter F.U. No. 1012 of 1839)

1. With this Return, the Provincial Court of Circuit forward copies of a Return received from their Joint Criminal Judge of Masulipatam, together with the Estimates alluded to therein; and of a Letter from the Civil Assistant Surgeon in regard to the Measures proposed for remedying the nuisance affecting the Wards of the Jail.

2. The Provincial Court further Submit their opinion that the measure Suggested in Parah: 7 of the Proceedings of the Second Judge under date the 9th October 1838. for remedying the nuisance affecting the wards of the Jail - "would be altogether inadequate to the purpose required: but "that the plan Suggested by the Joint "Criminal Judge for remedying the nuisance complained "of will answer the purpose desired, and recommend "that it be adopted"

3. The Court of Zillah Adalut

direct

direct that copies of the papers above referred to be laid before Government with their recommendation that the Estimates Submitted by the Acting Joint Criminal Judge of Masulipatam receive the Sanction of Government, the one amounting to Rupees (95..) Ninety five and the other to Rupees (33..4..8.) thirty three and piece eight

4. The Court of Zillah Adalut concur with the Provincial Court in opinion that the Repairs of the Roof should be carried into immediate Effect, and that it will be preferable that the raising of the Roof be deferred till the Jail requires a thorough repair: but as the Repairs in question have been already Sanctioned - no further orders on the Subject appear to be necessary -

Ordered, that Extract from these proceedings, together with the Estimates and copies of the Papers which accompanied the Provincial Courts Returns, be sent to the Chief Secretary to Government, to be laid before the Right Honorable the Governor in Council -

L.H.O

Sent in No. 907

Mr. Court of the Tongdaree Udalut.

Present.

Thomas Alexr. Oakes Esqre. 1st Puisne Judge

Saturday / Williams Ruddleston Esqre. 2d Puisne Judge

3d August 1839. - Henry Dickinson Esqre. 3d Puisne Judge

Read letter dated the 18th June

1839 from the Acting Criminal Judge of

Cuddapah transmitting the Criminal Papers

of Cuddapah and Cumbum for the month of

May 1839.-

(Here enter No. 1008.)

The Court of Tongdaree Udalut

Sessions Report of the month of April Cases No. 81 and 83. 1. conclude that in these cases the offences charged against the prisoners respectively were receiving stolen property knowing it to be such. It is observed that no mention is made of the prisoners being aware of the property in question being stolen.-

Case No. 90. 2. The prisoners in this case are charged with stealing cattle valued at Rupees 20 and in the abstract of the records recorded in the Case it is stated that the 1st, 2d and 3d prisoners confessed the crime

beg

before the Police, and that the 1st and 3rd witnesses deposed that two buffaloes belonging to the Prosecutor having gone astray they went in search of them, when they found some flesh in a corn pit, two cattle-knives, 2 sticklets, an axe, a piece of iron in the 1st prisoner's house and some flesh in the hole of a tree situated in the Centre of the Prisoners houses: the 1st and 2nd Witnesses further deposed that they identified the bones and legs of the animals of the Prosecutor. According to this Statement of the case it appears to the Court of Faujdaree Udalut that the prisoners might have been convicted on the evidence adduced. The Court however will not now disturb the order for the requisition of Security.-

Case No. 92. 3. In Case No. 92 the Court of Faujdaree Udalut observe that the prisoner who was charged with Highway Robbery, confessed before the Police and it is stated that the Prosecutrix identified the person who beat and robbed her of some cholum valued at 7 Annas and on enacting her complaint she accompanied the witnesses to the prisoners village where she pointed out the prisoner

who

who confessed the crime. The prisoner was required to furnish two Securities of 15 Rupees each.-

4. The Court of Faujdaree Udalut resolve, under the circumstances of the case as recorded in the report, to direct that copy of this and the preceding paragraphs be sent from their Registers' Office to the Acting Judge on Circuit in the Centre Division with instructions to call for the proceedings had in the case and pass such orders thereon as may appear proper, with reference to Section XXIII Regulation X of 1816, reporting the result to this Court.-

Case No. 93. 5. In this case Yakaree Ramaul alias Pennah Soobadar, an old offender, was charged with having escaped from custody.- The Court of Faujdaree Udalut observe that it should have been specified in the charge that the prisoner was a convict.-

Case No. 94. 6. Three prisoners were herein charged with house breaking and attempting to commit theft; and it is stated in the Abstract of the evidence that the 1st and 2nd Prisoners confessed before the Head of

Police

3d August 1839.-

Police and Magistrate that they went to commit the theft in the Prosecutor's house.-

7. The Court of Foujdaree Adalut observe that if the Prisoners actually broke into the house of the Prosecutor and confessed that they intended to steal, they ought to have been sentenced so as under the provisions of Clause Sixth Section II Regulation VII. of 1822. The Court desire further explanation on this case.-

Case No. 101. 8. The Prisoners in this case were convicted of having stolen property valued at Rupees 62-8-8 dropped down by a bullock in the road and the 1st Prisoner was sentenced by the Moofsee Sudr Ameen to find 2 Sureties in 20 Rupees each Surety for his good behaviour for one year.-

9. It is stated that the Assistant Criminal Judge in charge thought proper to over rule the sentence of the Moofsee Sudr Ameen because he saw no grounds to convict the Prisoners of any attempt to steal, and ordered that the 1st Prisoner should be released unconditionally.-

10. The Court of Foujdaree Adalut

F.C.

3d August 1839.-

have already noted that an Assistant Criminal Judge in charge of a Zillah Court is not competent to exercise the control vested in Criminal Judges by Section II Regulation III of 1823.-

11. The Court however concur in the view taken of the case by the Assistant Judge and resolve to confirm the release of the Prisoner, and they direct the Assistant Criminal Judge be instructed in all similar occasions to report the circumstances of the case for the consideration and orders of the Court of Foujdaree Adalut.

Report No. V. Cases Nos. 107 and 108.

12. It is observed that in Cases Nos. 107 and 108. the same individual received sentences of imprisonment on separate charges of theft, and that the aggregate amount of punishment awarded him exceeds that authorized by the 2 Regulation cited in support of the sentences. It is improper that the same individual should at the same time be sentenced twice to punishment. One and the same sentence should have been passed in both Cases to the extent which might seem just to the Criminal Court. the Acting

Criminal

Criminal Judge will accordingly order the present Sentences to be cancelled and a new one passed within the limits prescribed by the Regulations.-

13. The Acting Criminal Judge will further send copies of these cases as well as of Cases 114 and 118 and of this Parah to the Magistrate, who will enjoin the Heads of the Police by whom they were transmitted to the Criminal Court, in future similar cases to report agreeably to the Circular Order No 63 the reasons of their preferences to the Magistracy.-

109-110-111. 14. The reasons assigned for the detention of the prisoners in these cases in the Talook are considered unsatisfactory, the Acting Criminal Judge is therefore required to send copies of these cases and of this Parah also to the Magistrate, who will be pleased to enjoin the Police Officers by whom they were prepared to pay a more strict attention to their Police duties.-

No 112. 15. In this case it is stated that the Prisoner who was apprehended on the 4th March was not transmitted to the Criminal Court

Court till the 6th May, the Magistrate will therefore be furnished with a copy of this case, with directions to enquire into the conduct of the Head of Police of Poyachy and report direct to the Court of Fouzdaree Adawlut what notice he has deemed proper to take of it.-

Case No 119 16. In this Case it is stated in the abstract of the evidence that the prisoner denys the charge before the Police and the Criminal Court and a little lower down it is recorded that the 1st and 2d Witnesses for the Prosecution depose to the voluntary declaration of the said prisoners before the Police- the Acting Criminal Judge will cause their inaccuracy to be brought to the notice of the Pundit Sudr Ameen who despatched the case, and require him to furnish an explanation on the subject and he will be more cautious himself in perusing the Criminal Reports previous to their submission to the Court of Fouzdaree Adawlut.-

Case No 120. 17. The prisoner is charged, in this case with house breaking and theft of Baggotes valued at 2 Dubs and convicted

and

3d August 1839.

and is sentenced to corporal punishment and imprisonment under the provisions of Section VII Regulation X of 1816 the Court of Fouj-daree Udalut observe that as the offence of which the Prisoner was convicted was one of House breaking - Clause Sixth Section II Regulation VII of 1822 should have been cited instead of Section VII Regulation X of 1816 as the authority for the Sentence -

Case No. 137. 18. No explanation having been afforded of the cause of the delay in forwarding this case to the Criminal Court copy of the Case and of this parish will be sent by the Criminal Judge to the Magistrate, who will be pleased to ascertain and submit direct to the Court of Foujdaree Udalut any explanation the Head of the Police of Tellicherry may have to offer on the subject -

Case No. 138. 19. The Prisoner in this case is charged with theft of property valued at Rupees 12 and annas 12 and was sentenced by the Moofty Sudr Ameen to 3 Months' imprisonment under Section VII Regulation X of 1816 -

20. It is stated in the Record that it

3rd August 1839.

it does not appear that the Prisoner entered the house, but it is proved that he jumped over the wall at night entered the Yard and tore an earring out of the Prosecutrix' ear and resisted her cries when they apprehended him, the Acting Criminal Judge therefore overruled the decision of the Moofty and sentenced the Prisoner to 2 Years imprisonment with labor in irons and to receive 150 lashes with a Cat of nine tails under Clause 4th Section III Regulation VI of 1822 -

21. With reference to the Statement of the case in the report of the Court of Foujdaree Udalut are unable to discover any circumstances of aggravation which would bring it within the provisions of the clause quoted by the Acting Criminal Judge - and they accordingly direct that should that Officer have no further explanation to offer, this case be annulled, and the Sentence be reduced in conformity with Section VII Regulation X of 1816 and that the amended Sentence passed in conformity with this order be reported for the information of the Foujdaree Udalut -

The

3rd August 1839.-

Cases Nos. 140. 142 and 144.- 22. The Acting Criminal Judge will be pleased to send copies of these cases as they stand in the Report and of this and the following paras referring to them to the Magistrate, who will forward direct to the Foujdaree Adalut the requisite explanation.

140. 23. In this case it is stated that the prisoners appeared at the Talook cutcherry on the 19th May, but in the column in which the date of apprehension is entered it is represented that the prisoners were taken into custody on the 10th May. The Magistrate will be pleased to communicate an explanation on this point direct to the Foujdaree Adalut.-

142. 24. The reason for the detention of this case in the Talook having been frequently denounced as inadmissible, the Magistrate will be pleased to inquire into the conduct of the Head Police Officer of Banagunpully and take such notice of it as it may appear to him to deserve reporting the result for the information of the Foujdaree Adalut.-

143. 25. As the prisoners in this case were

3d August 1839.-

were apprehended on the 23d May, the Court require to be informed where they were from that date till the 29th of May, the date on which they appeared at the Talook cutcherry.

Centum Report 26.
New Case No 240.- No explanation having been afforded regarding the detention of this case in the Talook, the Court of Foujdaree Adalut direct that copy of this case and of this para be sent by the Acting Criminal Judge to the Magistrate, who will be pleased to ascertain and report to the Foujdaree Adalut why the case could not be sent forward within the prescribed time, and to enjoin the Head Police Officer of Dopund in all cases in which a delay may occur to append a note explanatory thereof at the foot of the paper forwarded with the prisoners to the Criminal Court.-

Ordered, that Extract from these Proceedings be sent to the Acting Criminal Judge of Cuddapah for his information and guidance by precept returnable in 10 days from and after its receipt.

(Sent following precept at p. 910)

Ordered

3d August 1839.-

Ordered also, that a copies of paras 2 and 3. of these Proceedings be sent to the Acting Judge on Circuit in the Centre Division for his information and guidance by precept returnable within one Month from and after its receipt.-

(Sent following precept No. 911)

Read again Supplemental Return dated the 4th Ultimo, from the Second Judge on Circuit in the Northern Division, to the precept of the Court of Sunjdanee Adalut dated the 22d April 1839- conveying their observations and orders on the Rajahmundry Calendar of the first Sessions of 1839.-

(Here enter S.C. No. 1138 of 1839.)

1. With this Supplemental Return the Second Judge submits English Translations of the Records of Cases Nos. 9 to 10 and 12 of the Rajahmundry Calendar of the first Sessions of 1839.-

2. The considerations which induced this Court to call for those Cases are recorded in the Extract from their Proceedings under date the 22d April last- paras 1 and para 2

3d August 1839.-

paras 5 and 6.-

Case No. 9.

3. In that case, the Prisoner Sudun Khan a Sepoy of the 37th Regiment N.I. was charged with having on the 23d June 1838- at 2 O'Clock P.M. violently assaulted the Prosecutrix- Coopeedatty a Naiked aged 7 Years with an intent to ravish her against her will, while she was in a hut in the vicinity of the town of Cocanada in the Zillah of Rajahmundry.-

He was acquitted: but the

4. Presiding Judge considering that strong suspicion attached to him, required him to find two Sureties in the Sum of fifty Rupees each Surety- for his good behaviour and appearance when required within one Year.-

Although there appear to the

5. Court of Sunjdanee Adalut to be discrepancies in the evidence of the witnesses, which justify the Mohammedan Law Officer according to the principles of the Mahommedan Law in the Futwa given by him- yet the Court are decided by of opinion that the evidence adduced in support of the

the prosecution was amply sufficient to convict the prisoner of a brutal assault on the child.—

6. The original examinations were taken by the Assistant Magistrate on the day when the fact occurred. It seems clearly proved that cries were heard in the hut, that the prisoner was found there with the child, immediately after apparently using the violence which she has described and which the dresser proves was used towards her.—

7. Mr Haig's approval of the Putwa Jacquittal delivered by the Mahommedan Law Officer of the Court of Circuit is altogether unaccountable: and the Court of Sunjanee Udalut are unanimously of opinion that the ends of Justice have been completely defeated by this error of judgment in this case.—

8. The Court of Sunjanee Udalut in their proceedings under date the 16th March 1839 - found it necessary to mark in strong terms their disapproval of Mr Haig's Judgment in Case No. 2 of the Mussulpatam Calendar of the Third Quarterly Sessions of 1838: and they deem it proper now to warn that Gentleman that in the event of such another glaring instance of defect of judgment coming under their notice, they will deem it their duty to submit a Report on the subject to Government. Repeated instances of this kind, must afford strong ground for calling in question his fitness for the important office of a Judge of Circuit.

The Court of Sunjanee Udalut,

Case No. 10. 9. do not see reason to question the correctness of the judgment of the Court of Circuit in this Case.—

The Court of Sunjanee Udalut

Case No. 12. 10. are of opinion that the clear and consistent statements given by the Prosecutor before all of the authorities by whom he was examined, coupled with the finding of the Sacks belonging to the Prosecutor, to which the latter positively swore, in the house of the 1st and 3d Prisoners, were abundantly sufficient for the conviction of the 1st, 2d and 3d Prisoners in this Case, and that the Judge of Circuit erred in confirming

3rd August 1839.

confirming the Verdict of acquittal by the Mahommedan Law Officer of the Court of Circuit.-

11. That there are discrepancies in the testimony of the 1st and 2d witnesses, there can be no doubt, but they do not affect the Prosecutor's Statements.-

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

Read Supplemental Return dated the 24th Ultimo from the Second Judge late on Circuit in the Southern Division to the Precept of the Court of Foujdaree Adalut under date the 14th June 1839 - conveying their observations and orders on the Salem Calendars of the First Sessions of 1839.-

(Here enter F.A. No. 1232 of 1839)

1. With this Supplemental Return, the Second Judge submits translations of the Depositions taken by the Assistant Criminal Judge in charge

F.A.

3rd August 1839.

of the Tillack Court of Salem from the Jailor and five other persons touching the sanity of the prisoner in Case No. 3 of the Salem Calendar of the First Sessions of 1839 - called for in para. 3 of the Proceedings of the Foujdaree Adalut under date the 14th June last.-

2. Before passing any final order in this matter, the Court of Foujdaree Adalut are desirous of having before them the opinion of the Medical Officer in regard to the sanity of the prisoner, and they request accordingly that the Second Judge to instruct the Assistant Criminal Judge of Salem to call upon the Surgeon in charge of the civil Establishment to at that Station to submit his opinion on that point.-

Ordered, that Extract from those proceedings be sent to the Second Judge late on Circuit in the Southern Division by Precept returnable within twelve days, from and after its receipt.-

(Sent following Precept No. 913)-

F.A.

At a Court of the Foujdaree Udalut

Present,

Monday 5th August 1839.

Thomas Alexander Oakes Esqre. 1st. Puisne Judge

William Rudleston Esqre. 2nd. Puisne Judge

Henry Dickinson Esqre. 1st. 3rd. Puisne Judge

L. P.C.

Read letter dated the 2nd. Ultimo from the 2nd. Judge on Circuit in the Northern Division, transmitting the record of the trial in Case No. 19 of the Rajahmundry Primary Calendar for the Sessions Beginning (Here enter No. 1821.)

The Court of Foujdaree Udalut having maturely considered the proceedings held before the Judge on Circuit, the futwa of the Puraneeab Law Officer and the futwa of the Cazee-ool-Cogaat and Mooftees of the Foujdaree Udalut, con-firm the said futwa of the Caze-ool-Cogaat and Mooftees aforesaid, convicting the prisoner Moodaccorty Venkadoo of the crime charged on strong presumptive proof and

Mr. Oakes and Mr. Dickinson.

5th August 1839.

and awarding Cotobut, and under the provisions of Section X. Regulation VIII of 1802, sentence him to suffer death by being hanged at the usual time and place of execution.

Sent following letter No. 917

Read Miscellaneous Petition presented on the 15th Ultimo by Lutchmoo Ammaal of the Tillah of Chittoor.

(Here enter M. P. No. 76 of 1839.)

1 The Petitioner represents that a number of persons entered her house at Vallajahpett at night and committed a violent assault on her person that she complained of it to the Head of Police of Cauveypauk, and while the case was under examination, two of her opponents set fire to her house that the Tahseeldar aided with the other party, and fined her six Rupees and confined her for that number of days; that she then complained to the Head Assistant Magistrate Mr Hall who after keeping her waiting for three months, at length verbally desired her to go to the Tahseeldar and upon her remonstrating ordered

5th August 1839.

ordered a Dhaloyet of the Cutcherry to thrust her out which was done, and set a dog at her which bit her severely on the wrist and that she has failed to obtain redress from the Provincial Court.

She therefore prays the Court of

2 Foujdaree Udalut to issue the requisite orders on the subject.

The Court of Foujdaree Udalut

3 observe that if the Petitioner brought a charge before the Acting Head Assistant Magistrate against the Tahseeldar for illegally fining her and placing her on restraint, it was unnecessary to refer her to the Tahseeldar—

The Court of Foujdaree Udalut

4 deem it necessary to direct the Provincial Court of Circuit to ascertain and report whether or not the Petitioner did bring an accusation against the Tahseeldar—

Ordered, that extract from these proceedings be sent to the Provincial Court in the Centre Division by Precept returnable within ten days from and after its receipt

Sent following Precept No. 918

Read

5th August, 1839.

Read Miscellaneous Petition presented on the 15th Ultimo, by Parayammaul and others of the Zillah of Salem.

(Here enter M. P. No. 83 of 1839.)

1. The Petitioners pray the Court of Foujdaree Udalut to issue orders for the release of the first, second, third and fourth prisoners in Case No. 6 of the Salem Calendar of the First Sessions of 1839 who were convicted by the Court of Circuit of Gang Robbery and sentenced to imprisonment with hard labour in Irons for fourteen years.

2. The Court of Foujdaree Udalut, having referred to the Calendar, deem it proper to call for an English Translation of the Record of the said case, which the Second Judge late on Circuit in the Southern Division will according be pleased to submit at his earliest convenience suspending in the interim the execution of the sentences to hard labour in irons.

Ordered, that extract from these proceedings be sent to the Second Judge late on Circuit in the Southern Division, by Precept returnable within twenty five days from and after its receipt (Sent following Precept No. 919)

Ordered

F. 46.

5th August, 1839.

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

Read Miscellaneous Petition presented on the 15th Ultimo by Cavaresawmy Ammengar of the Zillah of Combaconum.

(Here enter M. P. No. 85 of 1839.)

The Prayer of this Petition is the same as that of Nos. 129 of 1836 and 154 of 1838 presented by the Petitioners Brothers on which orders were passed by the Court of Foujdaree under dates the 10th April 1837 and 10th December 1838.

The petitioner likewise prays that he may be furnished with a copy of the former order.

The Court of Foujdaree Udalut direct that the petitioner be furnished with a copy of the said order observing at the same time that it was therein provided that a copy should be granted to him on his applying for the same.

Ordered, that extract from these proceedings

5th August 1839. proceedings be furnished to the Petitioner upon his application.

Read Miscellaneous Petition presented on the 22nd Ultimo by Lingama Naiken of the Tillah of Combaconum.

(Here enter M. P. No. 87 of 1839.)

The Petitioner referring to the order of the Court of Foujdaree Udalut dated the 6th July 1839. on his Petition No. 54 of 1839. now prays the Court to reduce the period of imprisonment to which his father has been sentenced and to issue an order permitting the Petitioner to attend on the Convict in his confinement and prepare his food.

The Petition is altogether irregular, and the Petitioner is informed that no further order can be passed by the Foujdaree Udalut in this matter.

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

Read

5th August 1839.

Read return dated the 4th July 1839 from the 3d Judge on Circuit in the Central Division, to the precept of this Court of Foujdaree Udalut of the 17th May last, calling for English translations of the records of cases No. 21 and 22 on the Cuddapah Calendar for the first Sessions of 1839.

(Here enter No. 1104.)

Case No. 21.

Mr Oakes and Mr. Dickinson.

1. The 1st, 2d and 3d prisoners in this case were charged with having on the house of the 1st prisoner murdered the son of the Prosecutrix and robbed him of property valued at Rupees 93. and the 4th Prisoner is charged with having aided and abetted the said prisoners in committing the said murder.

The futwa of the Mahomedan Law officer of the Court of Circuit declared that the prisoners were not convicted, and that they should be set at liberty; and the Judge of Circuit entirely concurring in that finding, ordered the unconditional release of the prisoners.

2. In the 13th Parah of their proceedings of the 30th March last, the Court of Foujdaree Udalut required a fuller explanation of the grounds on which the evidence in this case was deemed insufficient for the conviction

of

of the prisoners, than that recorded in the Calendar, and they called for particular information of what the 1st prisoner had stated in respect to the deceased having been at his house on the day the murder was alleged to have been perpetrated.

4. In his return under date the 25th April the 3rd Judge observes that the 1st prisoner in this case denied that the deceased came to his house on the day on which the murder is said to have been perpetrated and explains that of the 14 witnesses examined for the prosecution, the most material witnesses were the 2nd, 3rd and 4th who deposed to having seen the prisoners commit the crime in question, but their evidence was very suspicious and unworthy of credit not only on account of the improbable history of the murder given by them, but also on account of their contradictions and inconsistencies.

5 Regarding the 5th and 6th witnesses the Circuit Judge observes that their story of having met the prisoners carrying the corpse of the deceased is most improbable and that the evidence of these witnesses is neither to the commission nor confession of the crime by the Prisoners. they also failed

failed to reveal the fact of having met the prisoners with the body of the deceased for a long time after the report of the murder of the deceased was circulated in the village: the fifth witness also differed in his testimony before the Criminal and Circuit Courts, and the depositions of the 5th and sixth witnesses are at variance with each other.

The evidence of the 7th witness is

6. inconsistent and as opposed to that of the 6th witness.

There exists therefore, conclusive

7 5th Judge, great doubt as to the deceased having been at the 1st prisoner's house on the day of the murder, and the evidence do not tend in any way to convict the prisoners of the crime.

The Court of Inquiry at Udalut

8 deemed it however necessary to have under their consideration an English translation of the Proceedings held in this case, and in their proceedings of the 17th May called on the 3rd Judge to submit a copy thereof.

After a most deliberate consideration

9. of all the circumstances of this case as recorded in the proceedings before the Court of Circuit, the Court of Inquiry at Udalut see no reason

to

5th August, 1839 — of the prisoner, than that recorded in the Calendar, and they called for particular information of what the 1st prisoner had stated in respect to the deceased having been at his house on the day the murder was alleged to have been perpetrated.

4. In his return under date the 25th April, the 3rd Judge observes that the 1st prisoner in this case denied that the deceased came to his house on the day on which the murder is said to have been perpetrated, and explains that of the 14 witnesses examined for the prosecution, the most material witnesses were the 2nd, 3rd and 4th who deposed to having seen the prisoners commit the crime in question, but their evidence was very suspicious and unworthy of credit not only on account of the improbable history of the murder given by them, but also on account of their contradictions and inconsistencies.

5. Regarding the 5th and 6th witnesses the Circuit Judge observes that their story of having met the prisoners carrying the corpse of the deceased is most improbable, and that the evidence of these witnesses is neither to the commission nor confession of the crime by the Prisoners. They also failed

F. Ue.
5th August, 1839 — failed to reveal the fact of having met the prisoners with the body of the deceased for a long time after the report of the murder of the deceased was circulated in the village: the fifth witness also differed in his testimony before the Criminal and Circuit Courts, and the depositions of the 5th and sixth witnesses are at variance with each other.

The evidence of the 7th witness is

6. inconsistent and is opposed to that of the 1st witness.

There exists therefore, conclusive

7. 3rd Judge, great doubt as to the deceased having been at the 1st prisoner's house on the day of the murder, and the evidence does not tend in any way to convict the prisoners of the crime.

The Court of Fujdaree Adalut

8. deemed it however necessary to have under their consideration an English translation of the Proceedings held in this case, and in their proceedings of the 17th May called on the 3rd Judge to submit a copy thereof.

After a most deliberate consideration

9. of all the circumstances of this case as recorded in the proceedings before the Court of Circuit, the Court of Fujdaree Adalut see no reason to

5th August 1839 — to question the judgment pronounced by the 3d Judge on Circuit in this trial.—

10. The discrepancies they observe are so glaring a nature that it is impossible not to feel convinced that the witnesses were suborned to depose falsely against the Prisoners.—

11. The Court also concur with the 3d Judge in considering that the alleged fact of the deceased having gone to the house of the 1st prisoner on the night on which the murder is said to have been perpetrated, has not been at all satisfactorily established.—

12. With reference to case No. 22 English translation of the Record of which was called for at the same time as the foregoing on the ground that the Court were unable from the abstract of the evidence in the Calendar and the Return of the 3d Judge to determine with sufficient accuracy the correctness of the decision of the Court of Circuit in that case. The Court of Foujdaree Udalut before recording any final opinion on the case are desirous of ascertaining more particularly the nature of the books referred to in the 11th and following Questions recorded in the evidence of the Prosecutor before the Court of Circuit

5th August 1839 — Circuit —

The Court of Foujdaree Udalut

13.

accordingly resolve to direct the 3d Judge of Circuit in the Centre Division to procure and submit for their consideration, with the least practicable delay, the books therein alluded to.—

Ordered, that Extract from these proceedings be sent to the 3d Judge on Circuit in the Centre Division for his information and guidance by precept returnable in one Month, from and after its receipt.—

Sent following Precept No. 920.

Read Miscellaneous Petition presented on the 15th Ultimo by Shunmooga Moodaleé late a Jailor of the Auxiliary Court at Coimbatore.—

(Here enter M.P. No. 82 of 1839.)

The Petitioner represents that he

1. was dismissed by the late Acting Assistant Judge Mr. Arbuthnot from his Office of Jailor in the Auxiliary Court of Coimbatore, and having failed to obtain any other situation, and unsuccessfully applied to the Provincial Court for redress he prays the Court of Foujdaree Udalut to issue an order for his restoration.—

He produces various orders which have

2

5th August, 1839

have been issued by the Lower authorities on the subject of this dismission.

3. That order passed by Mr Anstruther under date the 30th December 1837, was in the opinion of the Court of Foujdaree Udalut, improper as shewing no ground for the dismission of the Petitioner.

4 The order of the 11th August 1838 - does not state that the Acting Joint Criminal Judge had any evidence before him of the misconduct imputed to the Petitioner. It refers to information but how obtained, does not appear. The latter part of this order seems to charge the late Jailor with what he could not have done, if the Medical Officer did his duty.-

5 From the order of the Acting Assistant Judge Mr Frere under date the 5th March 1839 on the Petition No 209 of 1839 it would seem that Mr Anstruther was guided by some recorded proceedings of Mr Forsyth.-

6 The Court of Foujdaree Udalut resolve to call for a copy of the proceedings of Mr Forsyth referred to in the said order of the 5th March 1839 which the Acting Joint Criminal Judge will be pleased accordingly to submit at his earliest convenience.-

Ordered

No.
5th August, 1839

Ordered, that extract from these proceedings be sent to the Acting Joint Criminal Judge of Coimbatore by Precept returnable within seven days from and after its receipt.

(Sent following Precept No 921)

S.D.A.

J.H.D.

At a Court of the Foujdaree Adalut

Present,

Tuesday 6th August 1839

Thomas Alexander Oakes Esqr. Actg. 1st Puisne Judge
William Cruddas Esqr. 2nd Puisne Judge
Henry Dickinson Esqr. Actg. 3rd Puisne Judge

F. No. 1249

Read letter dated the 25th Ultimo from the Acting Criminal Judge of Malabar, forwarding the Criminal Reports of the Fullah Court for the month of June.

(Here enter F. No. 1249 of 1839)

Report V No. 110

The prisoner in this case was charged with having, on the 2nd June 1839, entered the Prosecutor's house by opening the windows and stolen therefrom property valued at Rupees 54-13-0.

2

The prisoner was convicted and sentenced by the Acting Criminal Judge to two years hard labour in Jail under Clause 4th Section II Regulation XI of 1822.

3

The Court of Foujdaree Adalut desire to be informed whether there was proof of the entry through the window.

Case No. 120

4

The prisoners in this case were charged

6th August 1839

charged with having killed the Prosecutor's Calf valued at Rupees 3: and the first and second were sentenced to six months' imprisonment with hard labour in Irons, under Clause fourth Section III Regulation VI of 1822.

5. The Court of Foujdaree Udalut observe that Theft should have been charged.

Ordered, that extract from these proceedings be sent to the Acting Criminal Judge of Malabar, by Precept returnable within seven days, from and after its receipt.

(Sent following Precept No. 923

Read the Criminal Reports of the Auxiliary Court of Combatore, for the Month of June 1839.

(Vide enter F. C. No. 1260 of 1839.)

Supplemental Report 1
Case No. 78.

The prisoner in this case, who was charged with having stolen from the Prosecutor's Backyard a Bullock valued at ten Rupees, which was tied there, was sentenced by the Sudr Ameen to three months' imprisonment with hard labour in Irons, but the Acting Joint Criminal Judge considering the evidence insufficient for conviction, overruled the decision, and required the prisoner to find security for

6th August 1839

for his good behaviour for three months.

The Court of Foujdaree Udalut are

2

of opinion that the Bullock being "traced to the Prisoner" and the latter being "unable to account satisfactorily for the manner in which it came into his possession" are circumstances which afford strong presumptive evidence of his guilt. The Court will not however now disturb the order of the Acting Joint Criminal Judge.

Report V
Case No. 84.

The prisoner in this case was

3.

convicted of having, on the night of the 21st May 1839, stolen from a pasture four Buffaloes and one Bullock valued at fifteen and a half Rupees, and was sentenced by the Sudr Ameen "under Clause fourth, Section III Regulation VI of 1822, to three Months imprisonment with hard labour in Irons."

4. The Court of Foujdaree Udalut consider the intention of the Provision cited, to be defeated by such a sentence as this: and they direct that this opinion be communicated to the Sudr Ameen for his information and future guidance.

Ordered, that extract from these proceedings

6th August 1839

proceedings be sent to the Acting Joint Criminal Judge of Coimbatore for his information and guidance—

Sent in No. 924.

Read the Criminal Reports of the Auxiliary Court of Tinnevelly for the Month of June—

(Here enter F. Do. No. 1183 of 1839.)

1. The Court of Foujdaree Udalut observe that the abstract of the evidence or grounds of Judgment is entirely omitted from all the cases in this Report—

2. In each case it is merely stated that the charge "is clearly proved" or the contrary—

3. The Court of Foujdaree Udalut direct that the Acting Joint Criminal Judge be informed that he is expected to furnish a concise abstract of the grounds of Judgment based on the evidence in each case—

4. The Court of Foujdaree Udalut likewise direct that the Acting Joint Criminal Judge be informed that the instructions contained in parah: 6 of their Circular Order No. 40 dated the 18th April 1835 must hereafter be strictly adhered

F. Do:
6th August 1839

adhered to—

Ordered, that extract from these proceedings be sent to the Acting Joint Criminal Judge of Tinnevelly for his information and future guidance—

Sent in No. 925.

Read letter dated the 17th Ultimo from the Provincial Court of Circuit in the Northern Division, submitting for the orders of the Court of Foujdaree Udalut, a copy of a letter from the Joint Criminal Judge of Vizagapatam and of the correspondence which accompanied it relative to the property of Duntalooy Seetaramaraze who was convicted of forgery and sentenced to seven years imprisonment but absconded before the result of the Trial before the Court of Circuit was declared, he having been previously thereto at large on Bail—

(Here enter F. Do. No. 1223 of 1839.)

It appears by the correspondence

1. which accompanied the letter now recorded, that Cauchelapoody Vizia Gopaulraze has presented to the Auxiliary Court of Vizagapatam a

6th August, 1839.

a Summons received from the wife of the absconded Duntaloory Seetaramarauze appointing Veja Gopaulrauze Guardian to her son by Duntaloory Seetaramarauze; that by virtue of that Document he claims half an estate now Gifted in satisfaction of Decrees passed against Duntaloory Seetaramarauze and his brother Narainrauze and requests to be put in possession of Duntaloory Seetaramarauze's share he agreeing to pay off the Debts: and the Joint Criminal Judge of Vizagapatam applies for information as to whether or not the request can be granted.

2. The Court of Foujdaree Udalut observe that the Summons of the wife is of no validity and therefore cannot be acted upon.

3. The other point referred for the consideration of the Foujdaree Udalut is whether, under the Provisions of Section XXII Regulation IX of 1816, the property of the absconded Duntaloory Seetaramarauze is forfeited to Government.

4. The Court of Foujdaree Udalut concur in opinion with the First Judge of the

6th August, 1839 the Provincial Court of Circuit that those Provisions are not applicable to the case under consideration.

5. It is to be observed with reference to the concluding remarks of the First Judge on this point that the late Acting Joint Criminal Judge of Vizagapatam in a letter dated the 19th February 1838 of which a copy accompanied a letter from the late First Judge of the Provincial Court of Circuit in the Northern Division, reported that Rupees have been collected from the surety who is also "the" father-in-law of Duntaloory Seetaramarauze.

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

(Sent on No. 926.

L. P. O.

F.U.

At a Court of the Fouzdaree Udalut,

Present,

Thomas Alex.r Oakes Esq.re — Ag. 1st. Puisne Judge

Wednesday William Shuckburgh Esq.re — 2d. Puisne Judge

17th August 1839. Henry Dickinson Esq.re — Ag. 3d. Puisne Judge

Read again order of Govern-

F.U. ment dated the 26th March 1839 - No. 384

conveying the observations of Government

on the Report of the Second Judge of the

Provincial Court of Circuit in the Northern

Division for the Third Quarter Sessions

of 1838 at Masulipatam - submitted with

the Extract from the Proceedings of the

Court of Fouzdaree Udalut under date

the 5th March 1839 - No. 143 -

(Here enter F.U. No. 1097 of 1839.)

Read also again Return from

the Second Judge of the Provincial Court

of Circuit in the Northern Division dated

the 24th March to the Precept of the

Court of Fouzdaree Udalut under date the

5th March 1839 - conveying their observations

on

on that Officer's Report for the Third Quarter Sessions of 1838 at Masulipatam.

(Here enter F. No. 503 of 1839.)

Read also again Return dated the 26th April 1839 - from the same Officer, to the Precept of the Court of Fouj: dary Adalut under date the 11th April 1839 directing him to call upon the Acting Joint Criminal Judge of Masulipatam for further information in regard to the proposed Cooking sheds for the use of the prisoners in the Jail at that station, and for an explanation as to what has been his practice in respect of the prescribed periodical visits to the Jail.-

(Here enter F. No. 685 of 1839.)

Read also Return dated the 27th May and Supplemental Return dated the 28th June 1839 from the same Officer to the Precept of the Court of Foujdaree Adalut under date the 9th May 1839 - directing him to call for and submit an amended Estimate of the cost of constructing the Cooking sheds - and to require the Acting Joint Criminal Judge to

to state explicitly whether or not he has habitually conformed to the Circular Orders of the Foujdaree Adalut which direct that the Jail shall be visited by the Officer in charge - weekly.-

(Here enter F. No. 869 and 1085 of 1839.)

With this Return of the 27th

1. May last the second Judge submitted an Estimate furnished by the Acting Joint Criminal Judge of Masulipatam, of the Cost of constructing Cooking Sheds for the accommodation of 333 Prisoners, the aggregate sentence being Rupees 1140 -

2. At the same time, the Second Judge stated that he considered tiled cooking sheds to be much preferable to thatched ones, on account of the risk from fire in the latter and the great facility which they afford for concealing property and tools, and had therefore directed Mr. Rohde to prepare and submit with the least possible delay a plan and Estimate upon the lowest practicable scale for a double tiled cooking shed sufficiently large to accommodate the average number of Prisoners confined

confined in his Jail in ordinary years." and accordingly he submits the estimate with his Supplemental Return of the 28th Ultimo and recommends that sanction be obtained for the immediate erection of the Tiled building.

3. The estimate cost of the tiled building is Rupees (3'79-12-3.) three hundred and seventy nine, annas twelve and piece three and the building is intended to accommodate three hundred Prisoners.

4. The Court of Sanjdaree Adalut concur in opinion with the Mr. Baird that a tiled building is far preferable to a thatched one. They are likewise of opinion that in the end it will be found to be the most economical.

5. The Court resolve accordingly to recommend to Government that Sanction be granted for the estimate mentioned in Parah 3 of these proceedings, and now ordered to be transmitted to Government, amounting to Rupees (3'79-12-3.) three hundred and seventy nine, annas twelve and piece three.

6. The Court of Sanjdaree Adalut likewise

Return of the Acting Joint Magistrate at Masulipatam to the precept of the Circuit Court in the N.D. dated the 9th March.
Letter from the Apothecary Surgeon to the Joint Magistrate Masulipatam dated 15th March 1839.
Extract from the Proceedings of the F.C. dated the 11th April 1839.
Return from the Joint Criminal Judge at Masulipatam dated 17th April 1839.
Extract from the Proceedings of the F.C. dated the 9th May 1839.
Return of the Joint Criminal Judge at Masulipatam dated 21st May 1839.
Original Plan and Estimate.
date the 5th

likewise direct that copies of the Papers noted in the margin be transmitted to the Chief Secretary to Government to be laid before the Right Honorable the Governor in Council with reference to the Extract from the Court's proceedings under date 5th March 1839.

Ordered accordingly.

(Sent in Ltr. No. 928)

Read Letter dated the 29th Ultimo from the Acting Third Judge of the Provincial Court of Circuit in the Southern Division, submitting copies of the 5th 6th and 7th Supplemental Calendars of the Auxiliary Court at Trichinopoly for the Second Quarter Sessions of 1839.

(Here enter F.C. No. 1278 of 1839)

In the Calendar in which the

1.

Prisoner Singapoottoo Pattalon is sentenced to imprisonment with hard labor in Irons for fourteen years in Dowlatmunt.

the

the Court of Fanjdaree Udalut direct that that sentence be carried into effect in the District of South Arcot. the Prisoner being made over to the custody of the Joint Criminal Judge of Cuddalore.—

2. The Court of Fanjdaree Udalut direct that the attention of the Joint Criminal Judge of Trichinopoly be called to their Circular Order of the 6th January 1823, and that he be enjoined on all future similar occasions to transmit, without delay, copies of the warrants to this Court, for their observation as to the Prisoners discharged.—

3. Although the Acting Third Judge designates the Calendars in his Letter as the 5th, 6th and 7th Supplemental Calendars yet the Calendars themselves are not numbered. This omission, will, for the convenience of reference, be in future supplied.—

Ordered, that Extract from these proceedings be sent to the Acting Third Judge of the Provincial Court of Circuit in the Southern Division, for his information and guidance.—

(Sent in No. 929)

Read

Read the Criminal Reports of the Zillah Court of Rajahmundry for the month of June 1839.—

(Here enter F.C. No. 1239 of 1839)

Report V Case No. 61

1. The Prisoners in this case were charged with having, on the 12th May 1839, stolen Rupees 200½ from the body of Cola Woopparnah (Servant of Talapoa Venkiapah Merchant of Nellapelly) who died from the effect of the hard winds at the village of Manelaveram on his way to Rajahmundry.—

The Prisoners were acquitted and released for the reasons stated in the Report.—

2. It appears that the Case was forwarded to the Criminal Court by order of the Magistrate, on a reference being made to that Officer by the former Head of Police of Draksharamah.—

3. The Court of Fanjdaree Udalut desire to be made acquainted with the grounds of that order, as the Prisoners seem to have been arrested on justly apprehended and sent to the Criminal Court.—

The

7th August 1839.

5. The Acting Criminal Judge will accordingly be pleased to furnish the Magistrate with a copy of the Report on this Case and of these remarks, and the latter Officer will, on the receipt thereof, submit direct to the Foujdaree Udalut an explanation on the point in question.—

Case No. 63. 6. Of the seven prisoners in this case, the first five were charged with having on 28th May 1839 at 12 o'Clock P.M. entered the Prosecutor's house through an open gate, beaten the Prosecutor with their hands, pinioned him and carried away property worth Rupees 43-14-0 and the last two prisoners with having aided and abetted the first five prisoners in the commission of the said Act.—

7. The prisoners with the exception of the fifth against whom the evidence was considered insufficient were sentenced by the Pundit Sudr Ameen under Clause 4th, Section II Regulation VI of 1822* to seven months' imprisonment with hard labour in Irons.—

8. As this appears to have been a

*in the Regn. 1816

F.C.

7th August 1839.

a case of Robbery and beyond the jurisdiction of the Criminal Court, the Court of Foujdaree Udalut deem it necessary to call upon the Acting Criminal Judge for an explanation of the grounds on which he deemed himself authorized to treat this case as one of simple theft; and to submit the same for the Court's consideration.—

Case No. 67. 9. The prisoners in this case were convicted of House-breaking and Theft and sentenced by the Pundit Sudr Ameen to four months' imprisonment with hard labour in Irons under Clause 4th, Section II Regulation VI of 1822.—

10. The Court of Foujdaree Udalut consider the punishment inadequate for the offence particularly with reference to the provisions cited: and they direct that this opinion be communicated to the Pundit Sudr Ameen for his information and future guidance.

Ordered, that Extract from these proceedings be sent to the Acting Criminal Judge of Rajahmundry, by Precept returnable within seven days, from and after its receipt.—

L.A.C.

(Sent following Precept No. 930.)—

Extd.

7th August 1839.

5. The Acting Criminal Judge will accordingly be pleased to furnish the Magistrate with a copy of the Report on this Case and of these remarks, and the latter Officer will, on the receipt thereof, submit direct to the Sunjdaur Udalut an explanation on the point in question.—

Case No 63. 6. Of the seven prisoners in this case, the first five were charged with having on 28th May 1839 at 12 o'Clock P.M. entered the Prosecutor's house through an open gate, beaten the Prosecutor with their hands, pinioned him and carried away property worth Rupees 43-14-0 and the last two prisoners with having aided and abetted the first five prisoners in the commission of the said Act.—

7. The prisoners with the exception of the fifth against whom the evidence was considered insufficient were sentenced by the Pundit Sudr Ameen under Clause 4th 5th Section II Regulation VI of 1822* to seven months' imprisonment with hard labour in Irons.—

* in the Report 1816

8. As this appears to have been a

F.16.

7th August 1839.

a case of Robbery and beyond the jurisdiction of the Criminal Court, the Court of Sunjdaurce Udalut deem it necessary to call upon the Acting Criminal Judge for an explanation of the grounds on which he deemed himself authorized to treat this case as one of simple theft; and to submit the same for the Court consideration.—

Case No 64. 9. The prisoners in this case were convicted of House-breaking and theft and sentenced by the Pundit Sudr Ameen to four Months' imprisonment with hard labour in Irons under Clause 5th Section II Regulation VI of 1822.—

10. The Court of Sunjdaur Udalut consider the punishment inadequate for the offence particularly with reference to the provision cited: and they direct that this opinion be communicated to the Pundit Sudr Ameen for his information and future guidance.

Ordered, that Extract from these proceedings be sent to the Acting Criminal Judge of Rajahmundry, by Precept returnable within seven days, from and after its receipt.—

L.S.O

(Sent following Precept No 930.)—

Entered

F.U.

At a Court of the Foujdarree Udalut

Present:

Thomas Alexr. Oakes Esqr. — 1st Puisne Judge

Thursday, 8th August 1839 — William Sudleston Esqr. — 2d Puisne Judge

Henry Dickinson Esqr. — 3d Puisne Judge

Read Return dated the 29th June last from the Criminal Judge of Balasore to the Precept of this Court of Foujdarree Udalut under date the 3rd June 1839 conveying their observations and orders on the Criminal Reports of that Zillah Court for the month of April.—

(Here enter F.U. No. 10 of 1839)

1. Under the explanation furnished by the Criminal Judge in regard to Case No. 8 of the Court of Foujdarree Udalut will not disturb the sentence originally passed upon the prisoners, which will accordingly be carried into effect.—

2. The Criminal Judge has evidently misapprehended the purport of the Remarks of the Court of Foujdarree Udalut in respect of Case No. 94. An order for the commitment of

of the prisoners was ripened by this Court under date the 1st Ultimo.-

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

(Sent in No. 935)

Read the Salem Criminal Reports for the month of June.-

(Here enter F.R. No. 1189 of 1839.)

Cash No. 107. 1. The prisoner in this cash was charged with having stripped the prosecutrix after having thrown her down, squeezed her neck and stuffed a cloth into her mouth.-

2. The prisoner was required to find security, the Assistant Criminal Judge considering the evidence "too deficient and imperfect to admit of his conviction," principally by reason of discrepancies between the evidence of the Prosecutrix and her father.-

3. The Court of Sessions Wallajahbad are of opinion that the Prisoner's Police confession corroborated by the sworn evidence of the Prosecutrix, was sufficient for his conviction.-

The

4. The Court resolves to call the attention of the Provincial Court of Circuit to this case, who, should they, on a review of the Proceedings, be of opinion that there is sufficient ground to commit the prisoner, will ripen the requisite instructions to that effect, to the Acting Criminal Judge.-

Cash No. 108. 5. The Counter averment in this cash is all wrong, and must be corrected in framing the Indictment for the Court of Circuit.-

6. It should be averred that in the [illegible] the prisoner was [illegible]

7. The Circular Orders of the Sessions Wallajahbad contain clear instructions for the framing of Indictments in these cases, and such inattention to them is highly censurable.-

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

(Sent in No. 936)

Ordered also, that Extract from these proceedings (Paragraphs 1 & 4.) be

8th August 1839.

be sent to the Provincial Court of Circuit in the Southern Division, by Precept returnable within fifteen days from and after its receipt.

(Sent following precept No 937)

Read Letter dated the 25th Ultimo from the Acting Second Judge of the Provincial Court of Circuit in the Centre Division, submitting a copy of the Chittoor Calendar of the Second Quarter Sessions of 1839.-

(Here enter F.M. No 1231 of 1839.)

Cases Nos 15. Rands 17.

The Court of Foujdaree Udalut concur in opinion with the Acting Second Judge of the Provincial Court of Circuit in regard to these cases, and, under the Provisions of Clause third, Section III, Regulation I of 1825, authorize him to issue this warrant to the Criminal Judge of Chittoor for the imprisonment of the prisoners

Case No 16. 2nd Veeraraugavadoo

and

4th Venkatadadoo

and

Case No 15. 3d Rowdadoo

with hard labour in irons on the public roads

F.M.

8th August 1839.

roads or other public works, for and during the period of eight (8) years.-

Ordered, that Extract from these proceedings be sent to the Acting Second Judge of the Provincial Court of Circuit in the Centre Division, for his information.-

(Sent in No 938.)

Read return dated the 30th Ultimo from the Third Judge on Circuit in the Centre Division, to the precept of the Foujdaree Udalut under date the 24th Ultimo, conveying their further observations on Case No 23 of the Cuddapah Calendar for the 1st Sessions of 1839.-

(Here enter No 1274.)

Read return dated the 29th Ultimo from the Provincial Court of Circuit in the Southern Division, to the precept of the Foujdaree Udalut under date the 15th Ultimo, observing that the Case No 91 of 1838 on the file of the joint Criminal Court of Tinnevelly might not, under the Regulations, to have been forwarded by the Magistracy to the joint Criminal

Court

8th August 1839.-

Court nor to have been disposed of by the Joint Criminal Judge, and directing that the circumstances may be communicated to the Magistrate of Tinnevelly and that the Prisoner in the said case, Diruppa Pillay, be forthwith discharged.-

(Here enter No. 1276.)

Read letter dated the 29th Ultimo from the Third Judge on Circuit in the Northern Division, reporting that a Proclamation has been issued to the Acting Criminal Judge of Rajahmundry for opening the Court of Sessions of 1839, at Guntoor on the 21st Proximo.-

(Here enter No. 1281.)

Read letter dated the 1st Instant from the Magistrate of Chingleput submitting the explanation called for in the Proceedings of the Tanjore Udalut under date the 22d Ultimo, on Cases Nos. 28 and 36 on the Chingleput Criminal Report for the month of June 1839.-

(Here enter No. 1282.)

L.P.C.

E.N.d

W.R.D

F. 11.

At a Court of the Foujdaree Udalut

Present

Friday 9th August 1839.-

Thomas, Alexr. Oakes Esqre. 4th Puisne Judge

William Hudleston Esqre. 2d Puisne Judge

Henry Dickinson Esqre. 3d Puisne Judge

L.P.C.

Read again letter dated the 12th Ultimo from the Acting Second Judge of the Provincial Court of Circuit in the Centre Division, transmitting the record in Case No. 11 on the Sheriff's Calendar for the 3d Quarterly Sessions of 1839.-

(Here enter No. 1157.)

Read also return dated the 6th Instant from the Acting Second Judge of the Provincial Court of Circuit in the Centre Division, to the precept of the Foujdaree Udalut dated the 30th July 1839 returning for correction the record of Case No. 11 of the Sheriff's Calendar for the 3d Quarterly Sessions of 1839.-

(Here Enter No. 1285.)

Mr. Hudleston.

and

Mr. Dickinson.

The Court of Foujdaree Udalut having maturely considered the Proceedings

Pets

9th August 1839.-

held before the Judge presiding in Quarter Sessions, 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

Boonga Ramoodoo

of the crime of murder committed in the perpetration of robbery by open violence, and under the provisions of Clauses first and fifth Section IV Regulation XV of 1803 and Clause third Section II Regulation I of 1825, sentence the said prisoner to receive one hundred and ninety five lashes of a Cat of nine tails, and to be transported to such place or places beyond Sea as the Governor in Council shall appoint, there to be imprisoned and kept to hard labour in irons, on the public roads or other public works, for, and during the period of his natural life.-

(Sent following letter No. 939)

Read letter dated the 25th Ultimo from the Third Judge on Circuit in the Cutta Division, transmitting the record in Case No. 5 of

9th August 1839.-

of the Chingleput Calendar for the 1st Sessions of 1839.-

(Here enter No. 1257.)

Mr. Hudleston and Mr. Dickinson.-

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

Caugheta Vencatagan

alias

Vencatasoo

alias

Vencatapaha

of the crime charged, upon strong presumptive proof, and awarding Coorabut: and under the provisions of Clause third, Section VII Regulation XV of 1803, sentence the said prisoner to receive one hundred and ninety five lashes of a Cat of nine tails, and to be imprisoned and kept to hard labor in irons on the public roads or other public works, for, and during the period of

9th August 1839.-

of Seven Years, in addition to any former Sentence that may be in force against him.-

(Sent following letter No. 940)

Read letter dated the 15th Ultimo from the Acting Criminal Judge of Combaconum, submitting the Criminal Reports of the Tillah Court for the month of June.-

(Here enter F.C. No. 1196 of 1839.)

Cause No. 92. 1. The three prisoners in this Case were charged with having, on the night of the 21st February 1839. proceeded with a Gang, armed with Sticks &c. to the house of the Prosecutor Saunoovirangar at Caroopoor, entered in by getting over the roof, beaten and wounded the Prosecutor and his wife, and plundered from the house, property valued at Rupees 250-12.-

2. The first and second prisoners were committed for Trial before the Court of Circuit.-

3. Of the third prisoner, it is stated in the Report that "the Prosecutor and the third witness depose to having seen the third prisoner also among the Gang who

F.C.

9th August 1839.-

who consequently comes under strong suspicion and is ordered to find two Securities in fifteen Rupees each for his good behaviour for one Year "Veal".-

4. The Court of Sessions Vakeel being of opinion that the evidence as above stated was sufficient to authorize the commitment of the third prisoner for Trial, resolve to direct the Provincial Court of Circuit in the Southern Division to call for the Proceedings in this case, and pass such orders thereon as they may consider proper, with reference to the Provisions of Section XXIII, Regulation X of 1816.-.- reporting the result to this Court.-

Ordered, that Extract from these proceedings be sent to the Provincial Court of Circuit in the Southern Division by Precept returnable within twenty days from and after its receipt.-

(Sent following precept No. 941)

Ordered also, that Extract from these proceedings be sent to the Criminal Judge of Combaconum, for his information.-

(Sent in No. 942.)

Rea.

9th August 1839.

Read Letter dated the 16th Ultimo from the Criminal Judge of Bellary forwarding the Criminal Reports of the Lillah Court for the month of June.-

(Here enter F.C. No. 1199 of 1839)

Suppl. Report 1. This case is stated to be still
Case No. 47. "under examination:" the Prisoner having been apprehended on the 20th January last.-

2. The Court of Sudder Adawlut deem it necessary to prohibit any further delay in the disposal of this Case.- If there be not evidence against the Prisoner immediately forthcoming, they must be discharged.-

Cases Nos. 115. 3. These Cases likewise are all stated
116 117 119 120 and 126. to be "under examination:" and the Court of Sudder Adawlut deem it necessary to call for an explanation of the circumstances which prevent their being disposed of.-

Case No. 151. 4. The Prisoner in this Case was charged with having entered the Prosecutor's Betel Garden, one night with the intent to steal betel leaves.-

5. The Prisoner was released.- It appears that the Prosecutor represented he

9th August 1839.

he preferred no complaint against the Prisoner and does not know whether the Prisoner came to his garden to steal or to ask for some betel leaves.- Prisoner being intoxicated at the time slept in the garden till the next morning.- Prisoner was in the habit of visiting the Garden: "and it is added "there are no witnesses in this case: there appears to have been no reason whatever for the Prisoner being sent up to the Court:."-

6. The Court of Sudder Adawlut resolve to direct the Criminal Judge of Bellary to furnish a copy of the Report of this case to the Joint Magistrate in charge of the District of Bellary who will be pleased to obtain from the Head of Police of Kumply and submit direct to the Sudder Adawlut, an explanation of the reasons which induced him to send up the case to the Criminal Court.-

Ordered, that Extract from these proceedings be sent to the Criminal Judge of Bellary by Express returnable within ten days, from and after its receipt.-

(Sent following Precept No. 943)

Read

9th August 1839

Read return dated the 1st Instant from the Provincial Court of Circuit in the Centre Division to the precept of the Tuydance Udalut of the 31st July 1839 forwarding Circular Order No. 108, prescribing such parts of their standing orders as require a detailed abstract of the evidence in trials referred for the Court's final judgment under the provisions of the general Regulations and directing that in future a Judge of Circuit shall, in his letter of reference accompanying such trial, confine himself to a brief summary of the evidence generally and a detail of that part only on which his opinion in respect of the guilt or innocence of the accused party rests.—

(Here enter No. 1315.)

Read letter dated the 5th Instant from the Magistrate of Salem, submitting the explanation called for in the proceedings of the Tuydance Udalut under date the 13th May last, relative to Case No. 34 of the Salem Criminal Report for the month of March 1839.—

(Here enter No. 1315.)

F. P. C.

F. No.

At a Court of the Tuydance Udalut

Present,

Saturday Thomas Alexander Oakes Esqr. 1st Provincial Judge
10th August 1839 William Houdleston Esqr. 2nd Provincial Judge
Henry Dickinsone Esqr. 3rd Provincial Judge

P. C.

Read Return dated the 5th instant from the Third Judge on Circuit in the Centre Division to the Precept of the Court of Tuydance Udalut under date the 27th July 1839, conveying their observations on that Officer's Returns of the 25th June to this Court's Proceedings of the 25th June 1839 communicating their observations and orders on the Bullock Calendar for the first Sessions of 1839.

(Here enter F. No. 1302 of 1839.)

Case No. 60. 1. Of the prisoner in this case the Third Judge observes that he is "not an old offender and the theft" was "unattended with any aggravating circumstances" and he "begs permission to carry into effect the sentence passed against him in the first instance which he is of opinion is a quite sufficient for the offence".—

The Court of Tuydance Udalut resolve

2 to accede to the recommendation of the Third Judge and

10th August 1839

9

and under the Provisions of Clause third, Section III Regulation I of 1825, authorize him to issue his warrant to the Criminal Judge of Bellary for the imprisonment of the prisoner

Lingadoo

with hard labour in Irons for the period of four (4) years

Ordered, that extract from these proceedings be sent to the Third Judge on Circuit in the Centre Division for his information.—

Sent in Ste. 947

Read letter dated the 22nd Ultimo from the Provincial Court of Circuit in the Western Division forwarding an English Translation of the Criminal Report of the Principal Sudr Ameen of Sirsee for the Month of June—

(Here enter T. No. 1247 of 1839.)

Supplemental Report 1 cases Nos. 19 and 20.

It is stated in the Report that "after the case of Forgery is filed and disposed of (in the Principal Sudr Ameen's Court)" these cases are "to be taken up for consideration, but in consequence of the Police Officer not having yet sent the said case of Forgery (to the Principal Sudr Ameen's Court)" these cases remain undisposed of."

2.

The Court of Foujdaree Adalut observe that the prisoners were apprehended so long ago as the 17th December 1838, and although from the Criminal

10th August 1839

Criminal Report for April last it would appear that they have been out on bail during some portion of the interval, yet the case cannot be allowed to remain longer undecided; and must be disposed of forthwith

3.

The Court of Foujdaree Adalut require to be informed where the prisoners were from the 17th December 1838 the date of their apprehension to the 2nd March 1839 that of their arrival at Sirsee—

Report V Case No. 44

4.

The prisoner in this case was charged with having on the 21st February 1839 made a consultation with the prisoner Rajah and others who have undergone punishment, in the Zillah of Belgaum, to rob the Prosecutor Bugwantappa and others and thereby been an accessary to the deed."

It is stated that "in reference

5.

to the proceedings forwarded by the additional Acting Joint Magistrate, it appears from the copies of the declarations of the Prosecutor and of one of the Prisoners who was sentenced in the Belgaum Zillah that the prisoner

was

10th August, 1859

was an accessary to the deed, and on reference also to the other papers connected with this case, & there is reason to suspect that he was an accessary to the deed" and he was accordingly required to find security for his future good behaviour.

6 The Court of Foujdaree Udalut observe that this proceeding was irregular. No order can be founded on proceedings not held in the case.

7 If therefore the order of the Principal Sudr Ameen was based upon the papers above referred to, so that without those papers before him he would not have called upon the accused to find security, the said order must be cancelled, and the prisoner, if in confinement must be discharged out of custody. If he have already furnished the required security, the Bail Bonds must be cancelled.

Ordered, that extract from these proceedings be sent to the Provincial Court of Circuit in the Western Division by Precept returnable within twelve days, from and after its receipt.

Sent following Precept No. 948

Read letter dated the 12th Ultimo

Jr. No.
10th August, 1859

from the Acting Criminal Judge of Cuddapah forwarding the Cuddapah and Cumbum Criminal Reports for the Month of June.

(Here enter Jr. No. 1164 of 1859)

Cuddapah Supt.s Report Case No. 146

The charge in this case is stated 1 in the following words "False Chap to Gunnies". This is no charge at all.

Report V Case No. 151

The reasons assigned for the delay 2 in this case are very unsatisfactory. The Head of Police might not to have referred the case to the Magistrate who could not take cognizance of it.

Cumbum Report Case No. 27

The second, third and fourth 3 prisoners in this case were required by the Principal Sudr Ameen of Cumbum to find security for their future good behaviour for one year, on the ground of one of the witnesses having "deposed to the Prisoner's verbal confession of the crime".

The Court of Foujdaree Udalut are 4 not of opinion that there were sufficient grounds to warrant the demand of security: and they resolve accordingly to direct that the prisoners, if still in confinement, be forthwith discharged out of

10th August 1839

was an accessary to the deed, and on reference also to the other papers connected with this case, & there is reason to suspect that he was an accessary to the deed" and he was accordingly required to find security for his future good behaviour -

6 The Court of Inquiries Udalut observe that this proceeding was irregular. No order can be founded on proceedings not held in the case -

7 It therefore the order of the Principal Sudr Ameen was based upon the papers above referred to, so that without those papers before him he would not have called upon the accused to find security, the said order must be cancelled, and the prisoner, if in confinement must be discharged out of custody. If he have already furnished the required security, the Bail Bonds must be cancelled -

Ordered, that extract from these proceedings be sent to the Provincial Court of Circuit in the Western Division by Precept returnable within twelve days from and after its receipt -

Sent following Precept No. 948

Read letter dated the 12th Ultimo from

F. No.

10th August 1839

from the Acting Criminal Judge of Cuddapah forwarding the Cuddapah and Cumbum Criminal Reports for the Month of June -

(Here enter F. No. 1164 of 1839)

Cuddapah Suppl. Report Case No. 141

The charge in this case is stated

1

in the following words "False Chop to Gunnies" -

This is no charge at all -

Report V Case No. 151

The reasons assigned for the delay

2

in this case are very unsatisfactory. The Head of Police ought not to have referred the case to the Magistrate who could not take cognizance of it -

Cumbum Report Case No. 27.

The second, third and fourth

3

prisoners in this case were required by the Principal Sudr Ameen of Cumbum to find security for their future good behaviour for one year, on the ground of "one of the witnesses having "deposed to the Prisoner's verbal confession of the crime" -

The Court of Inquiries Udalut are

4

not of opinion that there were sufficient grounds to warrant the demand of security: and they resolve accordingly to direct that the prisoners, if still in confinement, be forthwith discharged out

6th August 1839

of custody: and if they have furnished the required security, that the Bail Bonds be cancelled.—

Case No. 30

5. The prisoners in this case were charged with having, in the evening of the 11th June 1839 feloniously driven away and killed the Prosecutor's Cattle valued at Rupees 10 . . .—

6. It is stated in the Report that "the 1st Witness deposes to the Prisoners verbal confession of the crime and to their having brought the skins from a Pond: the second and third witnesses prove the voluntary confession of the Prisoners before the Head of Police."—

On this evidence the prisoners were sentenced each to ten months imprisonment with hard labour in Irons and to receive each fifty lashes of a Cat of nine tails.

8. The Court of Tondaree Udalut deem it necessary to direct the Criminal Judge to look into the Proceedings in this case, and submit a report on it for their consideration.—

Ordered, that extract from these proceedings be sent to the Criminal Judge of Cuddapah by Precept returnable within seven days from and after its receipt.—

(Sent following Precept No. 944 Read

10th August 1839

Read letter dated the 10th Ultimo from the Second Judge of the Provincial Court of Circuit in the Western Division, forwarding Copies of the Calendars of the Second Quarter Sessions of 1839 holden at Tellicherry.—

(There enter T. Un. No. 1172 of 1839.)

The Court of Tondaree Udalut desire to be informed whether the case before the Joint Magistrate fell under the provisions of Section XII Regulation X of 1822: if it fell under Section XI, the Collector or Sub Collector only could regularly hold proceedings.—

Case No. II

Case No. III

2. The prisoners

1st Pillachery Chedayan and

2d Panachy Kodawata Cooby Magan

were charged before the Court of Quarter Sessions with having, in company of others, proceeded at night, to the house of the Prosecutrix, entered thereinto by an open door, and by means of intimidation held out towards the Prosecutrix and others, plundered from the house property of the value of Rupees 96-1-60.—

The Prisoners are convicted, but

3. in consideration of the total absence of aggravating circumstance

10th August 1839

circumstances, the Presiding Judge submits "that imprisonment for five years or at farthest seven years will be a suitable and sufficient punishment for these prisoners."

4. The Court of Tuijdarce Udalut are of opinion that the sentence for Robbery should except under very peculiar circumstances, exceed that awarded for the minor offence of Theft, and that the Regulations of this Presidency are framed upon that principle.

5. The Court therefore resolve to authorize the Second Judge to issue his warrant to the Joint Criminal Judge of Malabar for the imprisonment of the prisoners aforesaid for the period of (8) eight Years.

Ordered, that extract from these proceedings be sent to the Second Judge of the Provincial Court of Circuit in the Western Division by Precept returnable within seven days from and after its receipt.

(Sent following Precept No. 950.

S. J. O.

Eg. L.

J. U. No.

At a Court of the Tuijdarce Udalut

Present,

Monday 12th August 1839

Thomas Alexander Oakes Esqr. 1st Puisne Judge
William Hudleston Esqr. 2nd Puisne Judge
Henry Dickinson Esqr. 3rd Puisne Judge

S. P. O.

Rendagoin Miscellaneous Petitions presented on the 15th February and 8th April last by Codeeya veen Pillay of Tinnivelly.

(See order No. 1st No. 27 and 47 of 1839.)

Read also Return dated the 15th May and Supplemental Return dated the 20th May from the Provincial Court of Circuit in the Southern Division, to the Precept of the Court of Tuijdarce Udalut under date the 29th April 1839. directing them to call for from the Joint Criminal Judge of Tinnivelly and submit for their consideration translations of the seventeen Documents required by the Petitioner Codeyaveen Pillay and referred to in the Proceedings of the Provincial Court of Circuit under date the 14th January 1839.

(See order J. U. No. 779 and 881 of 1839.)

With their Supplemental Return of the 20th May the Provincial Court of Circuit send up the translations of the Documents called for by this Court.

The

12th August 1839

2 The Court of Fujdaree Udalut have examined those papers, as also those produced in the first instance by the Petitioner, and they deem it expedient, before passing a final order on the matter, to recall for an English Translation of the Record of case No. 3 of the Tinnivelly Calendar of the first Session of 1838 and also for translations of the proceedings in the charge of Robbery for alleged Perjury in which, the prisoners, in No. 3 to 7 of that Calendar were tried and sentenced.—

3 The Provincial Court will be pleased accordingly to expedite the preparation of the translations in question and submit the same at their earliest convenience for the consideration of this Court.

Ordered, that extract from these proceedings be sent to the Provincial Court of Circuit in the Southern Division, by Receipt returnable within fifteen days from and after its receipt.—

(Sent following Receipt No. 952

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

Read Miscellaneous Petition presented

12th August 1839 presented on the 15th Ultimo by Ramaswamy Naiken of the Zillah of Chittoor

(Reverter M. P. No. 81 of 1839.)

The Petitioner absents that certain Monegars of the Village of Gondalore in the District of Salem have made a violent attempt upon his life and revenge for his having about nine years ago, brought their malversations to the notice of the Circar: that the case having come under the cognizance of the Head of Police, that officer omitted to examine some of the witnesses named by the Petitioner in support of his charge and treating it as one of simple assault, fined the offenders in the sum of two Rupees and committed them to confinement in default of payment: and that the Court of Circuit to whom he applied for redress, has recorded its concurrence in the judgment of the Head of Police.

He affirms that he goes in fear of his life and prays the Court of Fujdaree Udalut to direct the Court of Circuit to examine the remaining witnesses, award due punishment and likewise require

12th August, 1839 — require the offenders to find security for their good behaviour in future.—

The Court of Fazdarees Adalut observe that under the Provisions of Clause first, Section V. Regulation XI. of 1827, it is competent to the Magistrate to require security for keeping the peace if he see fit and the Petitioner should apply to the Magistrate for that purpose.—

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

Read Miscellaneous Petition presented on the 15th Ultimo by Swee Runguminnaud wife of Loobhen Pedachee the second prisoner in Case No. 16 of the Commitment Calendar of the second Sessions of 1838.—

(Here enter M. P. No. 86 of 1839.)

The Petitioner prays that an order may be issued for the release of her husband the prisoner abovementioned who was convicted by the Court of Circuit of Gang Robbery by open violence and sentenced to imprisonment with hard labour in Irons for fourteen Years, and to receive one hundred and fifty lashes.—

The Court of Fazdarees Adalut have referred to the Calendar, and see no reason to question the sufficiency of the evidence for the conviction of the prisoner, or the correctness of the Judgment of

12th August, 1839 — of the Court of Circuit.—

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 29th Ultimo by Baubagee Row & Jail Row at Quin

(Here enter M. P. No. 89 of 1839.)

1. The Petitioner states that after having been employed as a Peon on the establishment of the Zillah Court of Chittoor for a period of years, he was transferred by Mr. Lascelles the late Zillah Judge to the Jail with the promise of being restored to his former employ at the expiration of six months: but that eventually Mr. Lascelles introduced another person and sent the Petitioner down to Guindy in charge of Convicts.

2. He prays that an order may be issued for his restoration to his former situation in the Zillah Court.—

3. The Court of Fazdarees Adalut resolve to call upon the Zillah Judge of Chittoor to report whether the Records of his Office afford any

12th August, 1839 — require the offenders to find security for their good behaviour in future.—

The Court of Fouzdaree Udalut observe that under the Provisions of Clause first, Section V. Regulation VI of 1827, it is competent to the Magistrate to require security for keeping the peace if he see fit, and the Petitioner should apply to the Magistrate for that purpose.—

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

Read Miscellaneous Petition presented on the 15th Ultimo by Sree Rungummaul wife of Doolhun Pudiachee the second prisoner in Case No. 16 of the Commitment Calendar of the second Sessions of 1838.—

(Here enter M. P. No. 86 of 1839)

The Petitioner prays that an order may be issued for the release of her husband the prisoner abovementioned who was convicted by the Court of Circuit of Gang Robbery by open violence and sentenced to imprisonment with hard labour in Irons for fourteen Years; and to receive one hundred and fifty lashes.—

The Court of Fouzdaree Udalut have referred to the Calendar, and see no reason to question the sufficiency of the evidence for the conviction of the prisoner, or the correctness of the Judgment

Ft. Wm.
12th August, 1839 — of the Court of Circuit.—

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 29th Ultimo by Baubajee Row Gajul Row at Aguin

(Here enter M. P. No. 89 of 1839)

1. The Petitioner states that after having been employed as a Peon on the establishment of the Zillah Court of Chittoor for a period of ten years he was transferred by Mr. Lascelles the late Zillah Judge to the Jail with the promise of being restored to his former employ at the expiration of six months: but that eventually Mr. Lascelles introduced another person and sent the Petitioner down to Guindy in charge of Convicts. on

2. He prays that an order may be issued for his restoration to his former situation on the Zillah Court.—

3. The Court of Fouzdaree Udalut resolve to call upon the Zillah Judge of Chittoor to report whether the Records of his Office afford any

12th August 1839

any information of the grounds on which the Petitioner was transferred from one situation to the other.

Ordered, that extract from these proceedings be sent to the Zillah Judge of Chittoor by Precept returnable within seven days from and after its receipt.

(Sent following Receipt No. 953.

Read Miscellaneous Petition presented on the 29th Ultimo by Veerasawmy of the Zillah of Chittoor.

(Here enter M.P. No. 91 of 1839)

The Petitioner prays that an order may be issued for the release of her father the prisoner Yelanja Peroomal in Case No. 29 of the Chittoor Calendar of the first Quarter Sessions of 1839 wherein he was charged with murder and of which the Trial has been referred for the final judgment of the Foujdaree Adalut.

The Court of Foujdaree Adalut direct that the Petitioner be informed that the case is under their consideration, and advised to return home.

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

Read

12th August 1839

Read a Miscellaneous Petition presented on the 29th Ultimo by Angammaval of the Zillah of Combaconum.

(Here enter M.P. No. 92 of 1839.)

The Petitioner prays the Court of Foujdaree Adalut to issue an order for the release of her husband the prisoner Sackarow late a Police Peon in Case No. 49 of the Combaconum Calendar of the second Sessions of 1838 who was charged before the Court of Circuit with having received a bribe from certain persons who had been apprehended and consigned to his charge on suspicion of being concerned in a Robbery, and connived at their escape, and on conviction was sentenced to imprisonment with hard labour in Irons for three Years.

The Court of Foujdaree Adalut having referred to the Calendar and seeing no room to question the sufficiency of the evidence for the conviction of the prisoner in question, or the correctness of the judgment of the Court of Circuit.

Ordered, that the prayer of this Petition be rejected, and that extract from these proceedings

th August 1839 proceedings be furnished to the Petitioner upon her application.

Read letter dated the 13th Ultimo from the 2nd Judge Late on Circuit in the Southern Division, transmitting the Trial in Case No. 4 on the Coimbatore Calendar 1st Sessions of 1839.

(Here enter No. 1179 of 1839)

Questions

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

Cursandy

is sufficient to convict him of the crime charged do, under the authority with which they are vested by Clause first Section II Regulation I of 1813, convict him thereof, and under the provisions of Clause Second of the same Section and Regulation, direct their Law Officers to declare by a Seeah futwa to what sentence the prisoner would have been liable under the Mahomedan Law, if he had been convicted upon full legal evidence.

Answer.

In the event of the prisoner be

No. 116.

12th August 1839.

proved by full legal evidence to have been guilty of the crime charged he would have been liable to Ketcobut.

Mr Oakes and Mr Dickinson.

The Court of Foujdaree Udalut under the finding of Ketcobut declared in the foregoing futwa, and in conformity with the provisions of Clause third Section XII Regulation XV of 1803, sentence the prisoner

Cursandy

to receive one hundred and ninety five lashes of a Cat of nine tails and to be imprisoned and kept to hard labour in irons on the public roads, or other public works, for and during the period of fourteen years.

(Send following letter No. 984

Read letter dated the 26th Ultimo from the 1st Judge on Circuit in the Western Division, submitting the record in Case No. 3 on the Malabar Calendar for the 2nd Sessions of 1839.

(Here enter No. 1272 of 1839.)

Mr Huddleston and Mr Dickinson.

The Court of Foujdaree Udalut on a deliberate consideration of all the circumstances of this case in evidence before them being of opinion that

12th August 1839

that the proof against the prisoner

Kavandeperambra Ashary Checkotty

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

Sent following letter No 955

Read letter dated the 24th Ultimo from the First Judge on Circuit in the Western Division referring for the orders of the Court of Foujdaree Udalut copies of papers relative to case No 2 on the Malabar Calendar of the first Sessions of 1839 not tried by the Third Judge late on Circuit in the Western Division on the ground that the first and most material witness for the prosecution was in fact a Principal in the Second Degree and his evidence therefore inadmissible: but in which the First Judge submits that the first and second prisoners should be put on their trial for murder

Here enter T. Un No 1266 of 1839

The

12th August 1839

1. The Court of Foujdaree Udalut do not consider that the Act No XIX of 1837 (to which allusion is made by the First Judge in para 4 of the letter now recorded) has superseded the provisions of Section XX Regulation VIII of 1802 The Act, a law of an extraordinary nature passed with reference to the suppression of Thuggee, relates to persons, who may have been convicted of crimes, and renders them competent witnesses: and under it's provisions, the Court of Foujdaree Udalut presume that a convict under sentence might be made a witness against persons charged with having taken part in the Commission of the crime of which such convict had been found guilty

2. But Section XX Regulation VIII of 1802 refers to "supposed accessaries" and provides a course of proceeding for their being made witnesses

3. It appears to the Court of Foujdaree Udalut that there is enough against "C. Tenjuatoree Doney Poraveen" who was the 1st witness in No 2 of the former and is the 2nd prisoner in No 8 of the present Calendar to warrant his being regarded as a "supposed accessary"

4. It is difficult to understand on any other supposition the 2nd prisoner's case No 2 of the Calendar 1st Sessions of 1839 calling and taking this

2th August, 1839 — this man along with him to the scene of the murder, as stated by him in his examination formerly as witness and since as prisoner. If he had not been consenting to the deed for the perpetration of which the said 2nd prisoner is stated to have been going, to take him along with him was gratuitously to provide an eye witness for his own conviction of the Murder.

5. The same remark appears applicable to the 1st prisoner's joining that man and the 2nd prisoner, and with them going straight to the place, producing the hatchet and murdering the deceased.

6. How came these two murderers to take with them this man, if Mr Vaughan is right in supposing, as he appears to do, that he was not a party concerned in the deed?

7. This man too concealed his knowledge of this murder for three days until the Head of Police examined him, for fear, as he says, that he should get into trouble.

8. Regarding him as implicated, the Court of Inquiry resolved to authorize the First Judge to admit him to a conditional pardon in the prescribed manner, without which provision the Court are not of opinion that his evidence, as a witness in this case, is admissible under the Regulations

12th August, 1839 — Regulations in force.

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

Sent in No. 456

Read Miscellaneous Petition presented on the 15th Ultimo by Potter Yadeea Pillay of Tinnevelly: on behalf of Sangara Singuru Pillay the Prosecutor in Case No. 3 of the Tinnevelly Calendar of the first Session of 1839.

(Here enter M. C. No. 78 of 1839)

The Petitioner complains that the prisoners in the above mentioned case have been acquitted by the Court of Circuit of the charge of having set fire to some stacks of straw belonging to his father, and set at liberty: and he prays the Court of Inquiry to call for the whole of the Proceedings connected with the case: and pass orders for the punishment of the parties.

The prayer of this Petition is totally irregular and inadmissible.

The

9th August 1839

The Court of Foujdaree Udalut have no power to annule an acquittal by the Court of Circuit.—

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

Read letter dated the 16th Ultimo from the Acting Criminal Judge of Madura, forwarding the Criminal Reports of the Zillah Court for the month of June.—

(Here enter F. Cir. No. 1193 of 1839)

Case No. 74

The prisoner in this case was charged "with having, during the day time of the 17th May 1839 stolen Rupees 38-8- from a Pagoda under the Superintendance of the Circar &c. and on conviction was sentenced by the Moofflee & Sudr Ameen "to be imprisoned for one Year, with hard labour and to receive fifty lashes under Clause fourth, Section III. Regulation VI. of 1822."

2

The case does not appear to the Court of Foujdaree Udalut to fall within the Provisions cited: and the Acting Criminal Judge will be pleased to call upon the Sudr Ameen for an

12th August 1839

explanation on this point, and submit the same for their consideration.—

3

The same remark and order applies to case No. 83 in which the sentence was passed by the Pundit Sudr Ameen.—

Case No. 84

4

The Court of Foujdaree Udalut observe that the prisoner in this case should be furnished for the escape.—

Ordered, that extract from these proceedings be sent to the Acting Criminal Judge of Madura by Precept returnable within seven days, from and after its Receipt.—

D.C.

(Sent following Precept No. 957.

4/8/39

W.D.

No 6

At a Court of the Foujdaree Udalut—

Present,

Tuesday, 13th August 1839. Thos. Alexr. Oakes Esqre Actg 1st Puisne Judge
William Huddleston Esquire 2nd Puisne Judge
Henry Dickinson Esqre Actg 3rd Puisne Judge

D.F.O.

Read Letter dated the 8th Ultimo from the 2nd Judge late on Circuit in the Southern Division— Submitting for the final Judgment of the Court of Foujdaree Udalut the record of Case No. 2 of the Coimbatore Calendar of the first Sessions of 1839.

(Here enter S.D. No 1127 of 1839)

Mr. Oakes and Mr. Dickinson

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

Sibbe Goundan

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 under the provisions of Section X. Regulation VIII of 1802, Sentence him to suffer death by being hanged.

13th August 1839.

hanged at the usual time and place of execution.

It is stated in Parah: 15 of the Second Judge's letter of reference, that the body of the deceased female "was discovered on the third day after the last occasion of her being seen alive: whereas, it is in Evidence on the Trial that the corpse was found on the morning of the 15th January - or the morning of the day immediately preceding that on which the deceased was examined before the Tahsildar on the false charge of Theft preferred against her by the Prisoners.

2. It is necessary that in the Summing up of the Evidence on a Criminal Trial, the strictest accuracy should be observed, without which the Circuit Judge's Letter of reference is calculated to mislead rather than aid the Judgment.—

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

(Sent in No. 962)

Read Letter dated the 23d ultimo from the Second Judge late on Circuit in the Southern Division. Submitting for the final Judgment of the

13th August 1839.

Court of Tanjore Adalut the Record of Case No. 6. of the Coimbatore Calendar of the First Sessions of 1839.

(Here enter F.H. Nos. 1213 of 1839.)

Do. Huddleston
and
Mr. Dickinson

The Court of Tanjore Adalut, having maturely considered the proceedings held before the Judge on Circuit, the Fatwa of the Provincial Law Officer, and the Fatwa of the Cazee-ool-Cozat and Mooftees of the Tanjore Adalut, confirm the said Fatwa of the Cazee-ool-Cozat and Mooftees aforesaid, convicting the Prisoners

1st Siddamullon
and
2nd Tipparon

of the crime of Murder and awarding Deyut; and under the provisions of Section XVII Regulation VIII of 1802, Sentence the Prisoner

2d Tipparon

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

1st Siddamullon

to be transported to such place or places beyond Sea as the Governor in Council shall appoint, there to

be

be imprisoned and kept to hard labour in irons on the public roads or other public works, for and during the period of his natural life.

The Court of Foujdaree Udalut are of opinion that the Police Officer of Collegal named in Viswanaudiah has not, as directed by the Circular Order of the 30th April 1824, subscribed himself "as specially appointed under Section III. Regulation II of 1821." Nor has the Judge of Circuit reported on this point, as required by that Circular Order and by the Circular Order dated 30th November 1821.

2. If the above mentioned Person be Tahseeldar, he should have so subscribed himself, or at least as Head of Police instead of merely as "Police Officer:" and the Second Judge will be pleased to instruct the Acting Magistrate of Coimbatore to call the attention of that individual to the omission.

3. The Second Judge of Circuit in his letter of reference expressly declares the act of which the prisoners are convicted, to be wilful and deliberate; and this being the case, the Court of Foujdaree

Foujdaree Udalut are utterly at a loss to account for the recommendation which he gives respecting the Sentences to be passed.

4. Under the provisions of Sections XV, XVII, and XVIII, Regulation VIII of 1802, the Court of Foujdaree Udalut are competent to mitigate the Penalty of death in those cases only in which there may be "alleviating circumstances."

5. The Chief characteristic of Murder is "the malice prepense", and as evidence of express malice, the most obvious is "lying in wait", and a "concerted Scheme to do the party some bodily harm."

6. The provocation which is allowed to extenuate in the case of homicide must be Something presented at the instant of committing the act, "all the circumstances of the case must lead to the conclusion, that the act done, though "intentional of death or great bodily harm was not "the result of a cool deliberate judgment and previous "malignity of heart, but solely imputable to human "infirmity."

/ Rupell Page 631 /

According

7. According to the Law of England also "in the case of the most grievous provocation "to which a man can be exposed, that of finding "another in the act of adultery with his wife, though "it would be but manslaughter if he should kill "the adulterer in the first transport of passion, yet "if he kill him deliberately and upon revenge, or "after the fact, and sufficient cooling time, it would "undoubtedly be murder."

8. In the present case, in the instance of the Second prisoner "Sipparon" the Court of Fouzdaree Adalut cannot discover any circumstances of alleviation.

9. It is admitted by the Prisoners that they deliberately laid wait for the deceased and assaulted him. the first prisoner with a Cudgel the Second prisoner with a hatchet: and so put him to death.

10. No provocation is alleged in the declarations of the Prisoners before the Police Officer or before the Acting Joint Criminal Judge.

The

11. The first prisoner is not proved to have used a deadly weapon like the Second, and a trespass was committed by the Entry of the deceased into his premises: though the first prisoner appears to have long winked at the proceeding. The Court of Fouzdaree Adalut are willing to regard these as alleviating circumstances and in favorem vitæ to mitigate the Sentence of the said first prisoner to Transportation for life.

Ordered, that Extract from these proceedings be sent to the Second Judge late on Circuit in the Southern Division for his information and guidance.

/ Sent in No. 963 /

12. Read Letter dated the 6th ultimo, from the Head Assistant Magistrate in charge of the Zillah Court of Chicacole, submitting the Criminal Reports for the month of June.

/ Here enter F.R. No. 1148 of 1839 /

Supplemental Report Case No. 43.

The prisoner in this case was charged with having had in his possession, two hatchlocks valued at five Rupees forming part of the property

7. According to the Law of England also "in the case of the most grievous provocation "to which a man can be exposed, that of finding "another in the act of adultery with his wife, though "it would be but manslaughter if he should kill "the adulterer in the first transport of passion, yet "if he kill him deliberately and upon revenge, or "after the fact, and sufficient cooling time, it would "undoubtedly be murder"

8. In the present case, in the instance of the second prisoner the Court of Foujdaree Adalut cannot discover any circumstances of alleviation.

9. It is admitted by the Prisoners that they deliberately laid wait for the deceased and assaulted him the first prisoner with a Cudgel the second prisoner with a hatchet: and so put him to death.

10. No provocation is alleged in the declarations of the prisoners before the Police Officer or before the Acting Joint Criminal Judge.

The

11. The first prisoner is not proved to have used a deadly weapon like the second, and a trespass was committed by the Entry of the deceased into his premises: though the first prisoner appears to have long winked at the proceeding. The Court of Foujdaree Adalut are willing to regard these as alleviating circumstances and in favorem vitæ to mitigate the Sentence of the said first prisoner to Transportation for life.

Ordered, that Extract from these proceedings be sent to the Second Judge late on Circuit in the Southern Division for his information and guidance.

/ Sent in No. 913 /

12.

Read Letter dated the 6th ultimo, from the Head assistant Magistrate in charge of the Tillah Court of Chittagong, submitting the Criminal Reports for the month of June.

/ Here enter F.R. No. 1148 of 1839 /

Supplemental Report Case No. 103.

The prisoner in this case was charged with having had in his possession, two matchlocks valued at five Rupees forming part of the property

13th August 1839.

"Property Stolen from the Prosecutor's house by certain robbers": &c. and was sentenced to two years imprisonment with hard labour under Clause fourth, Section II Regulation VII of 1822.

2. The Court of Fouzdaree Udalut deem it necessary to call upon the Criminal Judge to explain whether the "Guilty Knowledge" was charged: no mention of it being made in the Indictment.

Ordered, that Extract from these Proceedings be sent to the Criminal Judge by a Precept returnable within five days, from and after its receipt.

/ Sent following Precept No. 964 /

Circular Order

No. 109.

The Court of Fouzdaree Udalut having, of late, had frequent occasion to notice the defectiveness of the charges in the Monthly Reports, submitted by the Criminal Courts, which is usually ascribed to the ignorance or negligence of the Police Officers by whom the Cases were forwarded, resolve by a Circular Order to point out that

F. M.
13th August 1839.

that errors or defects in charges sent up by the Police Officers, should be corrected by the Criminal Court when apparent from the Evidence taken by the Police.

Ordered, that Extract from these Proceedings be sent to the four Provincial Courts of Circuit with instructions to communicate the same to the Zeenut Criminal Courts within their respective Divisions, for their future guidance by Precept returnable within seven days.

/ Sent following Circular Order No. 965 /

Read Letter dated the 9th Ultimo from the Criminal Judge of Nellore, submitting the Criminal Reports of the Zillah Court for the month of June.

/ Here enter F. M. No. 1200 of 1839 /

Case No. 12. In this case, the first Prisoner was charged with having defrauded the Circar of the Sum of Rupee 1. 6 a. being the amount of duty payable for five Tolas of Tobacco, by concealing the same in the Second Prisoner's house: and the Second with having knowingly received the said Tobacco and

Concealed

concealed it in his house without reporting the same to any one: and with having also sold a portion of it, without paying the Circar duty.—

2. The first prisoner was ordered to pay a fine of ten Rupees and the second a fine of twenty Rupees under Clause first Section XXI of Regulation I of 1812. and in default each to be imprisoned for three Months.—

3. The Court of Foujdaree Adalut are not satisfied that this is a case of fraud on the Customs: and it is certainly not smuggling.—

4. The first prisoner appears to have acted openly. and to have omitted to pay the duty as he promised: but this is not fraud.—

5. The Court of Foujdaree Adalut resolve to direct the Provincial Court of Circuit in the Northern Division to call for the proceedings in this Case, and pass such orders thereon as to them may seem proper with reference to the Provisions of Section XXIII. Regulation X of 1816. reporting the result to this Court.—

6. In the mean while, the Criminal Judge

Judge will suspend the labour, if the prisoners are undergoing it.

Case No 414. 7. The first prisoner in this case was charged with stealing some gold Jewels valued at 22. Rupees, and the second "with having received under mortgage from the 1st prisoner the Stolen Jewels and promised to pay him ten Rupees and afterwards deceived him, saying that he had not mortgaged them to him".—

8. The prisoners were sentenced to Six months imprisonment &c.

9. It does not appear to the Court of Foujdaree Adalut that there was sufficient evidence to justify the convictions of the second prisoner: there is no proof of his having received the property under suspicious circumstances: and fear probably induced him to deny the disposition of them.—

10. Further the latter part of the charge against the said second prisoner as entered in the Report. could not have been part of the Prosecutors Charge: and the second prisoner was not legally punishable on this charge under the provision quoted

for

13th August 1839.

for the Sentence - Section IX. Regulation XIII of 1832.

The Charge should have been -

11.

"Knowingly receiving Stolen Property"

Under the circumstances, the Court

12.

of Fouzdaree Adalut resolve to direct the immediate

and unconditional release of the second prisoner.

Ordered, that Extract from these -

proceedings - (paras 1 to 5.) be sent to the Pro-

vincial Court of Circuit in the Northern Division by

Precept returnable within twenty days from and after

its receipt.

(Sent following Precept No. 966)

Ordered, after that Extract from these Pro-

ceedings be sent to the Criminal Judge of Nellore

by Precept returnable within seven days from and

after its receipt -

(Sent following Precept No. 967)

Read Letter dated the 25th June

last from the Second Judge on Circuit in the -

Southern Division - Submitting for the final -

Judgment of the Court of Fouzdaree Adalut the

Record of Case No. 9 of the Salem Calendar

of

F.A.

13th August 1839.

of the 1st Sessions of 1839.

(Here enter F.A. No. 1049 of 1839.)

1. It is stated by Chinna Comdeu

the 2d witness on behalf of the 1st Prisoner, that

two hours before Sun Set on the 9th Instant, on which

the Murder is declared to have been committed, two

Cummums, Veera Pillay and Verda Pillay, the -

Karkoon Lutchmum Row a Peon and 3 Police -

whose names he does not know and two Mittadars

Ram Naike and Gunga Naik were employed mea-

-suring some land situated a mile from the Spot -

where the affray took place - Of those, the Karkoon

and one of the Mittadars Gunga Naik were Examined

by the Court of Circuit - but not the others -

2. As the Judge on Circuit states

in his letter accompanying this trial that the 1st -

Prisoner had not "established an alibi by the Evidence

adduced in his behalf," it not having been "satisfac-

-torily proved where he was an hour or two before

Sun Set on the Evening in question" - The Court of

Fouzdaree Adalut are of opinion that he was bound

to take all the Evidence to be obtained before he -

pronounced

pronounced such an opinion.—

3. The Court are of opinion that it is essentially necessary that all the persons said to have been in Company with the 1st Prisoner at the time in question should now be examined.—

4. The Court of Tonjdaree Adalut do resolve accordingly to direct the Second Judge to furnish the Acting Criminal Judge of Salem with a copy of the deposition of the said witness Chinna Comdew. and instruct that Officer to call before him and Examine on oath in the presence of the Prisoner all the persons therein named excepting only those who have already been examined by the Court of Circuit.

5. The Second Judge will enjoin the Acting Criminal Judge to be particular in examining these persons as to the time of day at which the 1st prisoner was in their Company, and the distance of the land that they were measuring from the Scene of the murder.—

6. The Acting Criminal Judge will permit the Prisoner to Cross Examine the witnesses; and to offer any thing further in his defence.—

Should

Should he wish it, at the close of the Examinations and the Second Judge will submit English translations of the additional Evidence which may be taken under these instructions for the consideration of the Tonjdaree Adalut.

7. It is presumed that the Acting Criminal Judge will have no difficulty in ascertaining the names of the Peons and Tolirs alluded to by the witness from the Karkoon and Dufsadar.

Ordered, that Extract from these Proceedings be sent to the 2d Judge late on Circuit in the Southern Division by Precept returnable within twenty five days, from and after its receipt.—

/ Sent following Precept No. 988 /

Read Return, dated the 7th Instant from the Joint Criminal Judge at Tellicherry to the Precept of the Tonjdaree Adalut, under date the 29th Ultimo, conveying their observations and orders on the Criminal Report for the Month of June 1839

/ Here enter No. 1329 /

J.H.D.

S.H.D.

Ex'd.

At a Court of the Conjedaree Adalut.

Present

Wednesday, 14th August, 1839. Thomas Platt Oakes Esqre. acting 1st Puisne Judge

William Huddleston Esqre. ——— 2d Puisne Judge,

Henry Dickinson Esqre. ——— acting 3d Puisne Judge

L.H.O

Read Order of Government, dated the 6th August 1839 - No. 642 - requiring the Court of Conjedaree Adalut to ascertain and report for the information of Government, the probable expence which the adoption of the Court's suggestion to pay the expences of all Prosecutors and witnesses appearing before the Courts of Circuit, without reference to the restriction contained in Section XXXIII Regulation X of 1816 - would entail upon the State :-

(Here enter F. D. No. 1311 of 1839)

The Court of Conjedaree Adalut resolve to direct the four Provincial Courts of Circuit to call upon the several Criminal Courts within their respective Divisions for reports upon the point mentioned in the order of Government now recorded - and in forwarding the same to this Court - to submit their opinion on the subject - and any suggestions which their

their acquiescence they may make them to offer.—

Ordered that Extract from these proceedings be sent to the four Provincial Courts of Circuit by Precept returnable within six weeks from and after its receipt.—

(Sent following Precepts No. 971

Read Letter dated the 5th Instant from the Magistrate of Enchinopoly submitting a translation of the explanation furnished by the Head of Police of the Province Eelook in regard to the detention in the Gaol of the Prisoners in Case No. 57 on the Criminal File of the Court at Enchinopoly for the months of June — noticed in the Extract from the Proceedings of the Court of Coupdara Eedalet under date the 6th August 1839.—

(Here enter S.L. No. 1318 of 1839)

1 The explanation of the Head of Police appears to the Court of Coupdara Eedalet to be confused and unsatisfactory.—

2 On such occasions, it is fit that the Magistrate should state whether, or not, he is satisfied with the explanation.—

Ordered that Extract from these Proceedings be sent to the Magistrate of Enchinopoly for his information and future guidance.—

(Sent in No. 972.

14th August 1839.

Read Letter dated 1st instant from the Third Judge on Circuit in the Northern Division submitting a copy of the Quantum Calendar for the recent Sessions of 1839.—

(Here enter S.L. No. 1264 of 1839)

Case No. 1. 1. The prisoner in this case was convicted of Forgery and sentenced to imprisonment with Hard Labour in Irons for seven years, and to exposure by Ekkor.—

2. The Judge of Circuit remarks— "from the apparent fraudulent conduct displayed by the Prisoner ever since his incarceration (the Third Judge being informed that he has been making out some other forgeries) and other circumstances of the case, the Third Judge is not inclined to think that any punishment short of the above will answer the ends of justice."—

3. The Court of Coupdara Eedalet observe that the Judge of Circuit must not suffer any information as to facts not in evidence before him, to influence his judgment.—

4. If the sentence has been passed in consideration of such information, it must be re-considered.

and

14th. August 1839.

and a sentence passed with reference - accordingly - to the circumstances of the case proved on the trial before the Court of Circuit.-

Case No. 7.

5. Of the six prisoners in this case, the first three were charged with Housebreaking and theft of Property to the value of Rupees 128-4- and the remaining three prisoners with having knowingly received and purchased the stolen property.-

6. The prisoners being convicted and the first and second sentenced to seven years' imprisonment with hard labour in Irons, the Judge of Circuit recommends a mitigated sentence of four years imprisonment &c. in favor of the third prisoner, as he does not appear to have ever before committed any offence, and as he would have been sentenced to a minor punishment if the excess of 28 Rupees in the value of the property stolen had not existed.-

7. The Court of Zillah Cuddapah, having duly considered the circumstances of this case, resolve to accede to the recommendation of the Circuit Judge, and under the Provisions of Clause third, Section III. Regulation I of 1825 - authorize him to issue his Warrant to the acting

Sct.

14th. August 1839.

Acting Joint Criminal Judge of Guntoor for the imprisonment &c. of the prisoner

3d. Chillakka Venkadoo

for the period above specified.-

8. The Circuit Judge proceeds to observe that the property with the purchasing, receiving and concealing of which the 4th. 5th. and 6th. Prisoners have been charged in this Case, appearing to have been obtained by theft and there being none of the circumstances mentioned in Clause third, Section IV. Regulation VI of 1822, they are excluded from this Case and returned to the Acting Joint Criminal Judge under the provision of Clause fourth Section IV Regulation VI of 1822."-

9. The Court of Zillah Cuddapah observe that this proceeding was totally wrong, and the order itself is manifestly inconsistent.-

10. The Judge of Circuit has just before shown that the case did fall under Clause second, Section II, Regulation VI of 1822, and therefore under Clause second, Section IV of that Regulation, the commitment of the prisoners was proper and this

Case

Case beyond the Jurisdiction of the Criminal Judges

II.

As it is probable that the present question may induce the Joint Criminal Judges hereafter to refrain from committing prisoners & similarly situated and who ought to be committed, the First Judge will be pleased to communicate the foregoing remarks to that effect for their information and guidance.—

Ordered that Extract from the proceedings be sent to the Judges in the Northern Division by Precept, returnable within seven days from and after its receipt—

(Sent following Precept No 973)

J.A.D

Oct 7th

Read Letter dated the 5th ultimo from the First Judge of the Provincial Court of Orient in the Northern Division, submitting for the consideration and orders of the Court of Enjoyance Extracts copies of papers relative to the present state of health and management of the Convicts in the Gaol of the Auxiliary Court at Naparima

(Here enter D.R. No 1255 of 1839)

The Gilbert Surgeon having received his

opinion that the "second class" of Convicts ought not to have less than the full allowance of one seer of rice per diem:— the Court of Enjoyance hereat approve of the order of the First Judge directing a return to that rate of allowance.—

2. Before finally disposing of the reference on the subject of the employment of the Convicts on the Pettah Canal during the monsoon, the Court of Enjoyance hereat wish for the Report of the Medical Officer on the following points: 1st as to whether the nature of the diseases under which the sick Convicts labour is such as to lead to the belief that the sickness is primarily induced by their employment on the Pettah Canal: 2nd as to the actual extent of such sickness: 3rd as to whether the Medical Officers inference drawn from the increase of admissions into the Hospital — regarding the unhealthiness of the labour on the Pettah Canal — is confirmed by a proportionate diminution of the number of admissions subsequent to the order issued by the First Judge for the total discontinuance of that Labour.—

Ordered, that Extract from these proceedings be sent to the First Judge of the Provincial Court of Orient in the Northern Division by Precept returnable within

14th August 1839.

within seven days from and after its receipt.—

Sent following Receipt No 974.

F. Uc.

At a Court of the Foujdaree Udalut

Present

Saturday 17th August 1839. Thomas Alexander Oakes Esqr. 1st Puisne Judge

William Hudleston Esqr. 2nd Puisne Judge

Henry Dickinson Esqr. 3rd Puisne Judge

Read letter dated the 8th instant from the Criminal Judge of Canara, transmitting the Criminal Reports of the Zillah Court for the Month of July.

(Here enter F. Uc. No 1529 of 1839)

Case No 102

1 The first prisoner in this case was convicted of having on the night of the 8th July 1839 entered the Prosecutor's house by making a hole in the roof and stolen therefrom property valued at Rupees 41-2 and was sentenced by the Assistant Criminal Judge to ten Months' imprisonment with hard labour in Irons "under Clause fourth Section III, Regulation XII of 1822."

2 The case appears to be one of House-breaking and the Provision quoted is inapplicable. The sentence should be passed under the provision of Clause sixth, Section II Regulation XII of 1822.—

Ordered, that extract from these proceedings be sent to the Criminal Judge of Canara

for

14th

17th August 1839 for communication to the Assistant Criminal Judge —

(Sent in No. 987)

Read letter dated the 7th instant from the Third Judge on Circuit in the Centre Division, forwarding an English Translation of the Record of Case No. 28 on the Bellane Calendar of the first Sessions of 1839.

(Hereunto F. W. No. 1334 of 1839)

1. This case was called up in page 9 of the Proceedings of the Court of Taydanee Udalut under date the 13th June 1839 in consequence of the opinion recorded by the Third Judge of Circuit that the Prisoner who was convicted of breaking into the Prosecutor's house & residence & taking therefrom property of the value of 1900 Rupees, committed the act while labouring under temporary derangement and should be delivered over to the charge of his friends —

2. It appears from the Record of the Trial that, as stated by the Third Judge, the Prisoner in this case is subject to a species of insanity of which the symptom is a propensity to take property out of a house and bury it —

3. And as the Prosecutor himself joins in the description of the said Prisoner's insanity to the Court of Taydanee Udalut & are not of opinion that he can be dealt with as

17th August 1839 —

as responsible, and they resolve accordingly to accede to the recommendation offered by the Judge of Circuit in the Calendar — that he should be delivered over to the care of his friends —

4. This Trial should have been submitted with a Supplemental Return and not with a Decoy letter —

Ordered, that a extract from these proceedings be sent to the Third Judge on Circuit in the Centre Division for his information and guidance — —

(Sent in No. 988)

Read letter dated the 10th June last, from the 3d Judge of the Provincial Court of Circuit in the Northern Division, submitting statement of Batta paid to the Prosecutors and Witnesses for the 1st Quarterly Sessions of 1839 —

(Hereunto No. 954)

Read Communication dated the 24th Ultimo from the Provincial Court of Circuit in the Northern Division, stating with reference to the extract from the proceedings of the Taydanee Udalut dated the 19th instant, that a copy of the

Circular —

17th August 1839 Circular Order No. 105 cancelling the Circular Order No. 102 was forwarded to the Second Judge on Circuit in the Northern Division on the 29th May the day succeeding that of its receipt by the Provincial Court.

(Here enter No. 1254.)

Read letter dated the 7th instant from the Second Judge on Circuit in the Northern Division, forwarding statement of Batta paid to prosecutors and Witnesses attending before the Court of Circuit for the 1st Sessions of 1839.

(Here enter No. 1330.)

Read letter dated the 13th instant from the Acting Joint Criminal Judge of Cuddalore forwarding the Criminal Reports for July 1839.

(Here enter No. 1375.)

Read letter dated the 14th instant from the Criminal Judge of Combaconum, forwarding the Criminal Reports for the Month of July 1839.

(Here enter No. 1376.)

Ent.

J.H.C.

J.H.

At a Court of the Foujdaree Adalut

Present,

Thomas Alexr. Oakes Esqre. 1st Puisne Judge

Monday William Rudleston Esqre. 2d Puisne Judge

19th August 1839. Henry Dickinson Esqre. 3d Puisne Judge

Read Miscellaneous Petitions

presented on the 29th Ultimo and 12th Instant

by Varadachariar of the Talluk of Chingleput

(Here enter No. 92 No. 94 and 99 of 1839.)

1. The Petitioner complains that the Magistrate of Chingleput has dismissed him from his situation of Police Juwabnavis in the Talook of Carangooly on Suspicion of his being concerned in the irregularities practised by certain Native Public Servants in the investigation of a case of Robbery, for which they have been sent up to the Criminal Court: and he prays the Court of Foujdaree Adalut to issue an order for his restoration.—

2. The Court of Foujdaree Adal

have no power to interfere, as prayed by this Petitioner, with the Magistrate's Establishment, and the Petitioner should address the Board of Revenue.—

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

Read Miscellaneous Petition presented on the 15th Instant by Parsondavee Ammah of the Zillah of Chittoor.—

(Here enter M. P. No. 95 of 1839)

1. The Petitioner prays that an order may be issued for the release of her husband Ramachandriah the first Prisoner in Case No. 2 of the Chittoor Calendar of the Second Quarter Sessions of 1839, who was convicted of Knowingly receiving property obtained by Robbery, and sentenced to Seven Years' imprisonment with hard labour in Irons.—

2. It appears to the Court of Foujdaree Udalut, on reference to the Calendar, that the Prisoner in question was properly convicted

convicted, and that there is no ground whatever for disturbing the Sentence.—

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

JAD

JAD

JKD

No.

At a Court of the Foujdaree Udalut

Present,

Thomas Alexr. Oakes Esqre. — 1st. Puisne Judge

Tuesday 20th August 1839. — William Rendleston Esqre. — 2d. Puisne Judge,

Henry Dickinson Esqre. — 3d. Puisne Judge

Read again letter dated the 6th. May 1839, from the Acting 1st. Judge of the Provincial Court of Circuit in the Centre Division submitting for the consideration and final judgment of the Court a Foujdaree Udalut the Record of Case No. 11. on the Chittoor Calendar of the First Quarter Sessions of 1839

(Here enter No. 719)

Read also return, dated the 15th. June 1839, from the Acting 1st. Judge of the Provincial Court of Circuit in the Centre Division to the precept of the Foujdaree Udalut dated the 21st. May 1839, directing the examination of further witnesses in No. 11. of the Calendar for the 1st. Quarterly Sessions of 1839 at Chittoor —

(Here enter No. 971)

Read

Read also letter, dated the 25th June 1839, from the Acting 1st Judge of the Provincial Court of Appeal and Circuit in the Centre Division, now at Kellore, transmitting translations of the depositions taken in No. 11. of the Chittoor Calendar for the 1st Quarterly Sessions of 1839.-

(Here enter No. 1037.)

Read also letter, dated the 10th Instant, from the Provincial Court of Circuit in the Centre Division, returning with reference to the precept of the Foujdaree Udalut under date the 21st May 1839, the record in Case No. 11. on the Chittoor Calendar for the 1st Quarterly Sessions of 1839.-

(Here Enter No. 1332.)

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

1st Govinden

and

2nd Parasen

is sufficient to convict them of the crime charged, do, under the authority with which they are vested by Clause first, Section VI Regulation I of 1818, convict them 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 Prisoners would have been liable under the Mahommedan Law, if they had been convicted by full legal evidence

Answer

In the event of the Prisoners aforesaid being convicted of the crime charged by the evidence of credible witnesses, they would be liable to Qoraubut. And being barred, by reason of the value of the property stolen not amounting to the Nisaab.-

Mr. Ruddleston.
and
Mr. Dickinson.

(Under the finding of Qoraubut declared in 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 Prisoners

1st Govinden.

and

2nd Parasen.

to

to be imprisoned and kept to hard labour in Irons on the public roads or other public works, for and during the period of seven years

(Sent following letter No. 991)

Read letter dated the 30th Ultimo from the 1st Judge on Circuit in the Western Division transmitting the record in Case No. 4 on the Malabar Calendar for the 2nd Sessions of 1839.-

(Here Enter No. 1291)

The Court of Zoujdaree 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

Aliparambatha Parujey

is sufficient to convict him of the crime of Manslaughter, &c, under the authority with which they are vested by Clause first, Section III Regulation I of 1818, convict him thereof; and, under the Provisions of Claud Second of the same Section and Regulation, direct their Law Officers to declare by a Second Futwa, to what sentence the prisoner would

No. 116.

have been liable under the Mahummudan law if he had been convicted by full legal evidence

Answer

In the event of the crime of Manslaughter being established against the prisoner aforesaid, by the evidence of credible witnesses, this Author would be liable to a Deiyut of ten thousand Dirhems to be paid to the heirs of the deceased, in three years.-

Mr. Rudlerston
and
Mr. Dickinson.

In commutation of the penalty of Deiyut declared in the foregoing Futwa the Court of Zoujdaree Udalut sentence the prisoner

Aliparambatha Parujey

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

(Sent following letter No. 992)

Read letter dated the 3rd Instant from the Second Judge Circuit in the Southern Division, submitting for the final judgment of the

Court

Court of Sunjdaree Udalut, the Record of Case No.1 on the Coimbatore Calendar of the first Sessions of 1839.

(Here Enter F.No. No.1313 of 1839.)

Mr. Huddleston and Mr. Dickinson.

The Court of Sunjdaree Udalut, having maturely considered the proceedings held before the Judge of Circuit, the Futwa of the Provincial Law Officer and the Futwa of the Cazee-ool-Cozat and Mooftees of the Sunjdaree Udalut, confirm the said Futwa of the Cazee-ool-Cozat and Mooftees aforesaid, convicting the Prisoners

1st. Cuttan

2nd. Cuttan Son of Cuttan

and

3rd. Coomaren.

of Gang Robbery by open violence, attended with Murder and awarding to each of them under the Provisions of Clauses First and Fifth, Section IV. Regulation XV of 1803, and Clause third, Section II. Regulation I of 1825. Sentence the said Prisoners severally to receive one hundred and ninety five lashes

of a Cat of nine tails and to be transported to such place or places beyond Sea as the Governor in Council shall appoint, there to be imprisoned and Kept to hard labour in Irons on the public roads or other public works, for and during the period of their natural lives, respectively.—

1. The Court of Sunjdaree Udalut observe that the reasoning in the last para of the Judge of Circuit's letter of reference is inconsistent with the plain intent and meaning of Clause first, Section IV Regulation XV of 1803, under the Provisions of which, it matters not by whose hand the party murdered may have received his death wound. All concerned are liable to capital punishment; and this accords with the rule of the Law of England that in a Case of Murder, "all that are present aiding "and assisting are equally principals with "him who gave the stroke whereof the "party died, though they are called principals in the second degree."—

At

20th August 1839.

2. It does, however, form the practice of the Foujdaree Udalut, under the provisions of Clause fifth of the said Section, to restrict the Capital punishment to the persons who actually put the deceased to death: and as the Court are not prepared to fix the Act on the third prisoner, on the testimony of the second prosecutor, the Court, considering the prisoners to be clearly convicted on their confessions, corroborated by other evidence, of the crime described in Clause first, have resolved to sentence them to transportation for Life and 195 lashes, as the lowest punishment, adjudicable with any propriety, in their opinion, in a case of Robbery attended with Murder.—

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

(Sent following letter No. 993)—

F.C.

F.C.

F.C.

Magistrates: and records his opinion that the same is satisfactory.-

2. The Court of Foujdaree Udalut concur in that opinion and direct that a copy of the Magistrate's Return be laid before Government with reference to Parah: 2 of their Proceedings under date the 19th June 1839.

3. With reference to Parah: 53 of the same Proceedings, the Court of Foujdaree Udalut observe that the First Judge has explained that Case No. 6 of the Calendar of Punishments by the Magistracy of Vizagapatam was one of "Theft" not "Fraud."

4. With reference to the observation in Parahs 3 & 6 of the First Judge's Supplemental Return of the 29th Ultimo the Court of Foujdaree Udalut deem it necessary to direct that the Magistrate of Vizagapatam be called upon to explain whether in the Remarks in his Return to the First Judge's Precept it was his intention to insinuate a charge against that Officer of the serious nature alluded to.-

5. With reference to the observation of

the First Judge in Parah: 7 of his Supplemental Return of the 29th Ultimo that "the Magistrate was directed to make this enquiry" (in regard to the Comatties at Rajamundry) "then: but he did not do it, but contented himself with issuing the Proclamation mentioned in his Return:" the Court of Foujdaree Udalut resolve to direct the First Judge with reference to Clause third, Section XLI Regulation IX of 1816. to report whether the Magistrate disobeyed his orders on the subject.-

6. With reference to the Remarks in Parah 11 that the Head Assistant Magistrate Mr. Mason according to the information received by the First Judge "sat on the bench with the 2d Judge during the whole of the Trial of the Case in which certain prisoners were committed for the murder of the late Sheristadar Cooloony Appiah Pantooloo, which case he had himself prepared and taken to the Court" the Court of Foujdaree Udalut are of opinion that that

that proceeding was improper, with reference especially to the known prejudices of the Natives of this Country who might be deterred from petitioning against acts of the Assistant Magistrate by seeing him on the Bench with the Judge of Circuit.—

7. It appears quite clear from Parah 3. of his Return of the 19th Ultimo that the Magistrate of Vizagapatam is satisfied that the Asst Assistant Magistrate did compel the Cornatees to keep Sheep in his garden.—

8. Of the remarks of the First Judge in the last Parah: of his Supplemental Return, the Court of Sudder Adalut will only observe that they appear to be pertinent.—

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

(Sent following Precept No. 995)

(Seen)

Ordered further that Extract from these Proceedings be sent to the Chief Secretary to Government with copies of the Return of the Magistrate of Rajahmundry noticed in Parah. 2 of these Proceedings and of the Supplemental Return of the First Judge dated the 19th Ultimo and its Enclosures for the purpose of being laid before the Right Honorable the Governor in Council with reference to the Extract from the Courts Proceedings under date the 17th and 25th June 1839.—

(Sent in a No. 996)

Read letter dated the 1st Instant from the Third Judge on Circuit in the Northern Division, transmitting Printed Statement of Batta required by Circular Order No. 35 for the Zillah of Guntoor.—

(Here Enter No. 1295)

Read letter dated the 1st Instant from the Third Judge on Circuit in

in the Northern Division, reporting that the Court of 2d Sessions of 1839 was closed at Gyantoor on the 31st Ultimo.—

(Here Entered No. 1299.)

Read return dated the 5th Instant from the Provincial Court of Circuit in the Southern Division, to the precept of the Fouzdaree Udalut under date the 15th Ultimo directing them to call for the Proceedings on Case No. 12 of the Supplemental report for the Month of May 1839 and to pass such orders thereon, as they may consider necessary—with reference to the Provisions of Section XXIII Regulation X of 1816.—

(Here Entered No. 1319.)

Read return dated the 5th Instant from the Joint Provincial Judge of Tipperah to the precept of the Fouzdaree Udalut under date the 26th July 1839, conveying his observations on the Criminal Reports for the Month of June last.—

(Here Entered No. 1320.)

Read

Read return dated the 5th Instant from the Provincial Court of Circuit in the Western Division to the precept of the Fouzdaree Udalut dated the 31st July 1839, forwarding Circular Order No. 108 of 1839 revoking such parts of their standing orders as require a detailed abstract of the evidence in trials referred for the Court's final Judgment under the provisions of the General Regulations and directing that in future a Judge of Circuit shall in his letter of reference accompanying such trials confine himself to a short summary of the evidence generally and a detail of that part only on which his opinion in respect of the guilt or innocence of the accused party rests.—

(Here Entered No. 1326.)

Read letter dated the 5th Instant from the Magistrate of Masulipatam, submitting the explanation called for in the Proceedings of the Fouzdaree Udalut under date the 18th Ultimo, relative to

2nd August 1839.

to Case No. 55 of the Masulipatam Criminal Report for the month of May 1839.

(Here Enter No. 1330.)

Read letter dated the 7th Instant from the Acting Joint Criminal Judge of Cuddapah, transmitting the Criminal Reports for the month of July 1839.

(Here Enter No. 1336.)

Read the Criminal Reports dated the 31st Ultimo from the Joint Criminal Judge at Tellicherry for the month of July 1839.

(Here Enter No. 1337.)

Read letter dated the 6th Instant from the Second Judge on Circuit in the Northern Division, transmitting the original death Warrant in Case No. 18 on the Rajahmundry Primary Calendar for the Sessions of 1839.

(Here Enter No. 1340.)

L.R.D

L.R.C

2nd Read

L.R.D

T. No.

At a Court of the Foujdaree Adalut.

Present.

Thursday.

22nd August, 1839.

Thomas Alex.r Oakes Esq.re Sr. 1st Puisne Judge

William Hudleston Esq.re 2nd Puisne Judge

Alex.r Duncan Campbell Esq.re 3rd Puisne Judge

L.R.C

Read Letter dated the 10th instant from the Acting Criminal Judge of Malabar, forwarding the Criminal Reports of the Zillah Court for the Month of July.

(Here enter F.R. No. 1362 of 1839.)

Case No. 1334.

1. The prisoner in this case was charged, "with having, on the night of the 9th July 1839, wounded the Prosecutor with a chopping knife, while the Prosecutor caught hold of the Prisoner in the act of stealing cocoanuts from his garden" and being convicted, was sentenced to one years hard labour in Irons, "under Section III Regulation VI of 1822."

2. The Court of Foujdaree Adalut do not understand how this case comes within the provisions of Clause fourth, Section III Regulation VI of 1822 and they direct the Acting Criminal Judge to submit an explanation on this point.

The

23d August 1839

Case No 136.

3. The charge against the prisoner in this case is as follows. "with having on the 11th July 1839. been found in the prisoner's house five Maunds of Smuggled Tobacco valued at Rupees 63-12-"

4. The Court of Fouzdaree Udalut observe that there is no charge at all, nor mention being made of guilty knowledge on the part of the Prisoner.

Ordered that Extract from these proceedings be sent to the Acting Criminal Judge of Malabar by Precept returnable within Seven days from and after the receipt of Sent for Cleaning Precept No 1001)

Ent 7th L.A.C.

F.U.

F.U.

F.U.

At a Court of the Fouzdaree Udalut.

Present:

Thomas, Alexr Oakes Esqre — Actg 1st Puisne Judge

Friedail

William Huddleston Esqre — 2d Puisne Judge

23d August 1839.

Alexr Duncan Campbell Esqre — 3d Puisne Judge

Read again Return dated the 17th June last from the Provincial Court of Circuit in the Northern Division, to the Precept of the Court of Fouzdaree Udalut under date the 15th May 1839, directing them to instruct the Acting Joint Criminal Judge of Masulipatam to call upon the Civil Engineer to prepare the necessary Estimates for effecting the requisite repairs and improvements in the Jail at that Station, and in sending up the Estimates, to submit their own opinion in regard to the adequacy of the measures proposed in Parah 7. of the proceedings of the Second Judge late Presiding at the Third Quarter Sessions of 1838.—

(Here enter F.U. No 1012 of 1839.)

Read

Read also Order of Government dated the 13th Instant No. 66 sanctioning the two Estimates submitted with the Return of the Provincial Court in the Northern Division above recorded for repairing and improving the Jail at Mastulipatam, amounting together to Rupees (238-8) One hundred and twenty eight and five Eight.-

Mr. Oakes and Mr. Anderson.

(Here enter No. 1356 of 1839)

Ordered, that the same be communicated to the Provincial Court of Circuit and that a copy of paragraph 4 of the Extract from the Proceedings of the Court of Sessions under date the 2d Instant be likewise sent to the Provincial Court to be communicated to the Acting Joint Criminal Judge of Mastulipatam for his information and guidance.-

(Sent in No. 1005)

Read Extract from the Minutes of Consultation in the Judicial Department dated the 13th Instant No. 669 communicating the authority of the Right Honorable the Governor in Council for the resumption of

the Police duties in the Jaghires of Arcot and Callatore in the District of North Arcot into the hands of the Magistracy, and sanctioning, subject to the confirmation of the Government of India, the Police Establishment proposed to be maintained for the performance of those duties, as detailed in the Statement submitted by the Magistrate of North Arcot, involving a Monthly expense amounting to Rupees (238-12-0) Two hundred and thirty Eight and Annas twelve.-

Mr. Oakes and Mr. Anderson.

(Here enter No. 1365 of 1839)

Ordered, that a copy of the Extract from the Minutes of Consultation now recorded be sent to the Provincial Court of Circuit in the Centre Division for their information with reference to their Letter of the 27th June 1839.-

(Sent in No. 1004)

Read returns dated the 17th and 19th Instant from the Provincial Courts of Circuit in the Southern and Northern Divisions

2. 23rd August 1839.

Divisions to the precept of the Tangedanee Udalut dated the 31st July 1839 forwarding Circular Order No. 108 reviving such parts of their standing orders as require a detailed abstract of the evidence in trials referred for the Court's final Judgment under the provisions of the General Regulations, and directing that in future a Judge of Circuit shall in his letter of reference accompanying each trial confine himself to a short summary of the evidence generally and a detail of the facts only on which that opinion in respect of the guilt or innocence of the accused party rests.—

(Here enter Pl. No. 132 Jan. 1840.)

Read return dated the 16th Instant from the Provincial Court of Circuit in the Centre Division to the precept of the Tangedanee Udalut dated the 13th August 1839, forwarding Circular Order No. 109, pointing out to the several Criminal Courts that errors or defects in charges drawn up by the Police Officers should be corrected by the Criminal Courts on a perusal from the evidence taken by the Police.—

(Here enter No. 1354.)

L.P.C.

5 Pl.

F. U.

At a Court of the Tangedanee Udalut.

Present,

Thomas Alexr. Oakes Esqr. Actg 1st Puisne Judge

Monday, 26th August 1839.

William Rudleston Esqr. 2d Puisne Judge

Alexr. Duncan Campbell Esqr. 3d Puisne Judge.

L.P.C.

Read again Miscellaneous Petitions presented on the 18th March last by the Vakeel Kristnamachatry on behalf of Kakanada Sergaly of the Tillak of Malabar.—

(Here enter M. P. No. 41 of 1839.)

Read also Return dated the 7th Instant from the Provincial Court of Circuit in the Western Division, to the Precept of the Court of Tangedanee Udalut under date the 15th July 1839, directing them to send up for their consideration, an English Translation of the Record of Case No. 1, of the Calendar of the Auxiliary Court of Malabar, for the first Quarter Sessions of 1839.—

(Here enter F. No. 1354 of 1839.)

With the Returns were received the

the Provincial Court of Circuit have forwarded an English Translation of the Record of the Case abovementioned.—

2. Having examined the proceedings held in the said Case, the Court of Fouzdaree Udalut see no reason to question the propriety of the conviction of the prisoners, although the case would, in their opinion, have been more complete, had their declarations before the Criminal Court, admitting those before the Police Officer, been read and proved.—

3. The proceedings of the First Judge presiding appear to the Court of Fouzdaree Udalut to have been irregular in so much as he went into an examination of two witnesses whereof no record appears but only a note, in each instance, to the effect that the said witnesses in such unrecorded examination, prevaricated, for which they were ordered to be fined.—

4. The Court of Fouzdaree Udalut resolve to direct the First Judge, with reference to the Provisions of Clause first, Section

Section XLI Regulation VII of 1802, to be careful in future to enter "every examination" held on a trial before him, to be fully and entirely recorded.—

Ordered, that Extract from these Proceedings be sent to the First Judge on Circuit in the Western Division, together with a copy of the Courts Proceedings under date the 15th July last for his information and future guidance.—

(Sent in No. 1009)

Ordered also, that the prayer of the Petition be rejected, and that Extract from these Proceedings be furnished to the Petitioner's Vakeel upon his application.

Read again a Miscellaneous Petition presented on the 15th Ultimo by Shunmooga Moodely late Jailor of the Auxiliary Court at Coimbatore.—

(Here enter N. P. No. 882 of 1839.)

Read also Return dated the 13th Instant from the Acting Joint Criminal Judge of Coimbatore to the Precept of the

26th August 1839.

the Court of Foujdaree Udalut under date the 5th August 1839 directing him to send up for their consideration a copy of the Proceedings of Mr Forsyth referred to in the order of the late Acting Assistant Judge Mr Frere dated the 5th March 1839 relative to the Petitioner Shunmooga Moodely.

(Here enter F.M. No 1374 of 1839)

1. The Acting Joint Criminal Judge submits a copy of Proceedings held by Mr Forsyth under date the 5th February 1837 to the following effect:- "I consider the Jailor unfit for his situation, and had I had time, would have recorded a minute to that effect in the Diary;" and he certifies that these are "the only recorded Proceedings of a Mr Forsyth on the subject."-

2. The Court of Foujdaree Udalut observe that if Mr Forsyth saw reason for the removal of the Petitioner, he on should have removed him; but the Records of this Court shew that that Gentleman on different occasions, dismissed Servants of the Courts

F.M.

26th August 1839.

Courts in which he was Acting, on insufficient grounds.-

3. The Court consider Mr Forsyth's recorded grounds for dismissing that Petitioner to be insufficient on the face of them.-

4. It is unnecessary to observe that facts discovered after the man's removal cannot be admitted as reasons for that removal.-

5. The Court of Foujdaree Udalut resolve to direct the immediate restoration of the Petitioner Shunmooga Moodely to his office of Jailor.-

6. The Acting Joint Criminal Judge will be careful to confer the first vacant appointment of equivalent emolument in the gift of the Auxiliary Court upon the individual whom this order will put out of employ, should he be found duly qualified for the same.-

Ordered, that Extract from these proceedings be sent to the Acting Joint Criminal Judge of Coimbatore, by Precept

26th August 1839.

Read Supplemental Return dated the 8th Instant from the Second Judge late on Circuit in the Northern Division, to the Precepts of the Court of Singhana Udalut under dates the 15th May and 13th June 1839 - directing him to look into Cases Nos. 115 of 1838 and 32 of 1839 on the Criminal File of the Zillah Court of Chicacole, and pass such orders thereon as he may deem proper, with reference to the Provisions of Section XXIII. Regulation X of 1816.-

(Here enter F.R. No. 1372 of 1839.)

With reference to the remarks of the Second Judge on the murder Case No. 32 of 1839 - the Court of Singhana Udalut deem it necessary to direct that English Translations of all proceedings held on that charge, be sent up for their consideration.-

Ordered, that Extract from these proceedings be sent to the Provincial Court of Circuit in the Northern Division, by Parwut returnable within twelve days from and after

F.R.

26th August 1839

after its receipt.-

(Sent following Precept No. 1012)

Read Return dated the 13th Instant from the Acting Criminal Judge of Rajahmundry to the Precept of the Court of Singhana Udalut under date the 9th August 1839 conveying their observations and orders on the Criminal Reports of the Zillah Court for the Month of June

(Here enter F.R. No. 1390 of 1839.)

1. With this Return the Acting Criminal Judge submits a translation of a Return by the Pundit Sudr Ameen to a Precept he deemed it his duty to issue to that Officer on the subject of the inadequacy of his Sentences in Cases of House breaking.-

2. From this Return it appears that the Pundit Sudr Ameen is guided in the Sentences he passes in Cases of House breaking by the amount or value of the property stolen on such occasions.-

3. The Court of Singhana Udalut observe

observe that in Cases of House-breaking amount of property stolen is a Extraordinary consideration altogether: and the Court are of opinion that in any such case, a Sentence, not exceeding that prescribed by Section VII Regulation X of 1816, would not be proper: and would tend to defeat the object of the enactment of Section II Regulation VI of 1822.—

4. The Court of Sanjdaree Adalut direct that this opinion be communicated to the Pundit Sudr Ameen, with instructions to act in accordance thereto, in future.—

Ordered, that Extract from these proceedings be sent to the Acting Criminal Judge of Rajahmundry, for his information and guidance.—

(Sent in No. 1013)

Read Order of Government, under date 19th August 1839 No. 1689 sanctioning the estimate submitted by the Court of Sanjdaree Adalut for constructing Cooking sheds for the use of the Prisoners in the Jail at Masulipatam

Masulipatam, amounting to Rupees (379-12-3) three hundred and seventy nine, Annas twelve and Pice three.—

(Here Enter No. 1398 of 1839)

Ordered, that a copy of the above order be sent to the 2d Judge late presiding at the 3rd Quarter Sessions of 1838 at Masulipatam, with reference to his Supplemental Return of the 28th June last to the precept of the Sanjdaree Adalut under date the 9th May 1838 for the information and guidance of the Acting Joint Criminal Judge of Masulipatam.—

(Sent in No. 1014)

Read the Criminal Reports dated the 1st Instant from the Joint Criminal Judge of Trichinopoly for the month of July 1839.—

(Here enter No. 1377)

Read return dated the 13th Instant from the Criminal Judge of Bellary to the precept of the Sanjdaree Adalut dated the 9th August 1839, conveying their observations

26th August 1839.

observations and orders on the Criminal Reports for the Month of June 1839.

(Here enter No. 1394.)

Read return dated the 17th Instant from the Provincial Court of Circuit in the Centre Division, to the Precept of the Tongdaree Udalut dated the 5th August 1839, directing them to ascertain and report whether or not the Petitioner Lalchund of Wallapoot did bring an accusation against the Jotheldar for illegally fining and plundering him in restraint.—

(Here enter No. 1395.)

Read return dated the 16th Instant from the Second Judge of the Provincial Court of Circuit in the Western Division, to the precept of the Tongdaree Udalut of the 10th Instant, conveying their observations on the Calendary Calendar for the 2d Quarter Sessions of 1839.—

(Here enter No. 1396.)

J.H.D.

S.P.C.

Tuesday 27th August 1839.

Thomas Alexr. Oakes Esqre. 1st Puisne Judge
William Rudleston Esqre. 2d Puisne Judge
Alexr. Duncan Campbell Esqre. 3d Puisne Judge

Read letter dated the 13th Instant from the Criminal Judge of Chittagong, submitting the Criminal Reports of the Zillah Court for the month of July.—

(Here enter F.U. No. 1358 of 1839.)

Suppl. Report. Case No. 31.

1. The Court of Tongdaree Udalut are desirous of having the opinion of the Provincial Court of Circuit as to the propriety of the conviction of the second Prisoner in this case: and they resolve to direct the Provincial Court to call for the proceedings with reference to the provisions of Section XXIII. Regulation X of 1816 reporting the result to this Court.—

Report V Case No. 10.

2. It is stated that the second witness in this case "admits he was fined by the

the Assistant Magistrate for making a complaint against the Tahsseldar and inditing which not being able to pay, he was confined in Jail."-

3. The Court of Sunjdarce Adalut do not know any provision of the Regulations under which it was competent to the Assistant Magistrate thus to punish a complaint against the Tahsseldar-

4. The Court of Sunjdarce Adalut resolve to call upon the Magistrate of Chingleput for an explanation in regard to this matter.-

Ordered, that Extract from these proceedings be sent to the Criminal Judge of Chingleput for his information.-

(Sent in a/c. No. 1015)

Ordered also, that Extract from these proceedings (para. 1.) be sent to the Provincial Court of Circuit in the Centre Division, by Precept returnable within twelve days from and after its receipt.-

(Sent following precept No. 1016)

Ordered

Ordered also, that Extract from these proceedings (paras. 2. and 3.) be sent to the Magistrate of Chingleput by Precept returnable within seven days from and after its receipt.-

(Sent following precept No. 1017)

Read letter dated the 12th Instant from the Joint Criminal Judge of Cuddalore, submitting the Criminal Reports of the Auxiliary Court for the month of July.-

(Here enter P.M. No. 1366 of 1839.)

Suppl. Report Case No. 25.

1. Of the six prisoners in this case, the first three were charged with "embezzling forty Mara Rums of Salt worth 10/2 Rupees: and the remaining three prisoners with "feloniously purchasing the said Salt from the above Prisoners."-

2. The three first prisoners were required to find Security for their future good behaviour.-

3. The Joint Criminal Judge being of opinion that the charge of feloniously purchasing

27th August 1839.

purchasing embezzled Salt is clearly proved against the 4th, 5th and 6th prisoners I sentenced them to three months imprisonment with hard labour in Irons according to Section VII Regulation X of 1816.—

4. The Court of Fouzdaree Udalut observe that the provision cited is inapplicable and the sentence illegal.—

5. The case would seem to fall under the provisions of Sections XVIII, Regulation I of 1805 and Section IV Regulation V of 1831 and the punishment is Fine, commutable for imprisonment, but not an absolute sentence of imprisonment.—

6. The Joint Criminal Judge will be pleased to amend the sentence with reference to the preceding remarks: and will report the same to the Court of Fouzdaree Udalut.—

Ordered, that Extract from these proceedings be sent to the Joint Criminal Judge of Guntoor by Precept returnable within five days from and after its receipt.—

(Vide following Precept No. 1018.)—

J.P.O

L.P.C.

W.H.

L.P.A.

F.U.

At a Court of the Fouzdaree Udalut.

Present

Thomas Alex.r Oakes Esq.re 1st Puisne Judge

Wednesday, 28th August 1839.

William Hudleston Esq.re 2d Puisne Judge

Alex.r Duncan Campbell Esq.re 3d Puisne Judge.

Read letter dated the 9th Instant from the First Judge on Circuit in the Western Division, transmitting the record in Case No. 16 on the Calendar for the 2nd Sessions of 1839.—

(Here enter No. 1352.)

J.P.O

Mr. Hudleston and Mr. Campbell.

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 Cozzat and Mooftees of the Fouzdaree Udalut, confirm the said futwa of the Cazee-ool Cozzat and Mooftees sentencing the prisoner Aripuram-veetil Chalakel Oulloovan Keerang of the crime charged, and awarding thereto, and

and under the provisions of Section X Regulation VIII of 1802, sentence him to suffer Death, by being hanged at the usual time and place of execution.—

(Sent following letter No. 1021)

Read letter dated the 8th Instant from the First Judge on Circuit in the Western Division, submitting for the Final Judgment of the Court of Foujdaree Udalut, the Record of Case No. 18 of the Calendar of the Zillah Court of Malabar for the Second Sessions of 1839.

(Here Enter F.R. No. 1335 of 1839.)

Mr. Oakes and Mr. Huddleston. 1. It appears from the letter of reference that the Prisoner in this Case, stands committed in Case No. 19 also on the charge of having, shortly after the perpetration of the offence charged in this Case, wounded another person who had given him no offence; and the First Judge has forwarded a translation of the Prisoner's confession in Case No. 19.—

2. The Court of Foujdaree Udalut, concluding that the circumstances which form the subject of Case No. 19, are shown by the evidence

evidence to be such as are described in the said confession, are of opinion that they go to raise a doubt as to the sanity of the Prisoner and that before Judgment is passed, an investigation of that point ought to be held.—

3. The Court resolve accordingly to direct the First Judge to instruct the acting Criminal Judge of Malabar to call before him credible persons who have known the Prisoner for a considerable time, and in the presence of the latter whom he will allow to cross-examine the witnesses and offer any thing further in his defence with reference to their statements. should he wish it. at the close of the examination take them examination on oath as to his having seen, within their knowledge, shown Symptoms of Insanity.—

4. Of this additional evidence, the First Judge will be pleased to submit an English Translation for the consideration and final judgment of the Court of

Foujdaree

28th August 1839.

Tongalanee Udalut.—

Ordered, that Extract from these Proceedings be sent to the First Judge on Circuit in the Western Division by Precept returnable within one Month, from and after its receipt.—

(Sent following Precept No. 1022)

Read the following letter dated the 6th Instant from the Criminal Judge of Chittagong.—

(Here enter F.Vol. No. 1351 of 1839.)

1. The Criminal Judge reports that "a Case of Housebreaking - No. 52. of the Report No. V. pending in the Month of June 1839 was Examined and disposed of by Mr. Conway the Head Assistant Magistrate while in charge" of the Lillah Court "on the 8th July 1839; and the Prisoners were sentenced to eighteen Months' imprisonment with Hard Labour in Irons and to receive 120 Stripes with the Cat of nine tails, under Clause Sixth, Section II, Regulation VII of 1822." and that "the Sentence was put into Execution as far as

as hard labour in Irons, on the day it was passed:" and the Criminal Judge requests instructions as to "whether this Sentence can be considered valid." Mr. Conway "not having taken the prescribed oaths of office or whether" he is "to put the Prisoners upon their trial and pass a Sentence de novo."—

2. The Court of Tongalanee Udalut observe that Mr. Conway was instructed by Government to "take charge" of the Lillah Court "until the return of Mr. Upjohn" and was not competent to investigate the charge in question, or indeed to perform any Act which was not strictly ministerial.—

3. The Sentence is illegal and must be set aside; and all the Proceedings held in the Case by Mr. Conway are null and void.—

4. But the Court of Tongalanee Udalut have on several occasions decided that an acquitted Party having been once tried and the Sentence having been, as in the present case, partly carried into Execution through

28th 28th August 1839.

though by an authority not legally constituted
thereto, cannot be again tried and punished
for the same offence; and consequently the
prisoners in the case under consideration must
have the benefit of the error committed by
Mr Conway, and be discharged out of custody.

Ordered, that an Extract from these
proceedings be sent to the Criminal Judge
of Chinacla for his information and future
guidance.—

(Sentence No 1078)

Ordered also, that an Extract
from these proceedings be sent to the
Provincial Court of Circuit in the Northern
Division for the purpose of being com-
municated to Mr Conway for his information
and future guidance.—

(Sentence No 1074)

Read letter dated the 8th
Instant from the Principal Sub Amin
of Stonica forwarding the Criminal Report
of this Court for the Month of July.—

(Here enter Ct. No. 1385 of 1839.)

28th August 1839.

Supplt Report
Case No 28.

1. The prisoners in this Case,
were charged "with having, in the day time,
on the 17th June 1839 murdered the Prosecutor's
father Ally Sahib by cutting him with
a Bill Hook on his neck and other parts
of his body, and robbed him of his Money
and Cloths amounting to about Rupees 10.
on a high road between the Villages of Ballade
and of Varkally."—

2. The prisoners were required
to find security for their future good be-
haviour.—

3. The Court of Sunjdarees Ada-
lut resolve to direct the First Judge on
Circuit in the Western Division, to
look into the proceedings in this case
and pass such orders thereon as he may
deem proper with reference to the pro-
visions of Section XXIII Regulation X
of 1816 reporting the result to this
Court.—

4. From the report of the Evidence,
the Court are not satisfied that the prisoners
should

28th August 1839.

Should not have been committed for Trial.—

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

(Sent following precept No 1025)

Ordered also, that Extract from these proceedings be sent to the Principal Sub Ameen of Bonne for his information.—

(Sent in No 1026.)

Read return, dated the 12th Instant from the First Judge of the Provincial Court of Circuit in the Northern Division, to the precept of the Tongdaree Udalut under date the 19th Ultimo, directing him to compare the Original Record in Case No 1. Graduk putta on Calendar for the 2d Quarter Sessions of 1839 with the English translation & should they agree to call upon the Magistrate to explain the indecorous manner in which the corpse of the deceased would appear to have been treated.—

(Here Enter No 1371.)

J.H.D.

F 16

At a Court of the Tongdaree Udalut

Present,

Thursday 29th August 1839.

Thomas Alexr Oakes Esqr — 4th Puisne Judge

William Rudleston Esqr — 5th Puisne Judge

Alexr Duncan Campbell Esqr — 3d Puisne Judge

Read letter dated the 2nd Instant from the First Judge on Circuit in the Western Division, transmitting the Record in Case No 6 on the Malabar Calendar for the 2d Sessions of 1839.—

(Here enter No 1306.)

Mr Oakes and Mr Rudleston.

The Court of Tongdaree Udalut having maturely considered the proceedings held before the Judge on Circuit, the futwa of the Provincial Law Officers, and the futwa of the Cazee ool Coozat and Mooftees of the Tongdaree Udalut, confirm the said futwa of the Cazee ool Coozat and Mooftees aforesaid, convicting the prisoner

Vuttooven Turramel Coorhy Kandapoyen alias Kandapoyen

of the crime of wilful Murder, but being of opinion

opinion, under the circumstances of the case, that the punishment to which the prisoner is liable under the said futwa would in this instance be too severe, the Court do, under the authority with which they are vested by Clause Second, Section VI Regulation I of 1825, sentence the prisoner to be transported to such place or places beyond sea, as the Governor in Council shall appoint, there to be imprisoned and kept to hard labour in irons on the public roads, or other public works, for, and during the period of his natural life.—

(Sent following letter No. 1029)

Read letter dated the 9th Instant from the Third Judge on Circuit in the Centre Division, transmitting the record in Cutcherry No. 25 on the Bellary Calendar, for the 1st Sessions of 1839.—

(Here enter No. 1333.)

Mr. Oakes and 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, acquitting the prisoner

Lutchmah

and accordingly direct that he be set at liberty

(Sent following letter No. 1030)

Read letter dated the 12th Instant from the Third Judge on Circuit in the Northern Division, transmitting the record in Cutcherry No. 6 on the Guntoor Calendar for the 2d Sessions of 1839.—

(Here enter No. 1393.)

Mr. Huddleston and Mr. Campbell

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

Cantoory Goorawadoo

29th August 1839.

38

of the crime charged, and awarding Death,
and under the provisions of Section X.
Regulation VIII of 1802, Sentence him to
Suffer death by being hanged at the usual
time and place of Execution.—

(Sent following precept No. 1031)

Read return dated the 16th
Instant from the Acting Criminal Judge of
Malabar, to the precept of the Foujdaree
Udalut of the 6th Instant, conveying their
observations and orders on the Criminal
Reports for the month of June 1839.—

(Here Enter No. 1407)

Read return, dated the 20th
Instant, from the Criminal Judge of
Salem, to the precept of the Foujdaree
Udalut dated the 13th August 1839,
conveying their observations and orders on
the Criminal Reports for the month of
June 1839.—

(Here Enter No. 1411.)

Fo. 110.

At a Court of the Foujdaree Udalut,
Present,

Friday
30th August, 1839.

Thomas Alexander Oakes Esqr. 1st Puisne Judge
William Chadleston Esqr. 2nd Puisne Judge
Alexander Duncan Campbell Esqr. 3rd Puisne Judge

Read the Criminal Reports dated
the 1st instant from the Officiating Joint Criminal
Judge at Tinnevelly for the Month of July 1839.—

(Here enter Fo. No. 1379 of 1839)

Sufpl. Report
Case 62

The Court of Foujdaree Udalut
resolve to direct the Officiating Joint Criminal
Judge to prepare an English Translation of the
Proceedings in this Case, which he will be pleased
to submit for this Courts consideration, at the
earliest convenience.—

Report V
Cases 62 and 72

2 Under the circumstances of
these cases, the Court of Foujdaree Udalut deem
it necessary to direct the Acting First Judge on
Circuit in the Southern Division to look at
the proceedings and pass such orders thereon
as he may deem proper—with reference to
the provisions of Section XXIII Regulation X
of 1816 reporting the result to this Court.—

Ordered

29th August 1839.

38

of the crime charged, and awarding Ristant,
and under the provisions of Section X.
Regulation VIII of 1802, Sentence him to
suffer death by being hanged at the usual
time and place of execution.
(Sent following Precept No. 1031)

Read return dated the 16th
Instant from the Acting Criminal Judge of
Malabar, to the precept of the Sunderee
Udalut of the 6th Instant, conveying their
observations and orders on the Criminal
Reports for the month of June 1839.
(Here enter No. 1360)

Read return, dated the 20th
Instant, from the Criminal Judge of
Salem, to the precept of the Sunderee
Udalut dated the 13th August 1839,
conveying their observations and orders on
the Criminal Reports for the month of
June 1839.
(Here enter No. 1411)

L.D.C.

Fol

Friday
30th August, 1839.

Fo. 110.

At a Court of the Sunderee Udalut,
Present,
Thomas Alexander Oakes Esqre 1st Puisne Judge
William Huddleston Esqre 2nd Puisne Judge
Alexander Duncan Campbell Esqre 3rd Puisne Judge

L.D.C.

Read the Criminal Reports dated
the 1st instant from the officiating Joint Criminal
Judge at Tinnevelly for the Month of July 1839.
(Here enter Fo. No. 1379 of 1839)

Suppl. Report
Case. 62

The Court of Sunderee Udalut
resolve to direct the officiating Joint Criminal
Judge to prepare an English Translation of the
Proceedings in this Case, which he will be pleased
to submit for this Courts consideration at the
earliest convenience.

Report V
Cases 62 and 72

2 Under the circumstances of
these cases, the Court of Sunderee Udalut deem
it necessary to direct the Acting First Judge on
Circuit in the Southern Division to look at
the proceedings and pass such order thereon
as he may deem proper with reference to
the provisions of Section XXIII Regulation X
of 1816 reporting the result to this Court.

Ordered

30th August 1839

Ordered, that extract from these proceedings be sent to the Officiating Joint Criminal Judge of Tinnevelly, by precept returnable within ten days from and after its receipt.

(Sent following Precept No. 1032

Ordered also, that extract from these proceedings (Paragh. 2.) be sent to the Acting First Judge on Circuit in the Southern Division, by Precept returnable within twelve days from and after its receipt.

(Sent following Precept No. 1033

Read the Criminal Reports for the Month of July last, submitted by the Acting Joint Criminal Judge of [illegible]

(Here enter No. 1530 of 1839)

Suff. Report 1.
Case No. 86.

1. In this case one of highway robbery there appears to the Court of Sudder Adawlut reason to suppose that the evidence against the prisoners was sufficient for conviction.

2. It is stated that the Prosecutor swear to the identity of the prisoners the first of whom is an old offender and that the Jewel which was identified as the property of the 1st prosecutor was found in the house of the prisoner

30th August 1839

prisoners who cannot give a satisfactory account of it.

Report No. V
Case No. 94.

3. The prisoner in this case is charged with having stolen two sheep valued at Rupee 1/2 and killed one of them and eaten the carcase.

4. In this case also it appears to the Court of Sudder Adawlut that the evidence of the witnesses corroborated by the discovery and identification of the head and skin of the sheep and by the falsification of the plea set up by the prisoners that they had purchased the 2 sheep from one Chandavelan was sufficient for the conviction of the prisoners.

Case No. 96.

5. In case No. 96 Coopatchon an old offender is charged with having stolen the prosecutor's bullock valued at Rupees 6 1/2 and was required to find 2 securities in the sum of 25 Rupees each for the period of six Months.

6. It is recorded that four witnesses prove the bullock to be the prosecutor's which the prisoner offered for 8 Rupees to the 4th and 5th witnesses who reported the circumstance to the

30th August, 1839.

the Moniegar as he was unable to produce the cattle passport. This statement" it is added" is established by the 6th Witness who states that he saw the Prisoner offer the animal for sale to the witness alluded to.—

7. This evidence is, in the opinion of the Court of Foujdaree Udalut, ample for the conviction of the prisoner, an old offender, but they resolve under the circumstances of this case and of Case Nos. 86 and 94 above recorded, to direct the Acting 1st Judge on Circuit in the Southern Division to call for the proceedings held in the several cases, and to pass on them such orders as may appear to him proper, with reference to the provisions of Section XXIII Regulation X of 1816, reporting the result for the information of the Foujdaree Udalut.

Case No. 95. 8. In this case, the prisoner is charged with having stolen 2 Sheep valued at Rupee 1-12. from the Prosecutor's sheep-pen and was on conviction, sentenced by the Sudr Ameen to two Months imprisonment with

labo

2.

F. Uc.

30th August, 1839. labor in irons, under the provisions of Clause fourth Section III Regulation VI of 1822.

9. The sentence recorded on the prisoner is in the opinion of the Court of Foujdaree Udalut objectionably lenient, and contrary to the intention of the Regulations cited in support thereof.—

Cases Nos. 101 and 105. 10. A similar remark is applicable to the sentences passed in the cases noted in the margin, in which the prisoners were convicted in case No. 101 of having broken into the prosecutors house and stolen property to the amount of Rupees 6-7-2 and in case No. 105 of having stolen from a cattle-pen 6 sheep and 2 fowls valued at Rupees 6-6 and were sentenced respectively to 3 Months imprisonment under the provisions of Regulation VI of 1822.

Cases Nos. 102 and 103. 11. The prisoner Carapen is charged in both these cases in Case No. 102 with having broken into the house of the prosecutor and stolen therefrom property to the Amount of Rupees 12 and in Case No. 103 with the offence of simple theft and has been on conviction in both cases sentenced

30 30th August, 1839.

sentenced in the latter case to two Months im-
prisonment with labor in irons under the pro-
visions of Clause 6th Section II Regulation VII of 1822.

12. The Court of Foujdaree Adalut
observe that the provision cited is inapplicable
to the latter case: but if as is concluded, the sentence
has been inadvertently recorded in case No. 103
instead of 102, the Court direct that the error be amended.
It is however remarked that this sentence is
also altogether inadequate, and they direct that
the attention of the Sudr Ameen be directed
to the intention of the legislature in promulga-
ting this* regulation, as recorded in the preamble
thereof.

* Regulation VII of 1822.

Ordered, that extract from these
proceedings be sent to the Acting Joint Criminal
Judge at Coimbatore, by precept Returnable in
5 days from and after it's receipt.

Sent following Precept No. 1034

Ordered also, that extract from these
proceedings (paras. 1 and 7) be sent to the Acting
1st Judge on Circuit in the Southern Division
by precept returnable within 30 days from
and after its receipt.

Sent following Precept No. 1035

Read

30th August, 1839.

Read letter dated the 9th instant
from the Criminal Judge of Chicacole, submitting
the Reports of the Zillah Court for the month of July.
(Here enter Tlo. No. 1387 of 1839.)

Report V
Case No. 59.

1. The Court of Foujdaree Adalut
deem it proper to observe that by the order of Govern-
ment dated the 16th August 1833, of which a copy
was circulated by the Court of Sudr Adalut under
date the 4th September 1833, it was declared that
whenever a public Officer labours under indis-
position so severe as to prevent him from doing
his duty, it is incumbent on him to report it, in
order that he may be relieved and a fit provision
made to render the Court effective.

2. More attention should be paid to
the wording of the Remarks in the Reports than
has been done in Cases Nos. 53 of the supplemental
Report and 62 of the Report V: in which it is observed
that the prisoner "one and all are fully commit-
ted by the evidence of three King's evidence" &c.

Ordered, that extract from these pro-
ceedings be sent to the Criminal Judge of Chica-
cole for his information and future guidance.

Sent in No. 1036.

Read

30th August 1839

Read Return dated the 16th instant from the Second Judge late on Circuit in the Southern Division to the Precept of the Court of Foujdaree Adalut under date the 3d August 1839, directing him to instruct the Acting Criminal Judge of Salem to call upon the Medical officer in charge of the Civil Establishments at that station to record his opinion in regard to the sanity of the prisoner in Case No. 2 of the Salem Calendar of the first Sessions of 1839; and to submit the same for the consideration of the Foujdaree Adalut.

(Here enter F. Uo. No. 1400 of 1839)

1. With this Return the Second Judge submits a copy of the opinion given by the Medical Officer, wherein he states that "having carefully observed the Prisoner Runjen, he does not see any grounds for believing him to be of deranged mind."

2. With reference to this opinion, the Court of Foujdaree Adalut resolve not to disturb the sentence which will accordingly be carried into effect.

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

3

F. Uo.
30th August 1839.

for his information.

Sent in No. 1037

Read the Criminal Reports of the Zillah Court of Salem for the Month of July.

(Here enter F. Uo. No. 1399 of 1839)

Suppl. Report Case No. 95.

1. The Court of Foujdaree Adalut resolve to direct the Provincial Court of Circuit in the Southern Division to call for the proceedings in this case, and pass such orders thereon as they may deem proper, with reference to the Provisions of Section XXIII. Regulation X of 1816 [illegible]

Report V Case No. 116

2. The first and second prisoners in this case were charged "with having, on the night of the 13th June 1839, entered the Prosecutor's house by breaking the wall thereof and taken a musquet and other property of the value of Rupees 35-12-8."

3. The first prisoner of whom it is stated that "he is convicted on precisely the same manner in the two succeeding cases," was sentenced to two years imprisonment with labour in Irons "under Clause fourth Section III Regulation VI of 1822."

The

4. The Court of Tuydaree Udalut desire to be informed whether or not the house breaking was proved.

Ordered, that extract from these proceedings be sent to the Acting Criminal Judge by Precept returnable within seven days, from and after its receipt.

Sent following Precept No. 1038

Ordered also, that extract from these proceedings (para. 1) be sent to the Provincial Court of Circuit in the Southern Division by Precept returnable within twenty five days from and after its receipt.

Sent following Precept No. 1039

Read the Criminal Reports of the Awarding Court of Tegagootaram for the Month of July

(Here enter F. Cc. No. 1114 of 1839)

Sessns. Report Case No. 97

1. The Prisoner in this case was charged with stabbing and wounding.

2. It is stated that the witnesses prove the charge in the fullest and clearest manner against the Prisoner who pleaded not guilty and names witnesses to prove an alibi; but

but the evidence is so clear and conclusive as to induce the Acting Joint Criminal Judge not to summon them: and the prisoner was sentenced to six Months imprisonment with hard labour and to pay a fine of ten Rupees and in default of payment, to be confined for the further period of two Months."

3. The Court of Tuydaree Udalut observe that the omission to take the evidence to the alibi was improper, and the conviction, in consequence of that omission, is illegal.

4. The Acting Joint Criminal Judge will be pleased immediately to send for and examine the witnesses cited by the Prisoner and then proceed to pass a fresh sentence.

Case No. 108

5. The prisoner in this case was acquitted of the charge, the only evidence against him, being the implication of the prisoners in No. 74 of 1839.

6. The Court of Tuydaree Udalut direct that this case be brought to the notice of the Magistrate in order that that Officer may administer a suitable reproof to the Head of Police of Chodavaram.

The

30th August, 1839.
Case No. 114.

7 The prisoners in this case were charged "with having borrowed for a Marriage, a Gold waist Rope and six Jewels belonging to a Minor Zemindar which were in possession of Prosecutor's sister, promising to return them within one or two days, mortgaged and made away with all of them, with the exception of a pair of ear ornaments."

8 The prisoners were released, on the recorded ground that the articles in question having been voluntarily lent, a Civil Suit must be instituted for their recovery.

9 The Court of Foujdaree Adalut observe that if the charge, as stated, was proved, the case was one of Fraud and cognizable criminally: and should the Acting Joint Criminal Judge consider the evidence sufficient for conviction, it will be his duty to take measures for their apprehension in view to their taking their trial.

Report 5
Case No. 125.

10 The prisoner in this case was charged "with having been concerned with a Gang of Thugs who strangled and killed Calan Sindagur and his two Servants in a Mango Garden at 8 o'Clock of a certain night about twelve years ago; and received a share from the amount

Ft. Do.
30th August, 1839.

of Rupees 1350 which was plundered on that Murder in ready money."

11 He was likewise charged under Act XXX of 1836 with having belonged to Gangs of Thugs and lived by Thuggee.

12 It is stated in the Report that "as the prisoner has already confessed before the late Joint Criminal Judge and evidence taken against him in No. 82 of 1839 that Acting Joint Criminal Judge cannot see that there is any necessity to take fresh and separate evidence, and he is therefore committed to take his trial for Murder

13 The Court of Foujdaree Adalut observe that this proceeding is altogether irregular, and the evidence must be gone into. It is for the Court of Circuit alone to dispense with the Trial of this Charge should the prisoner be convicted on the other charge of Murder. Commitment in this case, upon evidence on another charge is illegal.

Case No. 129

14 The two prisoners in this case were charged with having assaulted the Prosecutor on the high way by squeezing his throat "so that he was unable to breathe" and stolen from him a red Handkerchief valued at Rupees 3-12-0.

The

15. The Joint Criminal Judge considering it clear that the prisoners "knowingly had stolen property in their possession" sentenced the first prisoner as being a bad character" under Clause fourth Section IV. Regulation XI of 1822 to be imprisoned for two years in Irons with hard labour and to receive 100 lashes with the cat of nine tails and the second prisoner to six months imprisonment with hard labour in Irons.

16. In the opinion of the Court of Tonjadaree Udalut, the Prosecutor's evidence corroborated by the evidence of the Prosecutor was sufficient for the conviction of the Prisoners.

17. Moreover the case appears to be one of Robbery.

18. The Court of Tonjadaree Udalut resolve to direct the Third Judge on Circuit in the Northern Division to look into the Proceedings in this case and pass such orders thereon as he may deem proper with reference to the Provision of Section XXIII Regulation X of 1816 reporting the result to this Court.

Case No. 132. 19. The Prisoner in this case was charged with having stolen from the Prosecutor a cloth valued at four Annas.

20. It is stated in the Report that "Police in his remarks states that Prisoner was formerly punished:" and having pleaded Guilty he was sentenced to six Months imprisonment with hard labour in Irons.

21. The Court of Tonjadaree Udalut observe that the Police Officer's Report is not sufficient proof of punishment and it should be shown for what offence such punishment was inflicted.

Ordered, that extract from these proceedings be sent to the Acting Joint Criminal Judge of Vizagapatam for his information and guidance, by Precept returnable within seven days from and after its receipt.

Sent following Precept No. 1040

Ordered also that extract from these proceedings (Paras. 11 to 18) be sent to the Provincial Court of Circuit in the Northern Division, by Precept returnable within One Month from and after its receipt.

Sent following Precept No. 1041

Read

30th August, 1859

Read return, dated the 19th instant, from the Provincial Court of Circuit in the Western Division, to the precept of the Foujdaree Udalut dated the 13th August 1859, forwarding Circular Order No 109 directing them to communicate to the several Criminal Courts that errors or defects in charges sent up by the Police Officer, should be corrected by the Criminal Court when apparent from the evidence taken by the Police.

(Here enter No 11424)

Read Return, dated the 1st instant from the Officer Commanding on the Tellicherry Establishment of Convicts in the Jail at Cotacamund for the Month of July 1859.

(Hereunder No 11412)

Read letter dated the 20th instant from the 2nd Judge on Circuit in the Western Division forwarding the death warrant in case No 5 on the Calendar of the Malabar 2nd Sessions of 1859.

(Here enter No 11425)

Read the Criminal Report for the Month of July 1859, submitted by the Acting Criminal

August, 1859 Criminal Judge of Rajahmundry.

(Here enter No 13977.)

Report No V

Cases Nos 75-76 and 77

1. The reasons assigned for the detention of the prisoners in these cases are not considered satisfactory. The Acting Criminal Judge will send copies of the cases as they stand in the report and of this parah to the Magistrate, who will be pleased to take such notice of the conduct of the several Police officers concerned as may appear to him proper, and warn them against detaining prisoners in future before them beyond the prescribed period on grounds declared inadmissible.

Cases Nos 82 34 and 85

2. The prisoners in these cases were charged severally with housebreaking, and those convicted have been sentenced respectively by the Principal Sudr Ameen to 6 and 4 Months imprisonment with hard labor in irons under the provisions of Clause sixth Section II Regulation VII of 1822.

3. The Court of Foujdaree Udalut observe that these sentences are altogether inadequate, and at variance with the obvious intention of the legislature in enacting the Regulation cited.

4. It is clear that the Regulation views the offence of housebreaking not merely in the

the light of a common petty theft punishable to the extent prescribed by the provisions of Regulation X of 1816.

5 One of the grounds of the enactment of Regulation VI of 1822 is stated in the preamble to be for the purpose of rendering punishable by the Criminal Courts certain definite offences amongst which is enumerated that of house breaking which were formerly punishable by the Courts of Circuit. It follows then that in the contemplation of the legislature the utmost punishment which the Criminal Courts were previously empowered to inflict was not adequate to the offences specified and it seems also that the discretion vested in Criminal Courts by the Regulation VI of 1822 was intended to go beyond the highest punishment which they were before authorized to inflict because it was the inadequacy of that punishment which rendered the extension of their powers necessary to enable them to take cognizance of any of the offences specified.

6 The Court accordingly resolve to direct the Acting Criminal Judge to refer to the proceedings held in the case, and to reconsider the propriety of enhancing the amount of punishment awarded

30th August, 1839

awarded in the present instance by the Principal Sudr Ameen under the provisions of Section II Regulation III of 1833.

Ordered, that extract from these proceedings be sent to the Acting Criminal Judge of Rajahmundry by precept returnable in 5 days from and after its receipt.

L.H.O.

Sent following Precept No. 1042

Ex. P.C.

E. C.

At a Court of the Zoojdara Adalut

Present,

Saturday 31st August 1839. Thomas Alexr. Oakes Esqre. ——— Acting 1st Assist. Judge

William Haddleton Esqre. ——— 2d Assist. Judge

L. A. C. Alexr. Duncan Campbell Esqre. ——— 3d Assist. Judge

Read Letter dated the 15th instant from the Criminal Judge of Chittoor, forwarding the Criminal Reports of the Zillah Court for the month of July.—

(Here enter C. R. No. 1386 of 1839)

Supplemental Report 1.

Case No. 128.

The Prisoner in this case was charged with having on the 15th May 1839 wilfully released a Prisoner who was entrusted to his charge by the Village Moonsif of Cadapay: and upon conviction, was sentenced by the Mofussil Sub Assistant to three Months imprisonment, under Clause first, Section XI Regulation XIII of 1832.—

2. The Court of Zoojdara Adalut have ruled that the Provision above cited is applicable only to Peons.—

3. The Prisoner who is described as a "Talair" or "Village Servant", must therefore be forthwith discharged out of custody.—

Ordered

S.S.

At a Court of the Coojedara Adaulut

Present,

Saturday
31st August 1839. Thomas Alexr. Oakes Esqre. — Acting 1st Puisne Judge,

William Maddocks Esqre. — 2d Puisne Judge,

L.A.C. Alexr. Duncan Campbell Esqre. — 3d Puisne Judge,

Read Letter dated the 15th instant from the Criminal Judge of Chittoor, forwarding the Criminal Reports of the Zillah Court for the Month of July.—

(Here enter S.R. No. 1386 of 1839)

Supplemental Report.

Case No. 128.

The Prisoner in this case was charged with having on the 15th May 1839 wilfully released a Prisoner who was entrusted to his charge by the Village Moonsif of Cadapary: and upon conviction, was sentenced by the Proffer Zilla Ameen to three Months imprisonment, "under Clause first, Section XI Regulation XIII of 1832."—

2. The Court of Foujdaree Adaulut have ruled that the Provisions above cited is applicable only to Sons.—

3. The Prisoner who is described as a "Ealair" or "Village Servant", must therefore be forthwith discharged out of custody.—

Ordered

Ordered, that Extract from these proceedings be sent to the Criminal Judge of Chittoor, by Precept returnable within three days, from and after its receipt.—

(Sent following Precept No. 1047.

Read letter dated the 26th instant from the Acting 1st Judge on Circuit in the Southern Division, reporting his intention to open the second Sessions of 1839 at Combaconum on the 16th Proximo.—

(Here enter No. 1443)

Read letter dated the 26th instant from the Acting 1st Judge on Circuit in the Southern Division, submitting the explanation called for in the letter from the Sovidarea Adalut under date the 21st instant relative to the delay in opening the 2d Sessions of 1839 at Pimenelly.—

(Here enter No. 1444)

Read return dated the 24th instant from the 3d Judge on Circuit in the Northern Division to the Precept of the Sovidarea Adalut dated the 14th August 1839, conveying their observations on the Opinion Calendar for the 2d Sessions of 1839.—

(Here enter No. 1447)

Read return dated the 28th instant from the Provincial Court of Circuit in the Southern

Division to the Precept of the Sovidarea Adalut dated the 13th August 1839, forwarding Circular Order No. 109 directing them to communicate to the several Criminal Courts that errors or defects in charges sent up by the Police Officer should be corrected by the Criminal Court where-ever apparent from the evidence taken by the Police.—

(Here enter No. 1448)

Read return dated the 28th instant from the Provincial Court of Circuit in the Southern Division, to the Precept of the Sovidarea Adalut dated the 26th Ultimo, directing them to call for the proceedings held in Cases Nos. 60–62 and 63 of 1839 of the file of the Joint Criminal Court at Cuchinopoly and such orders thereon as may appear proper, and also calling for certain information relative to Case No. 62.—

(Here enter No. 1449)

Read return dated the 28th instant from the Provincial Court of Circuit in the Southern Division, to the Precept of the Sovidarea Adalut dated the 8th instant, directing them to review the proceedings held in Case No. 107 of the Criminal file of the Zillah Court of Salem for 1839, and in the event of their being of opinion that there is sufficient ground to commit the

31st August 1839.

the prisoner in the said case, to issue the requisite
instructions to that effect to the Acting Criminal Judge.
(Here enter No 1460)

Read return dated the 28th instant
from the 2d Judge Cote on Circuit in the Centre Division
to the precept of the Coujdaree Adawlut dated the 5th August
1839 directing them to procure and submit for their consideration
the Books referred to in the 4th and following questions
recorded in the evidence of the Prosecutor in Case No 22 of the
Cuddapah Calendar for the 1st Sessions of 1839.
(Here enter No 1436)

Coujdaree Adawlut

Monday
2d September, 1839. Present,
Thomas Alexr Oakes Esqre Acting 1st Puisne Judge,
William Rudlestor Esqre 2d Puisne Judge,
Alexr Duncan Campbell Esqre 3d Puisne Judge,

Read Miscellaneous Petition presented
on the 26th ultimo by S. Breitenmacher Carlos Oakes on behalf
of Subnavees Venkata Krishnarow.
(Here enter No: C. A. No 103 of 1839)

The Petitioner refers to the order of the
Court of Sudder Adawlut dated the 9th August 1839 relative
to the removal of the property belonging to the Canjeredaj
estate from the Agency House at Amaravaty to some
other place where it will be secure from the effects
of the weather, "with the concurrence" of Lenea Canl and
Canjeredaj Atchammah or their Agents, and in their
presence: and he prays that notice of the said opening
may be given to him also and that his Agents may be
present.

2. The Court of Coujdaree Adawlut see no
objection to a compliance with the prayer of this Petition:
but the Petitioner should address the Provincial Court
(to whom a copy of these proceedings will be forwarded)

and

31st August 1839.

the Prisoner in the said case, to issue the requisite instructions to that effect to the Acting Criminal Judge.

(Here enter No 1460)

Read return dated the 28th instant from the 3d Judge Cutcherry on Circuit in the Centre Division to the precept of the Conjeveram Zillah Court dated the 5th August 1839 directing them to procure and submit for their consideration the Books referred to in the 11th and following questions recorded in the evidence of the Prosecutor in Case No 22 of the Criminal Calendar for the 1st Session of 1839.—

(Here enter No 1438)

Ex. D.

At a Court of the Conjeveram Adalut.

Present

Monday

2d September, 1839 Thomas Pleydell Oakes Esqr. ——— Acting 1st Zillah Judge

William Hudleston Esqr. ——— 2d Zillah Judge

Alexr. Duncan Campbell Esqr. ——— 3d Zillah Judge

Read Miscellaneous Petition presented on the 26th ultimo by S. Ratnamaseriarboo Oakes on behalf of Subramanien Vencata Ereetnaroo.

(Here enter No. P. No 103 of 1839)

The Petitioner refers to the case of the Court of Sudr Adalut dated the 9th August 1839 relative to the removal of the property belonging to the Dafseredar estate from the Agency House at Amaravaty to some other place where it will be secure from the effects of the weather. "with the concurrence" of Seven Land and Dafseredar Ateharammah or their Agents, and in their presence: and he prays that notice of the said proceeding may be given to him also and that his Agent may be present.—

2. The Court of Conjeveram Adalut see no objection to a compliance with the prayer of this Petition: but the Petitioner should address the Provincial Court (to whom a copy of these proceedings will be forwarded)

and

and state the name of his Agent whom he may think proper to depute for the occasion, without delay: otherwise he may be too late.—

Ordered, that Extract from these proceedings be sent to the Provincial Court in the Northern Division for their information and guidance, with reference to the Extract from the proceedings of the Sessions Cadalut under date the 12th August 1839.—

Cent in Dft 1018

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

Read Miscellaneous Petition presented on the 10th instant by Cottayadiya pulley of the Tillakam of Eimeneelly - the son of Sangara Lingum Pillay - the prisoner in Case No 3 Eimeneelly Calendar Ts Sessions of 1839.—

(Here enter Mr. S. No 102 of 1839)

The Petitioner repeats the request, put forth in his petition No 78 of 1839 that the Court of Enquiry Cadalut will be pleased to call for the proceedings connected with the case in question, and issue orders for the punishment of the parties.—

The Court of Enquiry Cadalut direct that

that the petitioner be referred to their order of the 12th August 1839, and informed that no further petition on this subject will be received.—

The Court of Enquiry Cadalut observe that their order of the 12th instant is misquoted in the Petition. The Court in that order observed that they had no power to overrule an "acquittal" by a Court of Circuit, not a "sentence."

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

Exp. L.

Read letter dated the 13th instant from the Ts Judge on Circuit in the Eastern Division, transmitting the Record in Case No 15 on the Trincomalee Calendar 2d Sessions of 1839.—

(Here enter No 1392)

Mr. Oakes, and Mr. Campbell,

The Court of Enquiry Cadalut, having maturely considered the proceedings held before the Judge on Circuit, the futwa of the Provincial Law Officer and the futwa of the Cazee wal Cozgat and Mooftee of the Enquiry Cadalut, confirm the said futwa of the Cazee wal Cozgat and Mooftee aforesaid so far as it convicts the prisoner Velayptheetil Chalayil Cheroomen Tarabeen of the crime of wilful murder, but in lieu of the sentence of Death, the Court of Enquiry Cadalut under the provisions of Section XV Regulation VIII of 1802, sentence him to suffer

death

Death, by being hanged at the usual time and place of execution.—

(Sent following letter Nº 1049

Read the Statement of Batta paid to Prosecutors and witnesses attending before the Court of Circuit during the First Sessions of 1839 - at Cuddalore dated the 15th ultimo.—

(Here enter S. C. Nº 1861 of 1839)

The Court of Sujdaree Adaulut resolve to call upon the Third Judge to explain the cause of the detention of the Prisoners in Cases Nos 6—11—12—13 and 14 of the Cuddalore Calendar.—

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

(Sent following Precept Nº 1050.

Read Letter dated the 19th ultimo from the Acting Criminal Judge of Madura, submitting the 6 Criminal Reports for the Month of July.—

(Here enter S. C. Nº 1820 of 1839)

Suppl. Report Case Nº 60.

1. Of the eight Prisoners in this case, all but the fourth were committed for Trial. The fourth Prisoner "being certain to the third Prisoner and inflicted by an Individual before the Police Officer and having been a Court Peon", was ordered to find Security for his good behaviour for six Months.—

2. The Court of Sujdaree Adaulut consider the

the grounds for the requisition of security from the said fourth Prisoner insufficient: and they accordingly direct that the Bail Bonds be cancelled and the Prisoner, if in confinement in default, be released.—

Case Nº 63.

3. It is stated that this case is "awaiting the arrival of the Proceedings from the Acting First Judge on Circuit. The case having been committed for further Trial: Viz: Nos 18 and 27 of 1839".—

4. The Court of Sujdaree Adaulut are unable to comprehend the purport of this remark: and they resolve to call upon the Acting Criminal Judge to submit an explanation upon the subject.—

Case Nº 78.

5. The Prisoner in this Case was charged "with Having, on the night of the 19th March 1839, in company with the Prisoners in Criminal Case Nº 57 of 1839 - beaten and stamped upon the Father of the Prosecutor, from the effects of which he is said to have died on the 2ª April 1839".—

6. The Prisoner was released for the reasons stated in the Report, which are considered by the Court of Sujdaree Adaulut very unsatisfactory.—

7. In Case Nº 57. the Prisoners were committed

31ª

2ª September 1839.

death, by being hanged at the usual time and place of execution.—

(Sent following letter Nº 1011)

Read the Statement of Costs paid to Prosecutors and witnesses attending before the Court of Circuit during the First Sessions of 1839 - at Cuddalore dated the 12th ultimo.—

(Here enter C: R: Nº 1361 of 1839)

The Court of Enquiry Cudatut resolve to call upon the Third Judge to explain the cause of the detention of the parties in Cases Nos 6—11—12—13 and 14 of the Cuddalore Calendar.—

Ordered, that Extract from these proceedings be sent to the Third Judge state on Circuit in the Centre Division, by Precept returnable within seven days from and after its receipt.—

Sent following Precept Nº 1050.

Read Letter dated the 19th ultimo from the Acting Criminal Judge of Madura, submitting the 6 Criminal Reports for the Months of July.—

(Here enter C: R: Nº 1420 of 1839)

Suppl: Report Case Nº 60.

1. Of the eight prisoners in this case, all but the fourth were committed for Trial. The fourth prisoner "being coerced to the third prisoner and inticed by an Individual before the Police officer and having been a Court Poon", was ordered to furnish security for his good behaviour for six months.—

2. The Court of Enquiry Cudatut consider the

2ª September 1839.

the grounds for the requisition of security from the said fourth prisoner insufficient: and they accordingly direct that the Bail Bonds be cancelled and the prisoner, if in confinement in default, be released.—

Case Nº 63.

3. It is stated that this case is "awaiting the arrival of the proceedings from the Acting First Judge on Circuit. The case having been committed for further Trial: Vide Nos 18 and 27 of 1839".—

4. The Court of Enquiry Cudatut are unable to comprehend the purport of this remark: and they resolve to call upon the Acting Criminal Judge to submit an explanation upon the subject.—

Case Nº 78.

5. The prisoner in this case was charged "with having, on the night of the 19th March 1839, in company with the Prisoners in Criminal Case Nº 57 of 1839 beaten and stamped upon the father of the Prosecutor, from the effects of which he is said to have died on the 2ª April 1839".—

6. The prisoner was released for the reasons stated in the Report, which are considered by the Court of Enquiry Cudatut very unsatisfactory.—

7. In Case Nº 67. the prisoners were committed

committed to take their trial before the Court of Circuit, and the charge is therefore considered groved.—

8. The Court of Coimbatore do not resolve to direct the Acting Criminal Judge to cause the re-apprehension of the prisoner in this case, and apply for the attendance of the witnesses, on whose evidence the prisoners in No. 87 were committed.—

Report V.
Case No. 87.

9. Regarding this case, it is stated that "on the evidence of the witnesses for the Prosecution, the first prisoner is committed for further Trial before the Court of Circuit."

10. The Court of Coimbatore do not observe that this entry is insufficient. There must be a concise statement of the purport of the evidence.—

Case No. 89.

11. The prisoner in this case was charged with having stolen four ajes - the property of the Prosecutor valued at Rupees 30—— and being convicted was sentenced to be imprisoned and kept to hard labour in Irons for twelve months, and to receive fifty lashes on the cat of nine tails.—

12. The Court of Coimbatore do not require to be informed whether the ajes were found in the prisoner's [illegible]

The

Case No. 90.

13. The prisoner in this case was charged with having effected his escape from the Police Guard, while he was about to be sent to the Court as a Party in Criminal Case No. 86 of 1839.—

14. It appears that this case is not disposed of because the prisoner is concerned in No. 86 - which is stated to be "awaiting the arrival of a additional witness for the Prosecution".—

15. The Court of Coimbatore do not observe that the evidence to the escape might have been taken: this charge should not have been postponed because the other was not disposed of.—

16. The Acting Criminal Judge will be pleased to proceed to dispose of this case without further delay.—

Ordered, that Extract from these proceedings be sent to the Acting Criminal Judge of Madura, by Precept returnable within ten days from and after its receipt.—

Cent following Precept No. 1031.

Chinnooya Moodely, Acting Sheristadar of the Auxiliary Court at Coimbatore, return the Court to return the enclosures in his miscellaneous Petition No. 82 of 1839.—

Ordered

2d. September 1839.

L.R.O

Ordered accordingly: attested copies being first taken and lodged in the Records.

Ent'd.

WB

S.L.

At a Court of the Supreme Adalut.

Present,

Tuesday 3d. September, 1839. Thomas Alex.r Oakes Esq.re ____ Acting 1st. Puisne Judge,

William Huddleston Esq.re ____ 2d. Puisne Judge,

L.R.O

Alex.r Duncan Campbell Esq.re ____ 3d. Puisne Judge,

Read Letter dated the 12th. ultimo from the said Judge of this Court in the Penang Division, submitting a copy of the Calendar of the Ancillary Court of Singapore at Cuddalore for the first Sessions of 1839.—

(Here enter S.L. No. 1360 of 1839)

Case No. 7.

1. In this case the prisoner is charged with having "burglariously entered the Godown belonging to the Prosecutor and stolen therefrom Sundries of the value of Rupees 127-8".—

2. The First Native of the Mahomedan Law officer of the Court of Circuit declared the prisoner to be liable only to Commitment on suspicion of the crime charged: upon a second question being put to the following effect—"if the evidence of the witnesses in this case were such as tending to commit the prisoner of this crime, of what crime would he have been convicted and to what punishment would he have been liable?"

the

he was declared convicted of theft and liable to Retaliation — that being barred by reason of his denial of the charge before the Court of Circuit: and in reply to the third Question, he was declared liable to death or amputation of the Right Hand, and was sentenced by the Judge of Circuit to imprisonment with hard labour in irons for seven years.—

3. The Court of Sunderbunds Adawlut observe that the second question to the Law Officer was totally illegal — and as the Judge considers the prisoner convicted, the sentence must be quashed and the trial referred for the final judgment of the Sunderbunds Adawlut, under the provisions of Section XXII Regulation VIII of 1832.—

Case No. 8. 4. The second Question to the Mahommedan Law Officer in this case is as follows: "If the evidence of the first, second and third witnesses, as well as the averments of the first complainant were deserving of credence, of what crime would the prisoner have been convicted?"

5. This is not the proper form of Question as respects the 1st, 2d. and 3d. witnesses. It should run — if the evidence of the 1st. witness did not contain a charge, and if the 2d. and 3d. witnesses were not apprehenders of Theives &c.—

Case No. 9. 6. The three prisoners in this case were charged with

with Harris, apprehended and beaten the prosecutor on the highway and robbed him of property of the value of Rupees 7-12-6.—

7. The Prisoners are convicted both in this and the following case (No. 10) and the first prisoner, as having an old offender, has been sentenced to fourteen years' imprisonment.—

"But in consideration of the second and third prisoners not being old offenders and the robbery not being attended with any personal injury and as the stolen property is of very trifling value, the third Judge thinks that the ends of justice will be fully satisfied by a mitigation of the punishment prescribed for this offence by the Regulations, to eight years' imprisonment with hard labour in irons, and which he is in consequence happy to recommend."—

8 The prisoners having been convicted in two cases, and the Prosecutor having sworn that they used violence towards him, the Court of Sunderbunds Adawlut consider it inexpedient to authorize any mitigation of the full penalty prescribed by the Regulations, which will accordingly be carried into effect.—

Ordered, that Extract from these proceedings

proceedings be sent to the Third Judge Late on Circuit in the Centre Division by precept returnable within three days from and after its receipt.—

Ent following Precept No. 1056

Read Extract from the Minutes of Consultation in the Judicial Department under date the 20th August 1839 — No. 601 — conveying the observations and orders of the Right Honorable the Governor in Council on the Extracts from the Proceedings of the Court of Conjeveram Adawlut under dates the 17th and 25th June 1839 — submitting with their remarks thereon, the Report of the First Judge of the Provincial Court of Circuit in the Northern Division, prescribed by Section XXXVII Regulation VII of 1802 — for the Sessions of 1838.—

(Here enter Ct. No. 1421 of 1839)

1. The Court of Conjeveram Adawlut direct that a copy of the Extract from the Minutes of Consultation now recorded be sent to the First Judge of the Provincial Court of Circuit in the Northern Division, for his information.—

2. With reference to parah: 3 of the said Extract and to parah 13 of his Circuit Report. the First Judge will be pleased to ascertain from Captain Vallancey and report for the information of this Court and of Government whether a Reward of three hundred Rupees is actually granted by the Government of India for every person convicted of being a Thug.—

3. With reference to parah: 4 of the same Extract — the First Judge will be pleased to instruct Captain Vallancey immediately to recal and cancel the general orders issued by him as noticed in parahs: 16 & 20 of this Court's proceedings under date the 17th June last — he will also furnish that Officer with a copy of parah: 4 — for his information and future guidance.—

4. The First Judge will likewise be pleased to furnish the Revd. Dr. Breese with copies of parahs 21 and 22 of the Extract from this Court's proceedings under date the 17th June last and of parah 5 of the Extract from the Minutes of Consultation now recorded, for his information and future guidance.—

5. The First Judge will also be pleased to furnish the Magistrate of Vizagapatam with copies of parahs: 25 & 43 of the Proceedings of the Conjeveram Adawlut under date the 17th June 1839 — and of parahs: 6 and 7 of the Extract from the Minutes of Consultation under consideration, for the information and future guidance of that Officer and of his Head Assistant Mr. Imason.—

With

6. With reference to parah: 8 of the Minutes of Consultation, the First Judge will be pleased to instruct the Magistrate of Vizagapatam to institute personally a strict inquiry into the charge of affault preferred against his Head Assistant - Mr. Mason - and to submit his proceedings thereon, through the First Judge for the consideration of the Court of Sovidara Adalut and of Government. The First Judge will be pleased immediately to submit to this Court his opinion whether the presence of Mr. Mason at the investigation, is necessary.—

7. The First Judge will likewise be pleased to furnish the Magistrate of Vizagapatam with a Copy of parah: 9 of the Minutes of Consultation for his information; and enjoin him to obey the peremptory orders of Government to prevent a repetition of the system of compulsory purveyance, therein adverted to, which is considered by Government to be "most discreditable "to the Revenue authorities of the Province."—

8. The First Judge will also be pleased to furnish the Magistrate of Vizagapatam with a copy of parah: 11 of the Minutes of Consultation for his information.—

In

Circular Order

No. 110.

9. In obedience to the orders of Government, conveyed in parah: 14 of the Extract from the Minutes of Consultation under date the 20th August 1839. No. 691. the Court of Sovidara Adalut direct that Copies of parahs: 47 and 51 of their proceedings under date the 17th June 1839 - be sent to the Four Provincial Courts of Circuit - with instructions to furnish transcripts of the same to the several Magistrates in their respective Divisions, for the information and guidance of those Officers.—

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

(Sent following Precept No. 1056.

Ordered also, that Extract from these proceedings (Parah 9) be sent to the Four Provincial Courts of Circuit by Precept returnable within fourteen days from and after

its

3d. September 1839.

its receipt.—

L.P.D.

Sent following Circulars Nos 1057/1058

4/9/39

WS

At a Court of the Conjeeree Cutcherry.

Present,

Wednesday 4th September, 1839. Thomas Hext. Oakes Esqre. Acting 1st Puisne Judge

William Huddleston Esqre. 2d Puisne Judge

Hext. Duncan Campbell Esqre. 3d Puisne Judge

L.A.C.

Read the following letter dated the 26th ultimo from the Criminal Judge of Bellary—

(Received S.R. No. 1446 of 1839)

WS

1. With the letter now recorded the Criminal Judge submits a copy of a correspondence with the Joint Magistrate in charge of the District of Bellary, relative to a case sent to the Criminal Court by the Head of Police of Sydhoot in which three persons were concerned in stealing and killing a Buffalo—of whom, two were tried and punished by the Head of Police under Section 3d, Regulation V of 1827, and the other prisoner, being an old offender, was alone forwarded to the Criminal Court.—

2. The Criminal Judge submits that this proceeding was irregular and that as there was ground for forwarding one of the offenders to the Criminal Court, the others also should have been sent, although the offence might have been cognizable by the Head of Police, had there

4th September 1839.

there not been circumstances of aggravation against the Prisoner".—

3.

The Court of Inquiry are desired to consider the view taken of this matter by the Criminal Judge, as above recorded, to be perfectly correct.—

4.

The Provisions of Section IX Regulation IX of 1821 are not applicable to a case in which one of the accused is an old offender: and it is contrary to the principle of the Regulations to split a case in the way mentioned by the Criminal Judge: the Magistrate furnishing a part of the Prisoners, and the Criminal Court the rest.—

5.

In the case under consideration, as well as all others of the like nature, all the parties charged with the offence should have been sent up to the Criminal Court.—

Ordered, that Extract from these proceedings be sent to the Criminal Judge of Balasore for his information.—

Sent in No. 1060.

Read returns, dated the 22d ultimo from the Criminal Judge of Cuddapah, to the precepts of the Inquiry Court dated the 10th August, conveying their observations and orders on the Criminal Reports for the months of June 1839.

Letter entered No. 1428 of 1839.

At a Court of the Vigilance Adalut

Present,

Friday, 6th September, 1839. Thomas Alex.r Cookes Esq.re ——— Acting 1st Puisne Judge

William Huddleston Esq.re ——— 2d Puisne Judge,

Alex.r Duncan Campbell Esq.re ——— 3d Puisne Judge,

L.S.

Read the Superintendent's Return dated the 26th ultimo from the Provincial Court of Circuit in the Centre Division — to the Precept of the Court of Vigilance Adalut under date the 5th August 1839 directing them to ascertain and report whether Catchmoo a Romanee Petitioner before the Court of Vigilance Adalut in No. 76 of 1839 did bring an accusation against the Head of Police of Cauvery pauk in the District of North Arcot — That he illegally fined her and placed her under restraint

(Here enter Dft. No. 1436 of 1839)

1. The explanation afforded by the Magistrate of North Arcot — of which a copy accompanies the Return of the Provincial Court now received, so far as it goes, is considered insufficient —

2. But the Petitioner Catchamoo Romanee having represented that she was detained in confinement by the Head of Police of Cauvery pauk for six days without food

food, the Court of Conjdaree Cdalut resolve to direct that the Magistrate be required to take evidence as to the truth or falsity of that ascertion, and report the result through the Provincial Court of Circuit for the information of this Court.—

Ordered, that Extract from these proceedings be sent to the Provincial Court of Circuit in the Centre Division, by precept returnable within twelve days from and after its receipt.—

(Sent following Precpt. No. 1062

Read Letter Dated the 31st. ultimo from the Magistrate of Pelore, reporting with reference to the letter from the Court of Conjdaree Cdalut under date the 20th ultimo, that the Cayer Canneendah mentioned in his letter of the 21st ultimo - is not a Sub officer of Police appointed under Section III Regulation IV of 1821.—

(Here enter S.R. No. 1466 of 1839)

The Court of Conjdaree Cdalut observe that the said Cayer Canneendah not being a Sub Officer of Police his taking an declaration from the accused was irregular, and on this irregularity appears from the Letter of the Magistrate of the 21st ultimo to be "usual" in the Zillah of Pallore, the Court resolve to call the attention of that Officer to the subject, and to direct that the irregular practice

practice be henceforth discontinued.—

Ordered, that Extract from these proceedings be sent to the Magistrate of Pellore for his information and guidance.—

(Sent in No. 1063

Read return dated the 23d ultimo from the Provincial Court of Circuit in the Northern Division, to the precept of the Conjdaree Cdalut dated the 13th August 1839, forwarding Circular Order No. 109, & directing them to intimate to the several Criminal Courts that errors or defects in charges sent up by the Police Officer should be corrected by the Criminal Court when apparent from the evidence taken by the Police.—

(Here enter No. 1469 of 1839)

Read letter dated the 29th ultimo from the 2d Judge of the Provincial Court of Circuit in the Southern Division, with copy of the Criminal & Supplemental Calendar for the 3d quarterly Sessions of 1839.—

(Here enter No. 1461 of 1839)

Read letter dated the 28th ultimo from the 3d Judge on Circuit in the Northern Division, reporting that a Proclamation has been sent to the

Acting

6th September 1839.

Acting Joint Criminal Judge of Tellicherry, notifying that the 2d Sessions of 1839 will be opened on the 25th Instant at that station.—

(Here enter No. 1472 of 1839)—

L.A.O

W.L

W.S

F. Uc.

At a Court of the Foujdaree Udalut

Present

Saturday 7th September 1839.

Thomas Alexander Oakes Esqr. 1st Puisne Judge

William Cuddleston Esqr. 2nd Puisne Judge

Alexr. Duncan Campbell Esqr. 3rd Puisne Judge

L.A.O

Read letter dated the 16th Ultimo from the Final Judge on Circuit in the Western Division, submitting for the final judgement of the Court of Foujdaree Udalut the Record of case No. 20 on the Malabar Calendar for the Second Sessions of 1839.—

(Here enter F. Uc. No. 1409 of 1839)

Mr. Cuddleston

and

Mr. Campbell

The Court of Foujdaree Udalut having maturely considered the proceedings held before the Judge on Circuit, the futwa of the Provincial Law Officer, and the futwas of the Cazee-ool-Cozat and Mooftee of the Foujdaree Udalut, confirm the said futwas of the Cazee-ool-Cozat and Mooftee aforesaid convicting the prisoner

Pranoor Pothenjery Koonjee Kadingay

of

of the crime of wilful murder; but being of opinion, under the circumstances of the case, that the punishment to which the prisoner is liable under the said Juties, would on this instance be too severe, the Court do, under the authority with which they are vested by Clause Seconde Section VII Regulation I of 1825, sentence the said prisoner to be transported to such a place or places beyond sea, as the Governor in Council shall appoint there to be imprisoned and kept to hard labour in any irons, on the public roads, or other public works for, and during the period of his natural life —

1. In the concluding paragraph of this letter, the First Judge suggests a modification of the Circular Order of the Court of Foujdaree Udalut of the 14th March 1832, which contains the Courts opinion "that the practice of dispensing with the evidence of witnesses in cases of life and death is highly objectionable"

2. The first Judge refers especially to

to the evidence of the fourth witness in this trial, and submits "whether discretion may not be given to the Circuit Judge to leave out such evidence" observing that "when a person is seen to be stabbed and dies on the spot, or a persons bowels are ript open, it surely does not require an ignorant Native Doctor to give his opinion as to the cause of death"

3. The Court of Foujdaree Udalut observe that in our Courts in England a Medical person is examined, although the wounds deposed to may be evidently mortal wounds — Rules must be general and will be found not necessary in every case, and yet should not be changed

4. The Foujdaree Udalut might rely on Mr. Vaughans not omitting to take material evidence, but experience shows that it would not be safe to extend the same discretion generally.

Ordered, that extract from these proceedings be sent to the First Judge

on

7th September 1839.

on Circuit on the Western Division for his informa-
tion.—

Sent following Letter No. 1088

Read Return dated the 22nd Ultimo
from the Acting Criminal Judge of Madura, to the
Precept of the Court of Tinjanore dated under Date
the 12th August 1839, conveying their observations and
orders on the Criminal Reports of the Fifth Court
for the Month of June.—

(Case entered Fo. Ho. No. 1452 of 1839.)

1. With reference to case No. 85, the
Acting Criminal Judge observes that "the period of
imprisonment awarded exceeds that allowable by
Section VII Regulation X of 1816 by which "the
prisoner "should have been sentenced for the
theft" and he therefore "recommends that as the
prisoner in No. 84 having now been sentenced
to six Months imprisonment and Labour for effecting
his escape, the remainder of the Pundit Suda
Ameen's sentence viz 6 Months and 50 Lashes
may be awarded for the Theft according to
Section VII Regulation X of 1816, from the
date of this former sentence."

2. The Court of Tinjanore Adopt
resolve

7th September 1839.

resolve to accede to this recommendation which
will accordingly be carried into effect: but re-
ferring to the remark that the Lashes have
been inflicted, the Court deem it necessary to call
for an explanation of that circumstance, since
their Circular Order of the 21st October 1830 ex-
pressly declares that when a prisoner is sentenced
by any of the Criminal Courts to corporal punishment,
and imprisonment exceeding three Months, the
corporal punishment shall not be inflicted until
two Months after the sentence has been passed.
In the present case, the sentence was passed
on the 26th June, and the Precept was received
in the Criminal Court on the 16th August.

3. In regard to case No. 74 the
Moolee Sudo Ameen explains that the
witnesses for the prosecution deposed that "the
lock and key of the room" in which the pro-
perty was deposited "were in charge of the
"prisoner": and concludes as follows "as the prisoner
also acknowledged these facts and he, being a
servant of the Pagoda, had stolen the money
I, explaining these circumstances in my sentence,

and

and considering that the case was adjudicable under the Regulation quoted, disposed of it accordingly."

4 The Court of Foujdaree Udalut observe that there is not a word of explanation in regard to the prisoner being a Servant of the Pagoda in the Report.

5 If the prisoner was a servant of the owner of the property or placed in charge of it as a guard, or employed in the place (as appears) the sentence would be legal on this point the Acting Criminal Judge will be pleased to submit a further explanation.

Ordered, that extract from these proceedings be sent to the Acting Criminal Judge of Madura, by Precept returnable within seven days, from and after its receipt.

[Sent following Precept No. 1067]

Read the Criminal Report of the Auxiliary Court at Masulipatam for the Month of July.

(Here enter J. C. No. 1388 of 1839)

1 The charge in this case runs as follows: "the prisoners are charged with having at six o'Clock in the evening of the 11th June 1839 the 2nd prisoner with having struck on the leg of a she buffalo belonging to Prosecutor that it was broken the 1st prisoner with having assisted him" and in the abstract of the grounds of judgment it is observed that "the evidence of the 2nd witness proves that the 2nd prisoner had struck the she buffalo, but this not being corroborated by any other evidence and as the evidence adduced by the prisoner proves that the prisoners are unacquainted by whom the she buffalo had been struck and that the prisoners were engaged on some other business, the prisoners are released."

2 The Court of Foujdaree Udalut observe that the slovenly and defective way in which the Criminal Reports of the Auxiliary Court of Masulipatam are prepared has recently been animadverted upon, and they are surprized that the Acting Joint Criminal Judge should have given occasion for a repetition of such comments.

3 They deem it proper to warn that officer that in future every Report bearing such evident marks of the want of supervision as that under consideration will be returned to him for correction and that upon him will devolve the responsibility for any inconvenience which may result

result from delay in the disposal of the cases.

Case No. 69.

4. The first prisoner in this case was charged with having, during the night of the 5th June 1839 entered the Prosecutor's abode and stolen thence a box containing ornaments of the value of Rupees 107.

5. He was required to find security for his future good behaviour.

6. The Court of Tonjdaree Udalut, not being satisfied of the correctness of the Judgment in this case, resolve to direct the Provincial Court of Circuit to look into the Proceedings and pass such orders thereon as they may deem proper, with reference to the provisions of Section XXIII. Regulation X of 1816 reporting the result to this Court.

Case No. 70.

7. In this case, the second, third, fourth and fifth prisoners were charged with having taken away clandestinely the daughter of the Prosecutor and married her to the first prisoner; and the first prisoner was charged with having married the said girl, knowing her to have been so clandestinely abducted.

8. The Prisoners were released: the Acting Joint Criminal Judge observing that "this is the first case of the kind which has come officially to

to his notice" and that he "is not certain that his sentence is framed according to policy though the nature of the ceremony precludes its coming within the provisions of the Mussulmen law he believes."

9. This case having been referred for the opinion of the Cazee and Mooftees of the Tonjdaree Udalut, those officers have declared that "to marry a girl of tender age the daughter of a person who possesses a rightful control over her actions & without his knowledge and consent is not by the Mohommedan Law permissible. Hence he who marries the girl and they who assist him in the said act, are liable to Tazeer proportioned to their respective degrees of criminality."

Case No. 73.

10. It is stated in the Report that "the Prisoners state the Police Officers to have tied their hands by handcuffs to a beam above their heads and thus extorted a statement and their wrists confirm this statement the marks are just such as maltreatment would cause."

11. The Court of Tonjdaree Udalut resolve to direct the Acting Joint Criminal Judge to furnish a copy of the Report on this case & to the Magistrate, who will be pleased if he have

7th September 1839

have not already done so / to institute an inquiry into this matter and report the result direct to the Tanjadore Udalut

Case No. 71. 12. The prisoner in this case was charged "with having perjured himself before the Head Assistant Magistrate of Masulipatam, on the 7th July 1839 he appearing as witness in a case of evidence and sworn to depose truly to all matters touching the case, did wilfully and deliberately retract a deposition given before the Head of Police of Masulipatam &c

13. The Court of Tanjadore Udalut observe that the retractation by the Prisoner of his statement before the Police Officer did not constitute perjury.

Ordered, that extract from these proceedings be sent to the Acting Joint Criminal Judge of Masulipatam, by Precept returnable within seven days, from and after its receipt.

Sent following Precept No. 1068

Ordered also that extract from these proceedings (Paras. 4 & 6) be sent to the Provincial

7th September 1839

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

Sent following Precept No. 1069.

240

F. U.

At a Court of the Foujdaree Udalut

Present

Thomas. Alexr. Oakes Esqr. Actg 1st Puisne Judge

Monday William Hudleston Esqr. 2d Puisne Judge

9th September, 1839 Alexr. Duncan Campbell Esqr. 3d Puisne Judge

T. P. C. Read Miscellaneous Petition

presented by the Vakeel Kristnamachary

on behalf of Damodren Numboodry, first

prisoner in Case No. 174 of 1838 on the File

of the Tellicht Criminal Court of Malabar.

(Here enter No. P. No. 101 of 1839)

1. The Petitioner complains of an order of the Acting Criminal Judge of Malabar requiring him and another Prisoner in the case abovementioned to produce Security in the sum of 1,000 Rupees for their future good behaviour, the charge against them in that case being, it appears, one of Forgery.—

2. The Petitioner brought his case to the notice of the Provincial Court in the Western Division, and that Court

in

in their proceedings under dated the 10th December 1838 and 29th June 1839 declined to disturb the Acting Criminal Judge's order.—

3. The Petitioner prays the Court of Foujdaree Udalut to call for the Proceedings held in the case, and annul the order of the Acting Criminal Judge.—

4. The Court of Foujdaree Udalut observes that this is a case in which the Petitioner should petition the Judge on Circuit under the Provisions of Clause Second, Section VIII Regulation VI of 1827.—

5. The Court of Foujdaree Udalut further observe that those Provisions and the Provisions of Section IV. Regulation II of 1822 are intended to supersede, in respect to orders for the requisition of security, the General Rule contained in Section XXIV. Regulation X of 1816; and therefore the Provincial Court, instead of holding the Proceedings of the 10th December 1838 and 29th June 1839 should have referred the Petitioner to the Judge of Circuit.—

Ordered, that Extract from these

these Proceedings be sent to the Provincial Court of Circuit in the Western Division for their information and future guidance.—

(Sentence No. 1072)

Ordered also, that Extract from these Proceedings (Paras 1 to 4) be furnished to the Petitioner's Vakeel on his application.—

Read Miscellaneous Petition presented on the 26th Ultimo by Peddoo Setty of the District of Tinnevelly.—

(Here enter M. P. No. 104 of 1839.)

1. The object of this Petition seems to be to obtain an order for the release of the Petitioner's elder brother Alagherry Setty who, the Petitioner states, has been apprehended and is now detained in confinement by the Magistrate of Tinnevelly.

2. The Court of Foujdaree Udalut observe that if the Petitioner wishes to complain against Proceedings of the Magistrate, he must do so to the Court of Circuit.

Ordered, that Extract from these Proceedings be furnished to the Petitioner

Petitioner upon his application.—

Read letter dated the 13th July 1839 from the Acting Joint Criminal Judge of Chingleput forwarding three final Reports of the Auxiliary Court at Cuddalore for the month of June.—

(Here enter F.C. No. 1182 of 1839).—

Case No. 19.

1. The prisoner, in this case, was charged with having, on the night of the 17th June 1839, got over the wall of the Prosecutor's house, jumped in and stolen therefrom property of the value of Rupees 40-12-0.

2. The prisoner was convicted and sentenced by the Sudr Ameen to one year's imprisonment with hard labour in irons "under Clause Sixth, Section II. Regulation VI of 1822."—

3. This sentence was overruled by the Joint Criminal Judge as "illegal," and the prisoner finally sentenced to six months' imprisonment "only" under Section VII. Regulation X of 1816" the Joint Criminal Judge observing that "no breaking is either charged or proved against the prisoner; the Regulations" cited by

by the Sudr Ameen "therefore does not apply."—

4. The Court of Foujdaree Udalut are of opinion that the climbing over the wall of a house constitutes, in Law, a "breaking."—

5 And Clause Second, Section II. Regulation VI of 1822, applies to any "place used for the custody or preservation of property."

6. If therefore the accused jumped over the wall of the Back-yard and so obtained entrance into the house, there was a breaking into the yard, a place used for the custody of property: and therefore the provision quoted by the Sudr Ameen applies.—

7. The Acting Joint Criminal Judge will be pleased to amend the revised sentence—with reference to the provision cited and the preceding observations: but under the circumstances the Court of Foujdaree Udalut will not order the first sentence of one years imprisonment now to be enforced against the prisoner.—

The

8. The Acting Joint Criminal Judge will be pleased to communicate to the Sudr Ameen this Courts construction of the Regulation in regard to Breaking open recorded, for that Officer's information & future guidance.—

Ordered, that Extract from the proceedings be sent to the Acting Joint Criminal Judge of Chingleput for his information and guidance.—

(Sent in No. 1073.)

Read letter dated the 31st Ultimo from the First Judge on Circuit in Western Division, submitting for the orders of the Court of Sunjdarce Udalut, copies of papers relative to certain cases of Perjury on the Calendar of the Tellah Court of Malabar of the Second Sessions of 1839. with his opinion that there is not sufficient ground to put the Prisoners in those Cases on Trial for that offence.—

(Here enter F.D. No. 1491 of 1839.)

1. (Upon a consideration of the Papers

Papers submitted by Mr. Vaughan, the Court of Sunjdarce Udalut resolve to authorize him to discharge the Prisoners in the Cases in question without trial.—

2. The Indictments against them are not accordant either with the Forms prescribed for charges under Regulation VI of 1814, or under Regulation III of 1826.—

Ordered, that Extract from these proceedings be sent to the First Judge on Circuit in the Western Division for his information and guidance.—

S.D.O.

Ed 7th.

(Sent in No. 1074.)

S.D.O.

W.B.

F. Ho.

At a Court of the Toujdaree Adalut

Present,

Tuesday 10th September 1839.

Thomas Alexander Ockes Esqre. 1st. Puisne Judge

William Hudleston Esqre. 2nd. Puisne Judge

Alexr. Duncan Campbell Esqre. 3rd. Puisne Judge

Read letter dated the 27th Ultimo from the Acting First Judge on Circuit in the Southern Division, transmitting a copy of the Calendar of the Auxiliary Court of Tinnevelly for the Second Sessions of 1839.

(Here enter F. Ho. No. 469 of 1839.)

Case No. 5.

1. The prisoner in this case charged with wilful and corrupt Perjury was acquitted and released.

2. The Court of Toujdaree Adalut trust that the accused was not kept in Jail from the 2nd April 1839 until the 25th August, the date of the sentence of the Court of Circuit.

3. The Court of Toujdaree Adalut observe that the Indictment is defective, in that it does not aver that it was material to the issue of the Trial to show that a Christian

Chapel

Chapel had been built in the Village: and they direct that the defect be pointed out to the Acting Joint Criminal Judge for his information and future guidance, with reference to the Circular order of the 31st January 1820.

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

(Sent in No. 1078

Read letter dated the 8th instant from the Second Judge late on Circuit in the Northern Division, submitting a copy of the Calendar of the Zillah Court of Chicacole for the first Sessions of 1839

(Here enter F. C. No. 1381 of 1839.)

Case No. 5. 1

In this case, the prisoner

Suttevadah Killadoo

was charged before the Court of Circuit with wilful and corrupt Perjury, under the Provisions of Regulation III of 1826 in having, when examined as a witness on the part of the Prosecutor in Case No. 59 of 1838, before the Acting Assistant Criminal Judge, whereon Badoogodah Suthoomoodoo was charged with having burned certain bundles

10th September 1839 bundles of seed grain valued at 60 Rupees, belonging to Badoogodah Pedda Naidoo, given two contradictory depositions on oath, one on the 13th July 1838 before the said Assistant Criminal Judge, and the other on the 22nd November 1838 before the Court of Circuit."

2 The prisoner is convicted, but the Second Judge of Circuit "considering that the offence regarding which his evidence was given would, if proved, have been punishable with imprisonment and hard labour to the extent of seven years only; that according to the Hindoo Law, he might have been supposed to have been performing a laudable act in perjuring himself in order to avert punishment from the person charged with having burnt the paddy straw, in consequence of that person having been a relation of the Prosecutor, who had forgiven him and solicited the prisoner to withhold his evidence, and finally that his offence must be attributed, in a great degree, to folly and ignorance" recommends "that a mitigated sentence of two years' imprisonment with hard labour in Irons be

passed

passed upon him.

3. The Court of Foujdaree Udalut having attentively considered the circumstances of this case as they are recorded in abstract in the Calendar, are of opinion that the imprisonment the prisoner has already undergone is a sufficient punishment for the offence established against him, and they resolve accordingly to direct that he be forthwith discharged out of custody with an admonition.

Case No. 6.

4. In this case also, the Prisoner was charged with wilful and corrupt Perjury, under the Provisions of Regulation III of 1826, on the same occasions as the Prisoner in the case above disposed of, and was convicted; but the Second Judge of Circuit recommends a mitigation of the prescribed penalty to the same extent and on the same grounds as in the preceding case.

5. The Court of Foujdaree Udalut observe that in this case, the contradiction is more positive and the propriety of the conviction unquestionable.

6. Upon a consideration of the circumstances represented by the Second Judge, the Court resolve, under the provisions of Clause third, Section

No. 816.

16th September 1839.

Section III Regulation I of 1825, to authorize that Officer to issue his warrant to the Criminal Judge of Chicacole for the imprisonment of the Prisoner

Settivada Booddegandoo

with hard labour in irons on the public roads or other public works, for, and during the period of two Years.

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

(Sent following Precept No. 1079)

Read Return dated 21st Ultimo from the Criminal Judge of Cuddapah, to the Precept of the Court of Foujdaree Udalut under date the 3d August 1839, conveying their observations and orders on the Criminal Reports of the Zillah Court for the Month of May.

(Here enter F. Mo. No. 1417 of 1839.)

Read also Return dated the 22d Ultimo, from the Acting Judge of Circuit in the Centre Division, to the Precept of the Court of Foujdaree Udalut under date the 3d August 1839, directing him to look into the proceedings in

Case

10th September 1839

Case No 92 of the Criminal Report of the Zillah Court of Cuddapah for the Month of May and pass such orders thereon as he may deem proper, with reference to the provisions of Section XXIII Regulation X of 1816.

(Here enter T. Do. No. 1422 of 1839)

Suppl. Report Case No 97

1. In parah 5 of his Return now recorded, the Criminal Judge after reciting the substance of the evidence against the prisoners in this case, submits that the "Proof" is "sufficient for conviction".

2. The Court of Foujdaree Udalut concur in this opinion if there was proof that the alleged attempt at Robbery was committed: and they resolve to direct the Acting Judge of Circuit to look into the Proceedings and pass such orders thereon as he may deem proper, with reference to the provisions of Section XXIII Regulation X of 1816 reporting the result to this Court.

Case No 138

3. In parah 12 the Criminal Judge states that "it appears from the deposition of the Prosecutrix" in this case, "that the Prisoner and some others got in the Backyard of her

ber 1839.

her house and forced a gold ornament from her ear which lacerated her ear" and hence he submits "that the sentence of the late Acting Criminal Judge is correct but recommends that the 150 Lashes be remitted".

4. The Court of Foujdaree Udalut do not see how the case falls under Clause fourth Section III Regulation VII of 1822.

5. But the Court have ruled that the jumping over a wall constitutes "breaking" as contemplated by Clause first, Section II Regulation VII of 1822 and therefore, the case in question falls under Clause sixth of the same Section: and the sentence must be amended accordingly; the Lashes being remitted in accordance with the suggestion of the Criminal Judge.

Ordered, that extract from these proceedings be sent to the Criminal Judge of Cuddapah, for his information and guidance.

(Sent in No 1080)

Ordered also, that extract from these proceedings (parahs 1 and 2) be sent to the

10th September 1839

the Acting Judge of Circuit in the Centre Division by Precept returnable within twelve days from and after its receipt.

Sent following Precept No. 1081.

Ey. d.

L. & O.

F. C.

F. C.

At a Court of the Foujdaree Udalut

Present,

Thursday 12th September 1839

Thomas Alexander Oakes Esqre. 1st Puisne Judge
William Macleston Esqre. 2nd Puisne Judge
Alexr. Duncan Campbell Esqr. 3rd Puisne Judge

Read letter dated the 4th instant

L. & O.

from the Second Judge of the Provincial Court of Circuit in the Southern Division, transmitting a copy of the Calendar of the Auxiliary Court at Tuckinsooly for the third Quarter Sessions of 1839.

(Here enter F. C. No. 1497 of 1839)

Case No. 1

1. The prisoner in this case, who was charged with entering the Prosecutor's house by night, and was convicted of Taking part with the Thief, was sentenced to seven years' imprisonment with hard labour in Irons, "under the provisions of Clause first, Section V. Regulation XX of 1803."

2. The Court of Foujdaree Udalut observe that that Section does not provide any punishment Sentence should be passed under Clause seventh, Section III of the Regulation

Ordered, that extract from these proceedings

10th September 1839 the Acting Judge of Circuit in the Centre Division by Precept returnable within twelve days from and after its receipt.

Sent following Precept No. 1081.

Ex. L.

L. & C.

F. C.

L. & C.

F. C.

At a Court of the Toudaree Udalut

Present,

Thursday 12th September 1839.

Thomas Alexander Oakes Esqre. 1st Puisne Judge
William Cradleston Esqre. 2nd Puisne Judge
Alexr. Duncan Campbell Esqre. 3rd Puisne Judge

Read letter dated the 4th instant from the Second Judge of the Provincial Court of Circuit in the Southern Division, transmitting a copy of the Calendar of the Auxiliary Court at Trichinopoly for the third Quarter Sessions of 1839.

(Here enter F. C. No. 1497 of 1839)

Case No. 1

1. The prisoner in this case, who was charged with entering the Prosecutor's house by night, and was convicted of Taking part with the Thief, was sentenced to seven years' imprisonment with hard labour in Irons, "under the provisions of Clause first, Section V. Regulation XX of 1803."

2. The Court of Toudaree Udalut observe that that Section does not provide any punishment Sentence should be passed under Clause seventh, Section II of the Regulation

Ordered, that extract from these proceedings

proceedings be sent to the Second Judge of the Provincial Court of Circuit in the Southern Division, for his information and guidance.—

(Sent in No. 1085

Read letter dated the 6th of August 1839 from the Criminal Judge of Bellary, submitting the Criminal Reports of that Zillah Court for the Month of July last.—

(Here enter No. 1110).

Suppl. Report. Case No. 115.

1. This case is recorded still to be under examination, and with reference to the explanation afforded in Parah 2 of the Return submitted by the Criminal Judge under date the 13th Ultimo. in which it was stated that the evidence in the case is very deficient and it is probable these persons (the brother and wife of the Prosecutor) who were in the house at the time of the robbery may be able to identify some of the Prisoners, the Court of Toujdaree Udalut deem it necessary to prohibit any further delay in the disposal of the case. Should there not be evidence against the prisoners immediately forthcoming, they must be discharged.—

Nos. 116 and 151. 2. It is recorded in the 8th Parah of the Criminal Judge's return above referred to

in regard to the delay which has occurred in the disposal of these cases of gang robbery, that the attendance of the District Moonsiff in whose house the robbery was perpetrated is required and the Criminal Judge is waiting for further evidence, respecting which letters have been addressed to the Joint Magistrate in charge.—

3. The Court of Toujdaree Udalut direct that a copy of these cases as they stand in the report, copy of Parah 3 of Criminal Judge's return referred to, and of this Parah be sent by the Criminal Judge to the Joint Magistrate, who will be pleased to report as directed to the Toujdaree Udalut why he was unable to forward to the Criminal Judge the witnesses required by him to enable him to dispose of these cases before the end of July.—

Case No. 126. 4. In this case the prisoners were charged with having stolen from the Prosecutrix's person ornaments of the value of Rupees 37—15—0.—

5. It is stated in the abstract of the evidence in this case, that the Prosecutrix declared

declared most positively on her oath that the prisoners were among the persons who robbed her, that she had no doubt about them, and that she recognized them immediately she saw them. It also appears that immediately after the robbery the Prosecutrix went and gave information of it in the Village and that some Talaiaries and others went with her in search of the robbers. The prisoners were found at a village about 3 Coss distant with other Lumbadies and the Prosecutrix pointed them out immediately she saw them. The Criminal Judge has recorded his opinion that there does not appear to be any reason to doubt the truth of the Prosecutrix's statement which renders the Prisoners liable to strong suspicion. They were therefore required to furnish security each in two sureties of 30 Rupees for one year under the provisions of Clause first Section IV Regulation II of 1822 and Clause first Section VIII Regulation VI of 1827.-

6. The Court of Foujdaree Udalut observe that according to the principles of the Law of evidence in England which have been ruled to extend to this Country, the prisoners in this

12th September 1839

this case would have been convicted on the evidence adduced before the Criminal Court and they are of opinion that according to the instruction laid down in their Circular Order of the 25th February 1829 the prisoners should have been committed to take their trial before the Court of Circuit. The Court of Foujdaree Udalut therefore resolve to direct that the bail bonds, should they have been furnished, be immediately cancelled and measures be adopted to commit the prisoners to take their trial before the approaching Sessions.

Cases Nos. 129 145 144 and 145.

7. The prisoners in these cases have been before the Criminal Court since the 21st of May and 15th of June last respectively and no explanation of the delay in the disposal of the cases has been offered by the Criminal Judge as required by the Circular Order of the Foujdaree Udalut of the 11th April 1832.

8. The Court of Foujdaree Udalut resolve to call for an explanation of the circumstances which have prevented the cases from being disposed of.-

Cases Nos. 138 139 140 141 and 142.-

9. Under the circumstances of these cases, the Court of Foujdaree Udalut resolve to direct

12th September 1839

direct the Acting Judge of Circuit in the Centre Division to call for the Proceedings held in the cases and pass on them such orders as may appear to him necessary, with reference to the provisions of Section XXIII Regulation X of 1816, reporting the result to this Court.—

Case No. 156. 10. In this case a female is charged with having at night stolen from the Prosecutor's house property to the value of Rupees 299-4-...

11. It is stated that the 2nd and 3rd witnesses depose to the finding the jewels before the Court in Prisoner's house, and that the 4th and 5th witnesses prove the property to belong to the Prosecutor—the prisoner does not pretend to lay claim to the Jewels and declares she knows not how they came there—From the evidence adduced the Assistant Criminal Judge is of opinion that there is no proof of the prisoner having committed the theft or concealed the property she was therefore ordered to be released.—

12. The Court of Foujdaree Udalut seeing reason to question the propriety of the acquittal of the prisoner by the Assistant Criminal Judge, resolve to direct the Acting Judge on Circuit in the Centre Division to call

12th September 1839

call for the proceedings in the case with reference to the provisions of Section XXIII Regulation X of 1816, and to report the result to the Foujdaree Udalut.—

Case No. 170. 13 The Head of the Police of Hoduendah who forwarded the prisoner in this case appears to have done so on insufficient grounds, and if the circumstances of the case have not been already communicated by the Criminal Court to the Magistrate, the communication required by the Circular Order of the Foujdaree Udalut of the 21st of May 1823 should now be made by the Criminal Judge to that Officer, who will be also instructed to submit to the Foujdaree Udalut any explanation the Police Officer may wish to offer.—

Cases No. 172-176-180 184 and 190— 14. The Criminal Judge will be pleased to send copies of the cases noted in the margin as they stand in the Report and of this and the following paras to the Magistrate, who will forward direct to the Foujdaree Udalut the requisite explanations.

172. 15. In this case it is stated that the prisoner was apprehended on the 16th June by the Prosecutor in the Nizam's country, and that he was brought before the Tashildar with the bullock at 12 o'Clock on the 3rd July. The Court of Foujdaree Udalut desire to be informed where the prisoner

was

was between the 16th June and the 3d of July.

Case No. 174

16. The explanation of the detention in this case in the Talook is far from satisfactory, the Magistrate will be pleased to enquire into the conduct of the Police Officer who forwarded it to the Criminal's Court, and take such notice of it as it may appear to him to deserve, and report the result for the information of the Court of Foujdaree Udalut.

Case No. 180.

17. In this case it is stated that the prisoner Gazalah Kishnah was apprehended on the 21st of June, but in the column in which the date of apprehension is entered, it is represented that the 5th Prisoner was taken into custody on the 25th June. If the Criminal Judge is unable to explain this discrepancy, he will instruct the Magistrate to communicate the proper explanation direct to the Foujdaree Udalut. The Court further do not consider the excuse given by the Head of the Police of the detention of this case in the Talook at all satisfactory and they direct that the attention of the Police Officer be by the Magistrate drawn to the Circular Order of the Foujdaree Udalut No. 62 dated the 26th February 1836.

Cases No. 134 and 190.

18. The prisoners in case No. 134 who were apprehended on the 7th July were not forwarded to the Criminal Court till the 19th of the same and in

explanation of the delay it is stated that they were detained by the villagers till the 12th. The Magistrate will ascertain and report how the prisoners were disposed of from the 8th to the 12th of July and take such notice of the conduct of the villagers as may appear to them proper.

190.

19. No explanation of the delay in the Talook having been given in this case the Magistrate will report where the prisoners were between the 17th and 24th of July.

20. It is remarked that the above Criminal Reports were not despatched from the Criminal Court at Bellary before the 16th August. The Court of Foujdaree Udalut direct that the attention of the Criminal Judge be drawn to the 6th parah of their Circular Order No. 40 wherein the several Courts are directed to transmit the Criminal Reports so as to arrive at Madras by the 15th day of the Month succeeding that for which the said reports are furnished.

Ordered, that extract from these proceedings be sent to the Criminal Judge at Bellary by precept returnable in 5 days.

(Sent following Precept No. 1086.

Ordered

12th September 1839

Ordered, also that extract from these proceedings (paras 9-10-11) be sent to the Acting Judge on Circuit in the Centre Division for his information by precept returnable within 30 days.

(Sent following Precept No. 1087

Read letter dated the 21st Ultimo from the 5th Judge on Circuit in the Northern Division, reporting the opening of the Court of 2nd Sessions of 1839 at Rajahmundry.—

(Here enter No. 1426.)

Read letter dated the 20th Ultimo from the Acting 1st Judge on Circuit in the Southern Division, reporting his having on the 20th Instant opened the Sessions at Trinevelly and the state of the Calendar.—

(Here enter No. 1427.)

Read return dated the 20th Ultimo from the Criminal Judge of Chicacole, to the precept of the Faujdaree Adalut dated the 13th August 1839, conveying their observations and orders on the Criminal Reports for the Month of June 1839.—

(Here enter No. 1428.)

Read

13th September 1839

Read letter dated the 21st Ultimo from the Magistrate of Rajahmundry, submitting the explanation called for in the extract from the proceedings of the Faujdaree Adalut dated the 7th Instant, Relative to Case No. 61 on the Rajahmundry Criminal Reports for the Month of June 1839.—

(Here enter No. 1440.)

L. N. B.

Encl.

At a Court of the Foujdaree Udalut.

Present.

Thomas Alexr Oakes Esqre Actg 1st Puisne Judge

Friday 13th September 1839. William Hudleston Esqre 2d Puisne Judge

Alexr Duncan Campbell Esqre 3d Puisne Judge

Read letter dated the 27th August 1839, from the Criminal Judge of Cuddapah, forwarding the Cuddapah and Cumbum Criminal Reports for the Month of July last.—

D.A.G. 45

(Here enter No. 1458)

Suppl. Report Case No. 172.

1. Under the circumstances of this case, the Court of Foujdaree Udalut resolve to direct the Acting Judge on Circuit in the Centre Division, to call for the proceedings held in the case and pass thereon such orders as may appear to him proper, with reference to the Provisions of Section XXIII Regulation X of 1816, and report the result for the information of the Foujdaree Udalut.—

Report No. V. Case No. 179

2. The Court of Foujdaree Udalut observe

observe in this case an omission on the part of the Assistant Criminal Judge to state the grounds on which he committed the prisoners to take their trial before the Court of Circuit, and they direct that he be informed that they expect in every case in the Criminal Reports the grounds of the verdict or sentence recorded, to be concisely specified; and they require more fully to be informed of the circumstances which induced the Assistant Judge to commit the parties in the present instance.—

Case No. 179. 3. The Court of Sunjaum Udalut observe that the provision cited in support of the sentence passed on the prisoners in this case, has been erroneously quoted, and they direct the attention of the Criminal Judge be drawn to it, with a view to its immediate correction.—

Case No. 181. 4. In Case No. 181 the prisoner Ghuttoo Simmadoo is charged with having with about 30 others, armed and with torches, at night, entered the house of the Prosecutrix, fired off guns and stolen property valued at Rupees 31.—

5. It is recorded in this case that the Prosecutrix was not examined by the Head of Police nor any witnesses; nor were either, Prosecutrix or witnesses sent in this case.—

6. The Court of Sunjaum Udalut observe that the instructions laid down in Section XXVIII Regulation XI of 1816 seem to have been entirely overlooked by the Police Officer forwarding this case to the Criminal Court, and they direct that if the circumstances of the case have not been already communicated to the Magistrate, the communication required by the Circular Order of the 21st May 1823 be now made to that Officer, who will be pleased to admonish the Head of Police of Dungapully of the consequences of forwarding to the Criminal Courts, cases in so crude a State.

Case No. 213. 7. The Court of Sunjaum Udalut being desirous of having the opinion of the Judge of Circuit regarding the propriety of the order of acquittal passed by the Acting

13th September 1839.

Acting Assistant Criminal Judge in this case, resolve to direct the Acting Judge in Circuit in the Centre Division to call for the proceedings held in the case, and to pass on them such orders as may appear to him proper, with reference to the Provisions of Section XXIII Regulation X of 1816.—

Case No. 185. 8. The Criminal Judge will transmit to the Magistrate copy of this case as it stands in the report and of this Parah. The Court of Foujdaree Udalut await a report direct from the Magistrate as to where the Prisoners were from the date of their apprehension till the 30th June.—

Case No. 187. 9. Not explained with reference to the delay which occurred in transmitting this Case to the Criminal Court that the Prisoners who were apprehended on the 28th May were after apprehension brought to the Tahsildar's Cutcherry. the 1st 2d and 3d Prisoners on the 1st June and the 4th Prisoner on the 10th June: that the Head of Police examined the case and submitted the Proceedings to the Magistrate and waits for instructions, and that he

2. Fd 16.

13th September 1839.

he received orders from that authority on the 1st July to send up the case to the Criminal Court.—

10. The Court of Foujdaree Udalut consider this explanation to be far from satisfactory, and they desire to be informed why the fourth prisoner was not transmitted to the Tahsildar's Cutcherry together with the other 3 prisoners, and what was the nature of the reference made to the Magistrate and the date on which that reference was made. The Court of Foujdaree Udalut further direct the Magistrate be instructed to inquire into the circumstances of the case, and report direct to the Foujdaree Udalut what notice he may deem it proper to take of the conduct of the Police Officer of the Noilgonttah Talook.—

Cases Nos. 201-202-11. 203-204-205-206. 208-213-214-217. 218-and 224.

The reasons given for the delay in the several cases noted in the margin are in the opinion of the Court of Foujdaree Udalut far from satisfactory. The Criminal Judge will accordingly be pleased to send copies of the cases severally as they stand in

in the Report and of this and the following Parahs to the Magistrate, who will enquire into the conduct of the several Police Officers concerned and take notice thereof in the manner it may then appear to require reporting the results for the information of the Foujdaree Udalut.

Code No. 215. 12. The Prisoners in this case are represented as having been apprehended on the 20th June and leaving the Talook on the 16th July - No explanation of this detention having been given in the Report. The Magistrate will be required to submit this information direct to the Foujdaree Udalut.

13. The numerous cases in the above Reports of protracted detention of Prisoners by the Police on grounds unsatisfactory and so often denounced as inadmissible render it necessary for the Court of Foujdaree Udalut to direct that the Magistrate of Cuddapah will take an early opportunity of advising his Police Officers generally of the importance attached by the Court and Government to the correct discharge

13th September 1839.

of this part of their duty, and warning them that future neglect in this particular will not be allowed to pass unnoticed.-

Ordered, that Extract from these proceedings be sent to the Criminal Judge of Cuddapah by Precept returnable within 5 days from and after its receipt.-

(Sent following Precept No. 1090)

Ordered also, that Extract from these proceedings (Parahs 1 and 7.) be sent to the Acting Judge on Circuit in the Centre Division for his information by Precept returnable within 25 days from and after its receipt.-

(Sent following Precept No. 1091.)

Read Return dated the 28th Ultimo from the First Judge of the Provincial Court of Circuit in the Northern Division to the Precept of the Court of Foujdaree Udalut under date the 14th August 1839 directing him to call upon the European Medical Officer in charge of the Jail of the Auxiliary Court of Masulipatam, for further information in regard

13th September 1839.

regard to the alleged evil effects on the health of the Convicts at that station from their employment on the Pettah Canal during the Monsoon.—

(Here enter F.C. No. 1462 of 1839.)

Upon a consideration of the opinion of Mr. Assistant Surgeon Thomson of which a copy accompanies the Return now recorded, the Court of Foujdaree Udalut resolve to authorize the suspension of the employment of the Convicts on the Canal during the prevalence of the Monsoon: but they must be required to recommence that work so soon as the Medical Officer may be of opinion that it can be done without risk.—

Ordered, that Extract from these proceedings be sent to the First Judge of the Provincial Court of Circuit in the Northern Division for his information and guidance.—

(Sent in No. 1092.)—

J.H.D.

F.C.

At a Court of the Foujdaree Udalut

Present,

Saturday 14th September 1839

Thomas Alexr. Oakes Esqre. A.g 1st. Puisne Judge

William Studdleston Esqre. 2d. Puisne Judge

Alexr. Duncan Campbell Esqre. 3d. Puisne Judge

L.P.O.

Read again Return dated the 5th July from the Third Judge of the Provincial Court of Circuit in the Northern Division, to the Precept of the Court of Foujdaree Udalut under date the 3rd June 1839 directing him to call for the proceedings in Cases Nos. 26 and 31 on the Criminal File of the Auxiliary Court of Masulipatam for 1839 and pass such orders thereon as he may deem proper, with reference to the provisions of Section XXIII Regulation X of 1816.—

(Here enter F.C. No. 1120 of 1839.)

Read also Extract from the Proceedings of the Provincial Court of Circuit in the Northern Division under date the 23d Ultimo, submitting copies of Proceedings

(con.)

and of Minutes of the First and Second Judges relative to Cases Nos. 26 and 31 of the Criminal Side of the Auxiliary Court of Masulipatam for 1839.-

(Here enter F.C. No. 1492 of 1839)

The Court of Foujdaree Udalut do not see from the Papers now submitted by the Provincial Court what order has been passed in No. 26. on which point they still require information.-

Ordered, that Extract from these proceedings be sent to the Provincial Court of Circuit in the Northern Division by Precept returnable within five days from and after its receipt.-

(Sent following precept No. 1094)

Read Return dated the 28th Ultimo from the Provincial Court of Circuit in the Western Division, to the Precept of the Court of Foujdaree Udalut under date the 16th August 1839, conveying their observations and orders on the Criminal Reports from the Principal Sudr Ameen of Sirdar for the month of June.-

(Here enter F.C. No. 1475 of 1839.)

The

The explanation afforded by the Principal Sudr Ameen in regard to the detention of the prisoners in Cases Nos. 19 and 20 is altogether unintelligible to the Court of Foujdaree Udalut: and the Court resolve to direct the Provincial Court of Circuit to ascertain exactly how the matter stands as regards the Cases of Forgery and Perjury and to pass such orders as may appear necessary.-

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

(Sent in No. 1095)

Read Return dated the 2d Instant from the Acting Criminal Judge of Salem, to the Precept of the Court of Foujdaree Udalut under date the 30th August 1839- conveying their observations and orders on the Criminal Reports of the Zillah Court of Salem for the month of July.-

(Here enter F.C. No. 1485 of 1839.)

In

14th September 1839.

1.

In regard to Case No 116- the Assistant Criminal Judge explains that the housebreaking was provided.-

2.

The Court of Sunjdurra Udalut observe that this being the case, the sentence should have been passed under Clause Sixth, Section II Regulation VII of 1822.-

3.

The Court further observe that the remarks of the Assistant Criminal Judge by which he seeks to explain the grounds of his refraining from committing the first prisoner for Trial before the Court of Circuit, are perfectly correct in themselves, but are totally irrelevant to the case under consideration.-

Ordered, that Extracts from these Proceedings be sent to the Acting Criminal Judge of Salem for his information.-

(Sentence No 1096.)

D.A.C.

Rejected

D.A.C.

F. No:

At a Court of the Sunjdurra Udalut.

Present,

Thomas Mac.r Oakes Esq.re No 1st Puisne Judge

Monday

William Studdert Esq.re — 2nd Puisne Judge

16th September 1839.

Alex.r Duncan Campbell Esq.re 3rd Puisne Judge

D.A.C.

Read Return dated July 27th from the Provincial Court of Circuit, the Circuit Division, to the precept of the Sunjdurra Udalut of the 15th of July 1839, directing further evidence to be taken in Case No 29 of the Chittua Calendar 1st Quarter Sessions of 1839

[Vide enter F. No: 8 No 1305.]

Read also September 6th Return dated August 5th, to the same precept.-

[Vide enter F. No: 8 No 1305.]

Mr Studdert and Mr Oakes.- The Court of Sunjdurra Udalut having maturely considered the proceedings held before the Judge presiding in Quarter Sessions, the Return of the Provincial Court Officer and the Return of the Darogah of the Mooftees of the Sunjdurra Udalut confirm the Sirishtas of the Darogah and Mooftees aforesaid, acquitting the Prisoner

Gala Persaud

and do acquit him accordingly, but being of opinion

opinion, that strong suspicions though not amounting to convictions, attaches to him, the Court do under the provisions of Clause Sixth Section II Regulation XV of 1803, direct that he be required to give two Sureties in one hundred and fifty Rupees each surety, for his good behaviour and appearance when required within three years, or in default thereof, that he be detained for three years in confinement.—

The Court of Fouzdaree Adalut have had considerable difficulty in coming to a decision in this perplexing case. The contradictions in the evidences of all the witnesses before the different tribunals are sufficient to throw much discredit on their testimony, and since, according to the principles of Law, the prisoner is entitled to the benefit of any doubt as to his conviction, the Court have after a most careful consideration of all the circumstances of the case, determined, according to the terms of the Sentence, to require from him Security in two Sureties of 150 Rupees each for his good behaviour and appearance when required within three years.—

Ordered, that extract from these proceedings be forwarded to the Provincial Court of Circuit in the Centre Division for their information and guidance.—

Sent following letter [No 1098]

Read

Read Letter dated the 19th ultimo from the Provincial Court of Circuit in the Western Division, forwarding the Criminal Reports from the Principal Sudr Ameen of Jessore for the Month of July—

[Memorandum No. 1423 of 1839]

Supplemental Report Case No 43. 1. In the prisoner in this case appears to have been apprehended on the 4th July, the Court of Fouzdaree Adalut do not understand why the case is entered in the Supplemental Report.—

Cases Nos 45 & 51. 2. It is stated that in each of these cases the Prosecutor, Prisoners and the Witnesses who were in attendance, have been examined. The evidence of the Witnesses respecting the finding out the Property in the possession of the 1st Prisoner and his 1st Prisoner's confession of the crime before the Magistrate of the Belghaum Zillah appearing necessary, a letter was, on the 13th instant, addressed on the subject to the Acting Additional Joint Magistrate, and owing to the non-arrival of the said Witnesses, the case remains undisposed of.—

3. The Court of Fouzdaree Adalut consider it proper to call the attention of the First Judge on Circuit in the Western Division to these Cases, and direct him to report his opinion &c

to the propriety of the proceedings held and the necessity for delay.-

Ordered, that Extract from these proceedings (para 1) be sent to the Provincial Court of Circuit in the Western Division to be communicated to the Principal Sudr Ameens of Sirsee.-

(Sent in Nº 1099)

Ordered also, that Extract from these proceedings (paras 2 and 3) be sent to the First Judge on Circuit in the Western Division by Precept returnable within fifteen days, from and after its receipt.-

(Sent following Precept Nº 1100.)

Read letter dated the 28th August from the 2nd Judge late on Circuit in the Northern Division, transmitting a Statement of batta paid to parties, who attended the Court of Circuit, at Chicacole, during the 1st Sessions of 1839.-

(Herewith Fl. No. Nº 1476.)

1. The Court of Fouzdaree Adalut observe that a very great delay has occurred in the disposal of Cases 1st, 2nd, 3rd, 4th and 15th as it appears from the abovementioned Statement that the parties attending on the Court were receiving batta during 30- 27- 29- 24 and 31 days respectively.-

The

2. The Court, therefore, resolve to direct that the 2nd Judge late on Circuit in the Northern Division, be called upon to explain the reason of the delay in the disposal of the Cases in question.-

Ordered, that Extract from these proceedings be sent to the 2nd Judge late on Circuit in the Northern Division for his information and guidance, by precept returnable within seven days, from and after its receipt.-

(Sent following Precept Nº 1101.)

Read again Return dated the 12th ultimo from the Acting Criminal Judge of Rajahmundry to the precept of the Fouzdaree Adalut under date the 1st August 1839, Containing their orders and observations on the Rajahmundry Criminal Reports for the Month of June 1839.-

(Herewith Fl. No. Nº 1390.)

Read also letter from the Acting Criminal Judge of Rajahmundry under date 29th August transmitting with reference to the 2nd para of his report dated the 12th to the precept of the Fouzdaree Adalut of the 1st August 1839, copy of a letter from the Criminal Judge, Mr Thomas, shewing his reasons for referring to the Sudr Ameen Pundit, Case Nº 63 of the Criminal Report for the Month of June last

(Herewith Fl. No. Nº 1479.)

Mr

16th September 1839.

1. Mr. Thomas in his letter to the Acting Criminal Judge states that case No 63 of the Calendar for June last was disposed of by the Criminal Court under the impression that from the circumstances of the prisoner having entered by an open gate with no weapons, and the amount stolen not exceeding 4 Rupees that the case might come within the intent and meaning of Regulation VI. of 1822.-

2. The Judges of the Fouzdaree Adalut direct that Mr. Thomas be informed that the mode of entry makes no difference, the nature of the crime, if it be a kind [illegible]

Ordered, that Extract from these Proceedings be forwarded to the Acting Criminal Judge of Rajahmundry, who will be pleased to cause copy of the same to be transmitted to Mr. Thomas the Criminal Judge for his information and guidance.-

Sent in No 1102

Read Letter dated the 28th ultimo from the Acting Second Judge of the Provincial Court of Circuit in the Northern Division, submitting for the Orders of the Fouzdaree Adalut copies of certain papers relative to a Prisoner named Ravanuppah in Case No 1. of the Calendar of the Second Quarter Sessions of 1839.-

Here enter F. No: No 1451 of 1839.-

The

16th September 1839.

1. The Court of Fouzdaree Adalut direct that the prisoner in question who, is shown to be of unsound mind, be placed under charge of the Surgeon of the Zillah, and that he be not released without their orders.-

2. At the expiration of twelve Months from the present date, it will be the duty of the Officer in charge of the Zillah Court of Chittoor to report upon the subject for the further orders of the Fouzdaree Adalut.-

Ordered, that Extract from these proceedings be sent to the Acting Second Judge of the Provincial Court of Circuit in the Northern Division for his information and guidance.-

Sent in No 1103-/s

L.P.C.

Read

1842.

C.C.

Sitting Court of the Conjeveram Adawlut.

Present,

Tuesday
17th September 1839. Thomas Hele. Oakes Esqr. Acting 1st Puisne Judge

William Huddleston Esqr. 2d Puisne Judge

Alex. Duncan Campbell Esqr. 3d Puisne Judge

L.P.O.

Circular Order.

No. 151.

Doubts having been entertained as to the course of proceeding it is legally competent to a Magistrate to adopt in the case of the death of a child by its parent in the Provinces under this Presidency, and the Mohummedan Law officers of the Conjeveram Adawlut having declared that according to the Mohummedan Law the act is not punishable when committed in a season of famine, and that at all other times it is punishable by Cazee — the Court of Conjeveram Adawlut resolve to promulgate that opinion for the information and future guidance of the Medical officers subject to their control.—

Ordered, that Extract from the proceedings be sent to the four Provincial Courts of

Circuit

Circuit, with instructions to communicate the same to the several Criminal Judges and Magistrates within their respective Divisions by Precept returnable within ten days from and after its receipt.—

(Sent following Precept No. 1109

Read Extract from the Minutes of Consultation in the Judicial Department under date the 9th September 1839 - No. 728 - conveying the observations and orders of the Right Honorable the Governor in Council on the review of the Record of Case No. 4 of the Rajahmundry Calendar of the first Sessions of 1839 tried by Mr. Haig Second Judge Latte on Circuit in the Northern Division called for in the Extract from the Minutes of Consultation under date the 13th August 1839 - No. 677.—

(Here enter S.R. No. 1572 of 1839)

Read also Letter dated the 6th instant from Mr. Haig - soliciting a consideration of the explanations submitted by him in his Return of the 9th May to the Precept of the Court of Sudder Adawlut under date the 22nd April 1839 - relative to his decisions in Cases Nos. 4 - 10 and 12 of the Rajahmundry Calendar of the First Sessions of 1839; - and of the evidence adduced by the Prisoner in Case No. 7 in his defence: and submitting that his decision in Case No. 2 of the Masulipatam Calendar of the Third Quarter Sessions

Sessions of 1838, has proved to be quite correct.—

(Here enter S.R. No. 1570 of 1839)

1. The Court of Sudder Adawlut direct that a copy of the Extract from the Minutes of Consultation now recorded, be sent to Mr. Haig for his information.—

2. Referring to Mr. Haig's Letter of the 6th instant also now recorded, the Court of Sudder Adawlut observe that his Return of the 9th May last which has been laid before the Government and the defence of the prisoner in Case No. 7 both received full consideration: but the former was not deemed satisfactory and the latter contained nothing tending to retract the charge.—

3. The Court of Sudder Adawlut do not understand to what Mr. Haig refers in the last Paragraph of his Letter, as proving his decision in the case in question to be "quite correct": but they deem it proper to remark that at present they have nothing before them to induce any modification of the opinion recorded by the Court in their proceedings under date the 16th March last on that case.—

Ordered, that Extract from these proceedings be sent to Mr. Haig for his information.—

(Sent in No. 1110

Read

17th September 1839.

Read return dated the 30th ultimo from the Joint Criminal Judge of Quntoor to the precept of the Zoujdaree Adalut dated the 27th August 1839, conveying their observations and orders on the Criminal Reports for the Month of July 1839.—

(Here enter No. 1477 of 1839)

Read letter dated the 3d instant from the Acting Criminal Judge of Salem, with reference to the letter of the Zoujdaree Adalut dated the 31st ultimo, stating that strict orders will in future be given to all persons who may accompany convicts under sentence of transportation for the observance of the order of Government dated the 1st and the Circular Order of the Zoujdaree Adalut dated the 22d Jul 1814 and returning the certificate which accompanied their letter of the 31st ultimo.—

(Here enter No. 1486 of 1839)

Read Supplemental Return dated the 2d instant from the Provincial Court of Circuit in the Southern Division, to the precept of the Zoujdaree Adalut dated the 8th ultimo, directing them to review the proceedings held in Case No. 107 of the Criminal file of the Zillah Court of Salem for 1839 and in the event of their being of opinion that there is sufficient ground to commit the prisoner in the said case to issue the requisite instructions to that effect

to

4

S.D.

17th September 1839.

to the Acting Criminal Judge.—

(Here enter No. 1489 of 1839.)

Read return dated the 2d instant from the Provincial Court of Circuit in the Southern Division, to the precept of the Zoujdaree Adalut dated the 9th ultimo, directing them to call for the proceedings in Case No. 92 of the Combaconum Criminal Report for the Month of June 1839, and pass such orders thereon as they may consider proper, reporting the result to the higher Court.—

(Here enter No. 1490 of 1839)

Read return dated the 3d instant from the Criminal Judge of Chittoor to the precept of the Zoujdaree Adalut dated the 31st August 1839 conveying their observations and orders on the Criminal Reports for the Month of July 1839.—

(Here enter No. 1495 of 1839)

Read return dated the 6th instant from the Provincial Court of Circuit in the Centre Division, to the precept of the Zoujdaree Adalut dated the 3d September 1839, forwarding Circular Order No. 110. and directing them to furnish transcripts of the same to the several Magistrates in their Division for their information and guidance.—

(Here enter No. 1498 of 1839)

Read

Read return dated the 5th instant from the 3d Judge late on Circuit in the Central Division, to the Precept of the Capiatur Warrant dated the 3d instant enclosing their observations and orders on the Cuddalore Calendar for the 1st Sessions of 1839.—

(Here enter No. 1499 of 1839)

Read letter dated the 4th instant from the 1st Judge on Circuit in the Western Division, forwarding an Extract from the Criminal report in Case No. 2 of the 1st Sessions of 1839, which was inadvertently omitted to be forwarded with his letter of the 31st Ultimo.—

(Here enter No. 1576 of 1839)

Read letter, dated the 6th instant from the 2d Judge late on Circuit in the Northern Division, forwarding the Death Warrant in Case No. 19 Rajahmundry Criminal Calendar for the 1st Sessions of 1839.—

(Here enter No. 1570 of 1839)

Read return dated 6th instant from the Acting Joint Criminal Judge at Cuddalore to the Precepts of the Capiatur Warrant dated the 30th August 1839, containing their orders and observations on the Criminal Reports for the months of July 1839.—

(Here enter No. 1574)

Read

Read letter dated the 4th instant from the 1st Judge on Circuit in the Western Division, forwarding the Original death Warrant in Case No. 16 Rajahmundry Calendar for the 2d Sessions of 1839.—

(Here enter No. 1576)

Read letter dated the 6th instant from the Acting Joint Criminal Judge of Cuddalore, submitting the Criminal reports &c. for the months of August 1839.—

(Here enter No. 1521)

Read Supplemental return dated the 9th instant from the Provincial Court of Circuit in the Southern Division, to the Precepts of the Capiatur Warrant dated the 26th July 1839, directing them to call for the proceedings held in Cases Nos. 60. 62 and 63 of 1839 of the file of the Joint Criminal Court at Trichinopoly, and pass such orders thereon as may appear proper and also calling for certain information relative to case No. 62

(Here enter No. 1528)

Read letter dated the 10th instant from the Acting 1st Judge on Circuit in the Southern Division, forwarding two Statements of Batta Fund

to

17th September 1839.

to Prosecutors and witnesses who attended before the Court of Circuit at Madura and Tinnevelly during the 2d Sessions of 1839.—

(Here enter No. 1526)

Read return dated the 9th instant from the Acting Criminal Judge of Rajahmundry to the Precept of the Sunjdaree Udalut dated the 30th August 1839, conveying their observations and orders on the Criminal reports for the month of July last.—

(Here enter No. 1539)—

Ey. L

F. 10.

At a Court of the Sunjdaree Udalut.

Present,

Thursday, 19th September 1839.

Thos. Alexr. Oakes Esqre. Actg. 1st Puisne Judge

William Rudleston Esquire 2nd Puisne Judge

Alexr. Duncan Campbell Esqre. 3rd Puisne Judge

Read Letter dated the 6th Instant

L. & C.

from the Magistrate of Nellore submitting for the consideration of the Sunjdaree Udalut certain observations in regard to the Proceedings of the Criminal Court of Nellore on the Examination of the Charge brought by him against Cadiracharee the Government Pleader of that Zillah Court for the Forgery of the Bond in the Suit which formed the Subject of his Communications to Government under dates the 12th and 28th May last.

(Here enter Fd. No. 1507. 1839.)

The Court of Sunjdaree Udalut entirely concur with the Magistrate of Nellore as to the importance of this case: and, as being the most regular course, they resolve to direct the Provincial Court of Circuit in the Northern Division to examine the Proceedings in the first instance, with reference to the provisions of Section XXII Regulation X of 1816 and to Report

Case No. 59. Nellore Criml. Zillah Court for July 1839.

the

the result of their Examination to this Court.

2. The Court accordingly direct that a Copy of the Communication now recorded from the Magistrate be Sent to the Provincial Court of Circuit with instructions to call for the original Papers to which he refers, by a Precept injoining Conformity thereto on the part of the Zillah Court within twenty four hours from and after its receipt and to Examine the Proceedings of the said Zillah Court in the Suit which is Stated to have been Founded upon the deed alleged to have been forged by the Government Vakeel.

3. The Provincial Court of Circuit will at the Same time be pleased to instruct the Zillah Judge of Nellore immediately on the receipt of their Precept to Suspend the Government Vakeel from Office until further orders from the Court of Sudr Udalut.

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

/ Sent following Precept No. 1116 /

Ordered, that Extract from these Proceedings be furnished to the Magistrate of Nellore

for

for his information.

/ Sent in No. 4117 /

Read Letter dated the 20th Ultimo from the Acting 2nd Judge of the Provincial Court of Circuit in the Centre Division, transmitting the Record in Case No. 4 on the Chittoor Calendar for the 3rd Quarterly Sessions of 1839.

/ Here enter No. 1439. /

The Court of Sudr 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

Venata Chellum

is Sufficient to convict him of the Crime of being an accessary to the administration to the Deceased of a poisonous drug, with the intent to cause him bodily harm, &c. under the authority with which they are vested by Clause first Section II Regulation I of 1818, Convict him thereof, as well as of Escape 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 be liable, under the Mahomedan Law

if

Mr Oakes and Mr Campbell.

the result of their Examination to this Court.

2. The Court accordingly direct that a copy of the Communication now recorded from the Magistrate be sent to the Provincial Court of Circuit with instructions to call for the original papers to which he refers, by a Precept enjoining conformity thereto on the part of the Zillah Court within twenty four hours from and after its receipt and to examine the Proceedings of the said Zillah Court in the Suit which is stated to have been founded upon the deed alleged to have been forged by the Government Vakeel.

3. The Provincial Court of Circuit will at the same time be pleased to instruct the Zillah Judge of Nellore immediately on the receipt of their Precept to suspend the Government Vakeel from Office until further orders from the Court of Sudr Udalut.

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

/ Sent following Precept No. 1116 /

Ordered, that Extract from these Proceedings be furnished to the Magistrate of Nellore

for

for his information.

/ Suit in No. 1117 /

Read Letter dated the 20th Ultimo from the Acting 2nd Judge of the Provincial Court of Circuit in the Centre Division, transmitting the Record in Case No. 9 on the Chittoor Calendar for the 3rd Quarterly Sessions of 1839.

/ Here enter No. 1439. /

The Court of Sudr Udalut, on

Mr Oakes and Mr Campbell.

a deliberate consideration of all the circumstances of the Case in Evidence before them, being of opinion that the proof against the Prisoner

Vinata Chellum

is sufficient to convict him of the Crime of being an accessary to the administration to the Prosecutor deceased of a poisonous drug, with the intent to cause him bodily harm, &c. under the authority with which they are vested by Clause first ~~Section~~ II Regulation I of 1818, convict him thereof, as well as of escape 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 be liable, under the Mahomedan Law,

if

if he had been convicted by full legal Evidence of the said crimes.-

Answer-

In the Event of the prisoner being proved by full legal Evidence, to have been guilty of the abovementioned crimes, he would have been liable to Askoobut.-

Mr. Oakes and Mr. Campbell.

The Court of Foujdaree Udalut under the Penalty of Askoobut declared in the foregoing Sentence, and in conformity with the provisions of Clause third Section VII. Regulation XII. of 1803, Sentence the prisoner Venkata Chellum to be imprisoned and kept to hard labour in Irons on the public roads, or other public works, for, and during the period of fourteen years.

/ Sent following Letter No. 1118 /

Read Letter dated the 24th May last from the Provincial Court of Circuit in the Centre Division, forwarding the Printed Statements for the half year ending the 31st December 1838 - and copies of the Reports of the Zeynal Magistrates in the Centre Division on the State of the Police in their respective Districts, with the recorded

Minutes

Minutes of the Judges of the Provincial Court thereon -

/ Here enter F.U. No. 858 of 1839. /

Read also Extract from the Minutes of Consultation in the Judicial Department under date the 13th August 1839 communicating for the information of the Court of Foujdaree Udalut a copy of a letter from Mr. Blane, the Magistrate of Cuddapah, addressed under date the 22d July 1839 to the Chief Secretary to Government, reporting the result of the inquiries made by him during his progress through the District respecting the alleged prevalence of forgery and practice of extorting money from the people under the threat of prosecuting them before the Civil Courts for claims wholly false or fictitious &c. -

/ Here enter F.U. No. 1003 of 1839. /

Mr. Huddleston and Mr. Campbell

1. The Court of Foujdaree Udalut direct that a copy of Mr. Blane's Letter to the Chief Secretary to Government now Recorded, be sent to the Provincial Court of Circuit in the Centre Division for their information.

2. With reference to the remark in Paragh. 7. of Mr. Blane's Police Report of the 11th March last. to the Effect that "it consequently frequently occurs

happens

happens that they"—"persons who have suffered by Robbery"—"decline to identify their own property or misrepresent the amount of their loss" the Provincial Court will be pleased to call upon Mr. Blane to adduce some instances of this alleged refusal: and submit his reply to this Court.—

3. The Provincial Court will likewise be pleased to call for and submit for the consideration of the Court of Foujdaree Udalut, translations of the proceedings of the Criminal Court of Cuddapah in the Case noticed in the concluding part of parah: 9 of Mr. Blane's Letter to the Chief Secretary to Government under date the 22d July 1839.— They will likewise be pleased to call upon Mr. Blane to explain with reference to the remarks in parah: 8. of the same letter, the source of "the difficulties thrown in the way of the Lillah Judges" and to what authorities he imputes "the extreme unwillingness to convict" in cases of Forgery and Perjury: and also to establish his assertion that by such difficulties "Judges are deterred from committing cases at all".

4. The Provincial Court will further be pleased to furnish Mr. Newbery late acting Criminal Judge of Cuddapah with a copy of the same parah: (13) and call upon him to submit for the Court's consideration any explanation he may have to offer in regard to the grounds on which he was led to doubt "whether the gross and palpable cases of Forgery lately forwarded to him" by the Magistrate of Cuddapah, "will in the end meet with punishment".

5. The Provincial Court will likewise furnish Mr. Stromborn, late Judge and Criminal Judge of Cuddapah, with a copy of Mr. Blane's Letter to the Chief Secretary to Government, and call upon him to submit any explanation he may have to offer generally in regard to the State of things in the Cuddapah District as reported by Mr. Blane, so far as that Report has reference to proceedings of the Lillah Court: but especially to the alleged "inconsiderate and hasty manner" in which Hal warrants have been of late years granted "in this District and which are applied for in most "cases solely for the purposes of intimidating, annoying "or disgracing an opponent" &c.

See parah: 9 of Mr. Blane's Letter

6. The Court of Foujdaree Udalut presume that by the "Hal warrants" more than once mentioned by Mr. Blane, is intended the Process authorized

authorized by Section IV. Regulation II of 1811: but on this point it will be proper that Mr. Stombom furnish an explanation.

The Provincial Court will be directed to submit the replies of the several Officers above mentioned at their earliest convenience.

Ordered, that Extract from these proceedings be sent to the Provincial Court of Circuit in the Centre Division, by Precept returnable within twenty five days, from and after its receipt.

Sent following Precept No. 1119

Read Letter dated the 14th August 1839 from the Criminal Judge of Nellore. Submitting the Criminal Reports of that Zillah Court for the month of July last.

Here enter No. 1367.

Case No. 50 on the Supplemental Report.

1. In this case it is stated that the Prosecutrix and her Son the 1st witness deposed before the Police to the identity of the 1st, 2d and 3rd Prisoners, as having been seen at the time of the robbery, whereas they denied the circumstance before the Sudr Ameen. The Prosecutrix also refused to prefer her complaint against the Prisoners.

See in original

They

"They were therefore imposed with a fine."

2. The Court of Foujdaree Adalut have ruled that a fine cannot be legally imposed on parties for retracting before the Criminal Court a deposition given before the Police. They accordingly direct that the Sudr Ameen be required to refund the above fine to the parties if it has been paid. The Court also direct it be pointed out to the Criminal Judge that the wording of the order in this case betrays a want of precision on the part of the Criminal Court. It will be the duty of the Criminal Judge or his assistant in future to correct any ungrammatical expressions, which may in the first instance appear in the Criminal Reports when about to be laid before the Foujdaree Adalut.

Case No. 51.

3. The Court of Foujdaree Adalut direct that a copy of their question to their Law Officers touching this case and of the reply, be sent to the Criminal Judge for his information and future guidance in any similar case: he will observe that by the Mahomedan Law the Prisoner is not amenable to punishment and should accordingly be immediately set at liberty.

Case No. 53.

4. In this case the Prisoner was charged with stealing during the day a sheep, and

Killing

Killing and eating the Same.

5. It is stated that although the Prisoner confessed the crime before the Police and Sub Ameen, yet, as no Evidence whatever was adduced against him, he is acquitted in this Number. The Court of Fouzdaree Udalut conclude that there was no proof of the theft having been committed in this case.

Cases Nos. 54 & 55. 6. Copies of these Cases as they Stand in the Report should be sent by the Criminal Judge to the Magistrate with Copy of this Parah. In Case No. 54. the detention of the Prisoner in the Talook from the 15th May to the 30th June is most unsatisfactorily accounted for, and the Magistrate will be pleased to Enquire into the Conduct of the Head of the Police of Nellore, and report direct to the Fouzdaree Udalut whether he has deemed it proper to take any and what notice of it. In case No. 55 the Court of Fouzdaree Udalut desire to be informed where the Prisoners were from the date of their apprehension 20th May till the 28th June the date on which it is reported they appeared before the Head Assistant Magistrate.

Case No. 58. 7. The Court of Fouzdaree Udalut are desirous of having the opinion of the Court of Circuit as to

to the propriety of the order passed by the Sub Ameen in this case and they resolve to direct the Provincial Court of Circuit in the Northern Division to call for the Proceedings with reference to the Provisions of Section XXIII Regulation X of 1810, and to report the result to this Court.

8. It also appears that this case was detained in the Talook in consequence of a reference to the Joint Magistrate, but the Police Officer has not assigned any reason for the reference. The Court therefore direct that a Copy of this case as it Stands in the Report be also sent to the Magistrate, who will require the attention of the Police Officers of Chondy to the Circular Order of the Fouzdaree Udalut No. 62 dated the 25th February 1836.

No. 59. 9. Respecting this Case the Fouzdaree Udalut will issue Separate orders.

Ordered, that Extract from these Proceedings be sent to the Criminal Judge of Nellore, by Precept returnable in 5 days from and after its receipt.

/ Sent following Precept No. 1120 /

Ordered also that Copy of Parah 7. be sent to the Provincial Court of Circuit in the Northern

Northern Division for their information, by Precpt returnable within 30. days from and after its receipt.

/ Sent following Precpt No. 1121 /-

Read Return dated the 5th instant from the Second Judge late on Circuit in the Southern Division, to the Precpt of the Court of Foujdaree Udalut under date the 5th August 1839. directing him to submit for their consideration an English Translation of the Proceedings in Case No. 6. of the Salem Calendar of the Trial Sessions of 1839.

/ Here enter F.H. No. 1505 of 1839 /

1. With this Return, the Second Judge Submits an English Translation of the Trial abovementioned.

2. In this case, eight persons were charged "with having, in company with some other persons, entered the "Prosecutor's house with offensive weapons and torches on the "night of the 3d Maunee of Vetumbee, corresponding with 13th "February 1839. and plundered from thence property amount-"ing in Value to Rupees 527.12. after beating and wound-"ing him and his family."

3. The Court of Foujdaree Udalut observe that in Case No. 6. Salem Calendar 1st Sessions of 1839, the prosecutor in his deposition before the Tahsseldar, on the 14th February 1839, being the day after the Robbery, stated that the "robbers" beat and wounded him and his Nephew

Nephews (2nd Witness) &c. adding generally that they "disguised "their faces with charcoal and arsenic," (or yellow powder) in consequence of which and of their having "tied cloths "and rounals to their heads and chins," and the blood from his wound, he was "unable to recognize them." This description he applied, particularly to "seven or eight of the "robbers," who were standing in the inside yard of his "house. The prosecutor added that "Chinnattee," by which name he describes the 1st witness, said that the robbers asked him if the Thaniagar "had carried the hist money", from which the prosecutor concluded, that the robbers were "not "Strangers," but belonged to the adjoining Villages.

4. When again examined on the 25th February and questioned respecting "some persons" (p. 7.) living in the neighbouring villages who had been "apprehended upon some "suspicion and produced," the prosecutor stated that he recognized the 1st, 2nd, 3rd, 5th and 6th prisoners.

5. Before the Criminal Court, however, the prosecutor stated (p. 75.) that he did "not know who were the robbers that came," but that the 5th witness told him that he had recognized the 1st, 2nd and 3rd prisoners "by the light of torches." The prosecutor added a most (material) circumstance in this case (page 76.) the prisoners being charged with having absconded from their Villages by some of the witnesses) namely that when he

desired

desired the Duffadar and Peons to apprehend the persons named by the 5th witness, "they said that the ryots had gone "to receive their Puttahs" and that "after they returned" they would "apprehend them" Accordingly "after they returned "to the village they and others were taken, and on searching "their houses, one tumbal was found in the 1st prisoner's "house"

6. In the petition, No. 83, is noticed the improbability that persons who had been seen and recognized as the robbers should, four days after, have received Puttahs from the Collector at the same time with the 10th Witness and others, and no body "informed the Salkeeldar "or the Collector" that the prisoners who were present on that occasion, "were robbers"

7. But to proceed with the Evidence; the prosecutor went on to say that he had known the prisoners before, that "one or two" only were disguised, and that the 2d, 3d, and 5th witnesses (p. 77.) had told him that they recognized, during the robbery, all the eight prisoners.

8. Before the Court of Circuit the prosecutor stated that he could "not recognize" any of the "robbers," that the tumbal, No. 8. brought from 1st prisoners' house, is his property, as also the eating plate, No. 10, found in the 1st prisoner's house. He also speaks to the romal, No. 6. a girdle No. 1. Curwadakun No. 2, a silk cloth, not numbered, and the Coolloohummore, No. 9, "found in a hut in the 1st

prisoner's

"prisoner's field".

9. Prosecutor added that the 5th witness gave him the information described "on the same night on "which the robbery was committed".

10. The 1st witness stated before the Salkeeldar on the 10th February that on the night of the robbery, three (3.) robbers came to his house, seized and asked him if the Maniagar "had carried the last money" beat him and "led" him "to point out the house of the Maniagar," and that accordingly he and the said robbers "came and stood in the street of the Maniagar's house" and the robbers went in.

11. It is difficult to believe this story, particularly as applied to the prisoners whose village is stated to be but half a mile from the prosecutors whom they had known for 10. years.

12. On the 26th February (p. 42) this witness pointed out the 3d and 4th prisoners as the two who beat and pinioned him and one Varadon.

13. Before the Criminal Court, this witness stated that about 20 robbers entered his field, of whom three beat him &c, and that the robbers "carried him to" the prosecutors house, and that the 3d prisoner and two others (not including the 4th) were the three that beat him. adding that the robbers "did not" come in disguise.

Before

16. Before the Court of Circuit, this witness repeated the story of the robbers taking him to the prosecutor's house, and named the 3rd and 8th prisoners as having beat and robbed him. he had known them before, and observed them by star light.

15. This witness, a relation of the prosecutor, who came to him after the (alleged) robbery states at p. 148. that he does not know, that "the prosecutor was robbed of any property" (p. 149) that he did not see, "that the door of the prosecutor's house had been forced or broken."

16. The 2nd witness stated before the Tahsseldar on the 14th February that he was sleeping in the hall of prosecutor's house, and that he noticed the features of two of the robbers, whom on 26th February he identified as 1st and 3rd prisoners, naming them, though he named no one, in his first Examination.

17. Before the Criminal Court, this witness deposed that there were 20 or 30 robbers, but they were not disguised; that he named the 1st and 3rd prisoners to the Tahsseldar before their apprehension, which is disproved by the record, and that he "had known all the robbers" before! but the names of the 1st and 3rd prisoners only.

18. Before the Court of Circuit, this witness stated that the two Robbers who beat him, took him into a lane and kept him there, notwithstanding which, he goes on to describe all that past in the house, and added

added (which is material with reference to other evidence) that he observed the 1st and 3rd prisoners by torch light and saw two or three torches (p. 152.) In contradiction of his on Statement before the Criminal Court, this witness stated further, that he did not "see the other prisoners" among the gang. He also does not know that any property was stolen from the house of the prosecutor.

19. The 3rd witness (p. 45.) stated before the Tahseeldar, 14th February, that he went to the house on hearing the cries of the prosecutor and saw 20 or 30 robbers (p. 47.) who had "disguised their faces with charcoal and ardnie" (yellow powder) so that he "was unable to distinguish them", excepting one "Dadavetty" not a prisoner.

20. On the 28th February, in direct contradiction of the above, this witness stated, that he recognized the 2nd, 7th, and 8th prisoners.

21. Before the Criminal Court, this witness stated that he recognized the 1st and 2nd but none of the other prisoners:- then, that he saw 7th and 8th prisoners (p. 104.): then, that he "saw all the prisoners before the Court, during the plunder"!! He goes on to speak to the property discovered.

22. Before the Court of Circuit, this witness states that 1st, 2nd, and 7th prisoners beat him and also the 8th prisoner, but he did not see the other prisoners at the robbery: that he does not know whether he saw those four

prisoners

19.

prisoners steal any property or not (p. 157) nor what pro-
=perty was plundered (he is related to the prosecutor) nor
that prosecutor was robbed of any public money—

23. The 4th witness identifies certain of the
property produced—

24. The 5th witness stated before the Tah-
=seldar that he saw from behind a wall the 2d, 3rd, 5th, 6th
and 7th prisoners, by the light of a fire in the house of the
prosecutor; that there were about 10 or 15 persons inside and
outside— His second examination before the Tahseeldar
detailed the manner of the 1st prisoner's apprehension by
order of Mootloogoundan the person accused by the peti-
=tioners in No. 83 of having got up this charge from en-
mity—

25. It is observable, that the prosecutor
states that this witness told him that he saw the 1st prisoner
among the robbers:— and the whole story of the 1st prisoner's
apprehension which is told also by other witnesses is in-
=consistent with the prosecutors' statement above noticed,
that the prisoners were apprehended on their return to their village
after the delivery of their Puttahs—

26. Before the Criminal Court, the said
5th Witness stated that he saw four only of the prisoners:
that he did not see the 1st prisoner; that the robbers were
not disguised (p. 111) and then that he recognized "all the
"prisoners before the Court walking about in the prosecutors'
"house"!!! that he told the prosecutor this on the following
morning

19th September 1839.

morning; and then he tells the story of the 1st prisoner's ap-
=prehension—

27. Before the Court of Session this witness
stated that he recognized at the robbery the 2nd, 3d, 5th and
6th prisoners only which he mentioned to the prosecutor
the same night— telling him their names— He did not
see any of the robbers carry torches—

28. The 6th witness identifies the Romaul
No. 6—

29. The 7th witness speaks to the 1st prisoner's
apprehension, which, according to his Statement, (p. 168),
was ordered on account of his absence from the village—

30. The 8th witness speaks to the same
point—

31. The 9th witness identifies certain of
the property produced—

32. The 10th witness states nothing affect-
=ing the prisoners:— Excepting that the prosecutor told him
that he did not know the features of the robbers—

33. The 11th Witness, stated by the petition-
=ers to have instigated this charge and at p. 121. to have
suborned evidence, was not examined by the Tahseeldar—

34. Before the Criminal Court this witness
makes an admission that appears important, namely, that
all the Shenbhogs of the village of Augreecoundanputtee
"made off" on his going to search for the robbers of the en-
prosecutor's

19th September 1839.

prosecutors' house, and at the date of his examination, 6th March 1839, (the robbery having occurred on the 13th Febr.) had "not returned to their village" (p. 128.) This witness says that the 5th witness told him that he was informed that "1st prisoner and 20 others" were going by the ponte to the hill with some bundles: but the 5th witness makes no such statement in his evidence.

36. This witness goes on to say that the prisoners "confessed the plunder" in which assertion he is totally unsupported, and he proceeds with details of the discovery of the property, which differ from his evidence before the Court of Circuit where he specifies the 1st prisoner only as having confessed.

36. The above is the evidence for the prosecution, so far as it appears material: and in the opinion of the Court of Fouzdaree Udalut, it exhibits inconsistencies and contradictions, which go to support the allegation of a conspiracy against the prisoners, advanced in the Petition No. 83 of 1839.

37. The witnesses for the defence do not appear to have adhered to truth in their account of the placing the discovered property in the 7th prisoner's hut: but the Court are aware that the addition of unreal circumstances does not always prove native testimony false altogether.

38. Upon the whole, the Court of Fouzdaree Udalut are of opinion that there were not sufficient ex-

grounds

F.U.

19th September 1839.

grounds for the conviction in this case; but before passing any final order on the matter, they resolve to send these remarks to the second Judge with instructions to offer any reasons he may wish to give why the conviction should not be overruled.

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

Sent following Precept No. 1122 of 2

F.U.D.

F.U.R.

Entd

W.B.

F.C.

At a Court of the Foujdaree Udalut,

Present,

Thomas Alexr Oakes Esqre Actg 1st Puisne Judge

Saturday William Hudleston Esqre 2d Puisne Judge

21st September 1839. Alexr Duncan Campbell Esqre 3d Puisne Judge

Read order of Government

P.C. under date the 13th September 1839, approving

of the instructions issued by the Court of

Foujdaree Udalut to the Acting Criminal

Judge of Rajahmundry, strictly prohibiting

any interference in future, with certain

petty Merchants at that Station.—

(Here enter F.C. No 1483 of 1839)

Ordered, that a copy of the

above order be sent to the Provincial Court

of Circuit in the Northern Division for

their information, and with instructions to

communicate the same to the Acting

Criminal Judge of Rajahmundry for

the information and future guidance of

that Officer with reference to the Letter

from the Court of Foujdaree Udalut under

date

date the 17th Ultimo.-

(Sent in No. 1173)

Read Extract from the Minutes of Consultation in the Revenue Department under date the 10th September 1839- No. 1133. transmitting to the Court of Sessions Ude-kut a copy of a Warrant issued under the Provisions of Regulation II of 1819 to the Magistrate of Bellaree for holding Pedda Juggiah in Custody: and directing the Judges to instruct the Judge on Circuit in the Centre Division to visit the Prisoner and to make the Report required by Clause Second, Section IV Regulation II of 1819.-

(Here enter F.R. No. 1520 of 1839.)

Ordered, that a copy of the Warrant with Extract from these proceedings be sent to the Acting Judge on Circuit in the Centre Division, with instructions to conform to the orders of Government as above indicated.-

(Sent in No. 1174)

Read letter dated the 11th Instant from the Criminal Judges of Chingleput

Chingleput, submitting the Criminal Report of the Zillah Court for the month of August.-

(Here enter F.R. No. 1528 of 1839.)

Cooke No. 50.

The charge against the Prisoner in this case is, that he delivered up the property stolen from the Prosecutor's house saying that he had discovered it by Magical Art- but as the Criminal Judge set aside that charge and adopted the charge of "Housebreaking" of which moreover the Prisoner was convicted- the latter alone should have been entered as the charge in the Report.-

Ordered, that Extract from these proceedings be sent to the Criminal Judge of Chingleput for his information.-

(Sent in No. 1175)

Read the Criminal Report dated the 1st Instant from the Officiating Joint Criminal Judge of Tinnevelly for the month of August 1839.-

(Here enter No. 1532.)

Read

21st September 1839.

Read letter dated the 14th Instant from the Criminal Judge of Chittoor, forwarding the Criminal reports &c. for the month of August 1839.

(Here enter No. 1534.)

Read return dated the 9th Instant from the Provincial Court of Circuit in the Western Division, to the Precept of the Faujdaree Udalut dated the 3d September 1839, forwarding Circular Order No. 110. and directing them to furnish transcripts of the same to the several Magistrates in their Division for their information and guidance.—

(Here Enter No. 1536.)

Read letter dated the 11th Instant from the First Judge on Circuit in the Western Division, transmitting the original Death Warrant in Case No. 15 on the Malabar Calendar for the 2d Sessions of 1839.—

(Here Enter No. 1556.)—

F. 16

At a Court of the Faujdaree Udalut.

Present;

Thomas Alexr. Oakes Esqre.—Actg 1st Puisne Judge

Monday, 23d September 1839.— William Rudleston Esqre.—2d Puisne Judge

Alexr. Duncan Campbell Esqre.—3d Puisne Judge

Read Miscellaneous Petition presented on the 26th Ultimo by Parvondavy Ammaul of the Zillah of Chittoor.—

(Here enter M. P. No. 105 of 1839.)

1. The Petitioner prays for a re-consideration of the order passed by the Court of Faujdaree Udalut under date the 19th August 1839. rejecting the prayer of her Petition No. 97 of 1839. that an order might be issued for the release of her husband Ramachendriah the first prisoner in Case No. 2 of the Chittoor Calendar of the Second Quarter Sessions of 1839.—

2. The Statement in this Petition that the prisoner did not confess the crime is disproved by the Calendar, and the remarks of the Judge of Circuit show that the abili-

ty

Read letter dated the 14th Instant from the Criminal Judge of Chittoor, forwarding the Criminal reports &c. for the month of August 1839.

(Here enter No. 1534.)

Read return dated the 9th Instant from the Provincial Court of Circuit in the Western Division, to the Precept of the Foujdaree Udalut dated the 3d September 1839, forwarding Circular Order No. 110. and directing them to furnish transcripts of the same to the several Magistrates in their Division for their information and guidance.—

(Here enter No. 1536.)

Read letter dated the 11th Instant from the First Judge on Circuit in the Western Division, transmitting the original Death Warrant in Case No. 15 on the Malabar Calendar for the 2d Sessions of 1839.—

(Here enter No. 1556.)—

At a Court of the Foujdaree Udalut

Present,

Thomas Alexr. Oakes Esqre. Actg 1st Puisne Judge

Monday, 23d September 1839.— William Rudleston Esqre. 2d Puisne Judge

Alexr. Duncan Campbell Esqre. 3d Puisne Judge

Read Miscellaneous Petition, presented on the 26th Ultimo by Paroondavy Ammaual of the Tillack of Chittoor.—

(Here enter M. P. No. 105 of 1839)

1. The Petitioner prays for a re-consideration of the order passed by the Court of Foujdaree Udalut under date the 19th August 1839. rejecting the prayer of her Petition No. 97 of 1839. that an order might be issued for the release of her husband Ramachendriah the first prisoner in Case No. 3 of the Chittoor Calendar of the Second Quarter Sessions of 1839.—

2. The Statement in this Petition that the prisoner did not confess the crime is disproved by the Calendar and the remarks of the Judge of Circuit show that the allega-

tion

set up by him, was not proved.—

3. The Court see no reason to doubt the justness of their order of the 19th Ultimo, to which accordingly the Petitioner is referred, and informed that the same is final.—

Ordered, that the prayer of the Petition be rejected, and that Extract from these proceedings be furnished to the Petitioner upon her application.—

Read Miscellaneous Petition presented on the 9th Instant by Adoola Ankunnah of Cuntoor.—

(Here enter M. P. No. 108 of 1839.)

1. The Petitioner prays for a reconsideration of the order passed by the Court of Tongdaree Udalut under date the 29th July 1839 on his former Petition No. 70 of 1839.

2. The Court of Tongdaree Udalut observe that there is nothing new in this Petition, and they see no cause to depart from the former decision.—

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

Petitioner upon his application.—

Read Miscellaneous Petitions presented on the 9th Instant by Azzoogaoo Ramoodoo and Timmareddy of the Village of Cuddapah.—

(Here enter M. P. Nos. 110. 111. and 112 of 1839.)

1. The Petitioners representing themselves to be the near relatives of Chikkadoo Samadoo and Appavadoo the first third and fourth Prisoners in Case No. 10 of the Chittoor Calendar of the Second Quarter Sessions of 1839. pray that an order may be issued for the release of those Prisoners who were convicted by the Court of Quarter Sessions of Gang Robbery by open violence and sentenced to imprisonment with hard labour in Irons for fourteen years.—

2. The Court of Tongdaree Udalut observe that of the Prisoners above mentioned Chikkadoo confessed before the Criminal Court.—

3. The Court of Tongdaree Udalut having referred to the Calendar, are of opinion that all the four Prisoners in the Case in question

question were properly convicted.—

Ordered, that the prayers of the Petitions be rejected: and that Extracts from these proceedings be furnished to the Petitioners on their application respectively.—

Read Extract from the Minutes of Consultation in the Judicial Department under date the 10th September 1839.— No. 33.— conveying the observations and orders of Government on the Extract from the Proceedings of the Court of Foujdaree Udalut under date the 21st August 1839.— submitting further Papers referring to the Circuit Report of the First Judge late on Circuit in the Northern Division for the Second Sessions of 1838.—

(Here enter F.C. No. 1519 of 1839.)

Read also Return dated the 6th Instant from the First Judge of the Provincial Court of Circuit in the Northern Division, to the Precept of the Court of Foujdaree Udalut under date the 25th August 1839.— calling upon him with reference to his Returns of the 17th and 29th July to

the Precept of the Court of Foujdaree under date the 17th June 1839.— for further information in regard to certain points connected with his Circuit Report for the Second Sessions of 1838.—

(Here enter F.C. No. 1524 of 1839.)

1. The Court of Foujdaree Udalut direct that a copy of the First Judge's Return now recorded and a copy of the Magistrate's Return which accompanied it, be laid before Government.—

2. The Court concur in opinion with the First Judge that the more regular mode would have been for the Magistrate of Vizagapatam to summon the parties referred to at once, and enquire into their complaints.—

3. The Court consider the explanation afforded by the Magistrate of Vizagapatam in regard to the point referred to in that Officer's return, satisfactory.—

4. The Court of Foujdaree Udalut direct that a copy of the Extract from the Minutes of Consultation now recorded be sent

sent to the First Judge of the Provincial Court of Circuit in the Northern Division for his information.—

5. The Court of Fouzdaree Udalut direct that a copy of Parah: 3. of the Extract from the Minutes of Consultation be sent to Mr. Hain, Second Judge of the Provincial Court of Circuit in the Northern Division for his information.—

Ordered, that Extract from these Proceedings (Parahs: 1. & 3.) be sent to the Chief Secretary to Government to be laid before Government.—

(Sent in No. 1126)

Ordered also, that Extract from these proceedings be sent to the First Judge of the Provincial Court of Circuit in the Northern Division for his information.—

(Sent in No. 1127)

Ordered also, that Extract from these Proceedings (Parah: 5.) be sent to the Second Judge of the Provincial Court of Circuit in the Northern Division for his information.—

(Sent in No. 1128).

Read

Read letter dated the 7th. Instant from the Second Judge late on Circuit in the Northern Division, transmitting with reference to Parah: 7 of the Extract from the Proceedings of the Court of Fouzdaree Udalut under date the 19th. July 1839, English Translations of the three depositions given by the King Approver Shaikh Hoosain alias Badeka Hoosain before Captain Vallancey — Mr. Dowdeswell and the Second Judge.—

(Here enter F.C. No. 1509 of 1839.)

1. The Court of Fouzdaree Udalut resolve to call upon the Second Judge to submit the explanation required from Captain Vallancey in Parah: 4 of the Extract from their Proceedings under date the 19th. July last in regard to the grounds upon which the Approvers therein referred to were charged with the Capital crime instead of the minor offence.—

2. Immediately on the receipt of this explanation, the Court will proceed to dispose of the Vizagapatam Calendar,

submitted

23d. September 1839.

Submitted by the Second Judge.—

Ordered, that Extract from these Proceedings be sent to the Second Judge late on Circuit in the Northern Division by precept returnable within three days from and after its receipt.—

(Sent following precept No. 1130)

Read Extract from the Proceedings of the First Judge of the Provincial Court of Circuit in the Northern Division dated the 7th Instant in reply to Parah. 6 of the Extract from the Proceedings of the Court of Faujdaree Udalut under date the 3d September 1839, requiring him to submit his opinion whether the presence of Mr. Mason - Head Assistant Magistrate of Vizagapatam is necessary at the investigation ordered by Government to be made by the Magistrate into the charge of assault preferred against the former Officer—

(Here enter F.R. No. 1525 of 1839.)

1. The First Judge of the Provincial Court submits his opinion that Mr. Mason should be present at the investigation.—

And

3. F.R. 23d. September 1839.

2. And the Court of Faujdaree Udalut concurring in that opinion, direct that a copy of Parah. 8 of the Extract from the Minutes of Consultation in the Judicial Department under date the 20th August 1839 - No. 691 - be furnished to Mr. Mason with instructions to make the requisite arrangements at his earliest convenience for repairing to Vizagapatam for the purpose abovementioned.—

3. Mr. Mason will be pleased to report to the Court of Faujdaree Udalut the date of his departure from the Presidency.—

Ordered, that Extract from these Proceedings be sent to Mr. Mason for his information and guidance.—

(Sent in No. 1131)

Ordered also, that Extract from these Proceedings be sent to the First Judge of the Provincial Court of Circuit in the Northern Division for his information.—

(Sent in No. 1132)

Read

23d September 1839.

Submitted by the Second Judge.—

Ordered, that Extract from these Proceedings be sent to the Second Judge late on Circuit in the Northern Division by precept returnable within three days from and after its receipt.—

(Sent following precept No. 1130)

Read Extract from the Proceedings of the First Judge of the Provincial Court of Circuit in the Northern Division dated the 7th Instant in reply to Parah. 6 of the Extract from the Proceedings of the Court of Foujdaree Udalut under date the 3d September 1839, requiring him to submit his opinion whether the presence of Mr. Mason Head Assistant Magistrate of Vizagapatam is necessary at the investigation ordered by Government to be made by the Magistrate into the charge of assault preferred against the former Officer.—

(Here enter F.R. No. 1525 of 1839.)

1. The First Judge of the Provincial Court submits his opinion that Mr. Mason should be present at the investigations.—

And

F.R.
23d September 1839.

2. And the Court of Foujdaree Udalut concurring in that opinion, direct that a copy of Parah. 8 of the Extract from the Minutes of Consultation in the Judicial Department under date the 20th August 1839 - No. 691. be furnished to Mr. Mason with instructions to make the requisite arrangements at his earliest convenience for repairing to Vizagapatam for the purpose abovementioned.—

3. Mr. Mason will be pleased to report to the Court of Foujdaree Udalut the date of his departure from the Presidency.—

Ordered, that Extract from these Proceedings be sent to Mr. Mason for his information and guidance.—

(Sent in No. 1131)

Ordered also, that Extract from these Proceedings be sent to the First Judge of the Provincial Court of Circuit in the Northern Division for his information.—

(Sent in No. 1132)

Read

Read letter dated the 12th Instant from the Joint Criminal Judge of Guntoor, transmitting the Criminal Reports for the month of August 1839.-

(Here Enter No. 1537.)

Read letter dated the 14th Instant from the Criminal Judge of Tellicherry forwarding the Criminal Reports for the month of August 1839.-

(Here Enter No. 1542.)

Read the Criminal Reports dated the 10th Instant from the Acting Criminal Judge of Rajahmundry for the month of August last.-

(Here Enter No. 1543.)

Read the Criminal Reports dated the 13th Instant from the Acting Joint Criminal Judge of Masulipatam, for August 1839.-

(Here Enter No. 1544.)

Read letter dated the 9th Instant from the Principal Sudr Ameen at Honore, transmitting the Criminal Reports for the month of August 1839.-

(Here Enter No. 1551.)

Read

Read letter dated the 10th Instant from the Acting Criminal Judge of Malabar, forwarding the Criminal Reports for the month of August last.-

(Here Enter No. 1554.)

Read the Criminal Reports dated the 31st Ultimo from the Joint Criminal Judge of Tellicherry for the month of August 1839.-

(Here Enter No. 1555.)

Read return dated the 16th Instant from the Third Judge late on Circuit in the Centre Division, to the Precept of the Faujdaree Udalut dated the 2d Instant, calling upon him to explain the cause of the detention of the parties in Cases Nos. 6- 11- 12- 13. and 14 of the Cuddalore Calendar for the 1st Session of 1839.-

(Here Enter No. 1551.)

Read return dated the 17th Instant from the Second Judge late on Circuit in the Northern Division to the Precept of the Faujdaree Udalut

of

23rd September 1839.

of the 10th Instant, conveying their observations on the Chicacole Calendar for the 1st Sessions of 1839.

L.D.C

(Here enter No. 1582.)

4 W.L.

WLB

WLB

L. 06.

At a Court of the Foujdaree Adalut

Present

Thomas Alex.r Oakes Esq.re 1st Puisne Judge

Tuesday.

William Sandleston Esq.re 2nd Puisne Judge

25th September 1839.

Alex.r Duncan Campbell Esq.re 3d Puisne Judge

L.D.C

Read the following letter dated the 26th ultimo from the Provincial Court of Circuit in the Western Division.

(Here enter Fo. No. 1463 of 1839.)

Mr. Oakes and Mr. Campbell.

1. The Provincial Court submit a copy of a letter from the Joint Criminal Judge of Malabar wherein that Officer prefers the question whether, in a case of wounding, where the life of the Prosecutor may be in danger, it is the duty of the Criminal Judge to postpone the committal of the case for trial before the Court of Circuit until the recovery or death of the party, or whether he should commit the case as one of wounding, as soon as the proceedings are closed.

2. The Provincial Court record their opinion that it is "highly desirable that whenever in a case of wounding the life of the Prosecutor may be declared by the Medical Officer to-

to be in danger, the committal of the case for trial before the Court of Circuit should be postponed until the recovery or death of the party, or at least that the committing Officer should take the order of the Foujdaree Udalut on the case.

3. The Court of Foujdaree Udalut are of opinion that where eventually the charge against the accused may become of a capital nature, it would be inexpedient to commit him for trial on the minor charge until it has been first ascertained that he is not subject to trial for the graver crime; because, when finally committed for trial, the prisoner has a right to be made acquainted with the precise nature, and full extent of the charge against him.—

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

/ Sent in Nº 1137 /

Read Letter dated the 16th July last from the Second Judge late on Circuit in the Northern Division, submitting copies of the Vizagapatam Primary and Supplemental Calendars for the First Sessions of 1839.—

/ See infra Nº. Nº 1222 of 1839 /

Case Nº 9. In this case, the prisoner

Cankara Lutchoomoodoo

was charged before the Court of Circuit with Wilful and corrupt Perjury, under the Provisions of Regulation III of 1826, in having, when examined as a witness in a case wherein certain persons were charged with Murder, given two contradictory depositions on oath, one before the Magistrate, the other before the Joint Criminal Judge of Vizagapatam.—

2. The Second Judge of Circuit to whom it is stated in the Calendar concurs in the Futwa of the Mahommedan Law Officer, convicting the prisoner of the crime of Perjury, but being of opinion, after a deliberate consideration of all the proceedings and evidence on this trial, and in that of Case Nº 11 of the same Calendar with which it is connected, that the evidence given on oath by the Prisoner before the Joint Criminal Court is substantially correct, and that his other contradictory statements must be attributed to ignorance and carelessness, or his having been flurried and confused during his first examination before the Magistrate, and having reason to believe that the Joint Criminal Judge of Vizagapatam concurs in this opinion, recommends for approval and sanction by the Foujdaree Udalut Court, that the Prisoner be sentenced to the Mitigated punishment of imprisonment

with

23d

with hard labor in irons for the period of 3 Months.

3 The Court of Foujdaree Udalut, having maturely considered the circumstances of this case, are of opinion that the imprisonment the Prisoner has already undergone, is sufficient punishment for the degree of criminality established against him: and they accordingly resolve to direct that the said Prisoner be immediately and unconditionally discharged out of Custody.

4. The Court will complete their review of the Vizzagapatam Calendars on the receipt of the explanations called for from Captain Vallancey in regard to certain of the Thug cases.

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

/ Sent following Precept No 1138. /

Read letter dated the 18th Instant from the Acting Joint Criminal Judge at Cuddalore submitting the Criminal Report for August 1839.

/ Here enter No 1566. /

Read letter dated the 18th instant from G. I. Mackenzie Esqre Acting 4th Judge on Circuit in the Southern Division reporting the opening of the 2d Sessions of 1839 at Combaconum

Ord

F. 16.

24 September 1839.

and the State of the Calendar.

/ Here enter No 1573. /

Read letter dated the 16th instant from the Magistrate of Masulipatam reporting on the conduct of the Board of Police of Podanatoor in Case No 64 of 1839.

/ Here enter No 1576. /

Read letter dated the 18th instant from the 3d Judge on Circuit in the Northern Division reporting that the Court of 2d Sessions of 1839 has been closed at Rajahmundry on the 18th instant.

/ Here enter No 1584. /

Read letter dated the 18th instant from the 3d Judge on Circuit in the Northern Division submitting Printed Statement of Batta for the 2d Sessions of 1839 held at Rajahmundry.

/ Here enter No 1585. /

Read the Criminal Reports dated the 1st Instant from the Acting Criminal Judge of Salem for the Month of August 1839.

/ Here enter No 1587. /

S.P.O

Enc 7th

WSR

FWD

At a Court of the Foujdaree Udalut.—

Present:—

Thomas Alexr Oakes Esqre 1st Puisne Judge

Wednesday— William Studleston Esqre 2nd Puisne Judge

25th September 1839.— Alexr Duncan Campbell Esqre 3rd Puisne Judge

Read again letter dated the 8th ultimo from the 1st Judge on Circuit in the Western Division, transmitting the Record in Case No. 18 on the Malabar Calendar 2nd Sessions of 1839.—

(Here enter No. 1335.—)

D. A. C.

Read also Return dated the 13th instant from the 1st Judge on Circuit in the Western Division to the precept of the Foujdaree Udalut of the 28th ultimo, directing him to instruct the Acting Criminal Judge of Malabar to take additional evidence as to the Sanity of the prisoner in Cases No. 18 and 19 on the Calendar for the 2nd Sessions 1839.— and to submit an English translation thereof for the consideration and final judgment of the higher Court.—

(Here enter No. 1564.—)

Mr. Oakes and Mr. Studleston.

The Court of Foujdaree Udalut, having maturely considered the proceedings held before the Judge on Circuit, the futwa of

of the Provincial Law Officer, and the futwa of the Cazee-ool-Coozat and Mooftíes of the Foujdaree Udalut, confirms the said futwa of the Cazee-ool-Coozat and Mooftíes aforesaid, convicting the prisoner.-

Meembant lodyl alias Tacholla Koottyattan.- of the crime charged and awarding Tazeer, and he under the provisions of Clause third, Section VII, Regulation XV of 1803, Sentence him, to be transported to such place or places beyond Sea, as the Governor in Council shall appoint there to be imprisoned and kept to hard labour in irons, on the public roads, or other public works for and during the period of his natural life.-

/ Sent following letter No 1144 /

Read letter dated the 31st July last from the Second Judge late on Circuit in the Southern Division, submitting English Translations of the Records of Cases Nos 3 and 29 of the Combaconum Calendar of the First Sessions of 1839.-

/ Here enter F. R. No 1107 of 1839 /

1. These cases were ordered in Para: 5 of the Proceedings of the Court of Foujdaree Udalut under date the 24th May 1839 on the review of the Calendar.-

2. In Case No 3 the prisoners 1st Cunhoory Naik

25th September 1839.-

were charged before the Court of Circuit with having fraudulently fabricated or caused to be fabricated, a letter marked B as if it were written by Chelluppa Moodely Deputy Serishtadar of Trichinopoly Collector's Cutcherry to the Second Mistress Seléhmana Pillay an Arrack Renter, on the 5th Assamee of Vellum-=tee or 19th August 1838- requesting that the latter would afford his assistance for the expence of the Marriage of the Bearer Ramasawmy Naick, which was alleged to take place on the 9th Assamee of the same year, and with having forged to the letter, the Signature of the said Chelluppa Moodely-

3. The prisoners were convicted and Sentenced by the Court of Circuit to imprisonment in the hard labour in Irons for six Months.-

4. The Court of Foujdaree Udalut, having maturely considered the evidence in this case, see no sufficient ground for disturbing the Sentence passed by the Court of Circuit, which will accordingly be carried into effect.-

5. With reference, however, to their order of the 24th May 1839. to suspend the labour in Irons, the Court will not now, direct the further imprisonment of the two prisoners

prisoners, who should be released on the 8th proximo, when the term of their Sentences will be completed.-

Case No 29- 6.

In this case the prisoners.-

1st Cheddumbara pillay.-

and

2nd Valayooda pillay.-

were charged before the Court of Circuit with having, about thirteen years ago, forged or caused to be forged a conditional Mortgage Bond dated the 18th Annany of Veyak or 1st of September 1826, purporting to have been executed by the first prisoner- Defendant in a Civil Suit No 395 of 1834- before the District Moonsiff of Revalore, in favor of his son in-law the Second prisoner- upon his (first prisoner's) house- for Rupees 56-12-" and also a Receipt marked B purporting to have been executed between the two prisoners for the said Sum, and with having filed the said Deeds in the Moonsiff's Court with the fraudulent intention of depriving Vyapoory Pillay- Plaintiff in the said Suit- of the amount of the Rauzenamah- Rupees 58-8-" for which the said house was executed.-

7. The prisoners were required to find Security for their future good behaviour for one year.-

8. The Court of Tongdaree Adalut are of opinion that the evidence in this case was amply

amply sufficient for the conviction of the accused: and that it is much to be regretted that the Judge of Circuit concurred in the Futwa of conviction delivered by the Moohummudan Law Officer of the Court of Circuit.-

Ordered that Extract from these proceedings be sent to the Second Judge late on Circuit in the Southern Division for his information and guidance.-

/ Sent in No 1142 /

Read Letter dated the 6th instant from the Criminal Judge of Canara, transmitting the Criminal Reports of the Zillah Court for the Month of August.-

/ Here enter Fle: No 1522 of 1839 /

Case No 122. The Court of Tongdaree Adalut resolve to direct the First Judge on Circuit in the Western Division to look into the proceedings in this case and pass such orders thereon as he may deem proper, with reference to the provisions of Section XXIII Regulation X of 1816- reporting the result to this Court.-

Ordered that Extract from these proceedings be sent to the First Judge on Circuit in the Western Division, by Receipt herewith able within 25 days from and after its receipt.-

/ Sent following Rect No 1143- /

Read.

25th September 1839.

Read Return dated the 30th Augt. from the Acting Criminal Judge of Malabar to the Precept of the Foujdaree Udalut under date the 22nd August 1839 conveying their orders and remarks in the Criminal Reports of the Zillah Court for the Month of July 1839.

/ Mere enter F. Uc. No. 1484. /

The Court of Foujdaree Udalut resolve to accede to the recommendation of the Acting Criminal Judge contained in the above return, and he is accordingly authorized to amend the sentence in case No. 35, and to adjudge the prisoner to imprisonment and hard labour for six Months only, instead of twelve Months.-

Ordered that Extract from these proceedings be forwarded to the Acting Criminal Judge of Malabar for his information and guidance.-

/ Entered No. 1446. /

F. Uc.

At a Court of the Foujdaree Udalut.-

Present.-

Thomas Alexr. Oakes Esqre. Acting 1st Puisne Judge

Thursday — William Sudleston Esqre. 2nd Puisne Judge

26th September 1839. — Alexr. Duncan Campbell Esqre. 3rd Puisne Judge

Read Order of Government dated the 17th September 1839 - No. 956 - Commanicating to the Court of Foujdaree Udalut a Letter and its enclosure from the Officiating Resident at Mysore respecting the apprehension and transmission to the Magistrate of Cuddapah of an individual named Hateem Nizam Khan - who stands charged with having participated in the murder of Mr. M.c Donald at Cuddapah in the year 1832 - together with the whole of the correspondence on the same subject and directing the Court of Foujdaree Udalut to issue the necessary instructions for the prisoner Hateem Nizam Khan being brought to trial without any delay - or should the Sessions at Cuddapah be over, to suggest some arrangement by which all delay in the trial of the prisoner will be obviated.-

/ Mere enter F. Uc. No. 1575 of 1839. /

Reference Letter dated the 20th instant from the Acting Judge on Circuit in the

25th September 1839.

Read Return dated the 30th Augt.
from the Acting Criminal Judge of Malabar
to the Precept of the Foujdaree Udalut under
date the 22nd August 1839 conveying their orders
and remarks on the Criminal Reports of the
Zillah Court for the Month of July 1839.-

/ Here enter F. C. No. 1404. /

The Court of Foujdaree Udalut
resolve to accede to the recommendation of the
Acting Criminal Judge contained in the
above Return, and he is accordingly authorized
to amend the Sentence in Case No. 131, and
to adjudge the Prisoner to imprisonment and
hard labour for Six Months only, instead of
twelve Months.-

Ordered that Extract from these
proceedings be forwarded to the Acting
Criminal Judge of Malabar for his informa-
tion and guidance.-

/ Sent in a No. 1464 /

F. C.

At a Court of the Foujdaree Udalut.-

Present.-

Thursday
26th September 1839.

Thomas Alexr. Oakes Esqre. Mg. 1st Puisne Judge
William Sudleston Esqre. 2nd Puisne Judge
Alexr. Duncan Campbell Esqre. 3d Puisne Judge

Read Order of Government
dated the 17th September 1839 - No. 756 - commanding
to the Court of Foujdaree Udalut a Re-
=ference and its enclosure from the Officiating
Resident at Hyderabad reporting the apprehen-
=sion and transmission to the Magistrate of
Cuddapah of an individual named Hafeem
Cuddapah of an individual named Hafeem
participated in the Murder of Mr. M.Donald
at Cuddapah in the year 1832. together with
the whole of the correspondence on the same
subject. and directing the Court of Foujdaree
Udalut to issue the necessary instructions for
the prisoner Hafeem Nizam Khan being
brought to trial without any delay. or should
the Sessions at Cuddapah be over, to suggest
some arrangement by which all delay in the
trial of the prisoner will be obviated.-

/ Here enter F. C. No. 1575 of 1839. /

Read also Letter dated the 20th
instant from the Acting Judge on Circuit in
the

the Centre Division - reporting that he has fixed on the 15th Proximo for opening the Sessions of 1839 at Bellaree -

/ Here enter F. No. 1592 of 1839 /

1.

The Court of Fonjdarree Udalut directs that a copy of the letter from the Officiating Resident at Mysore to the Magistrate of Cuddapah dated the 26th August 1839 be sent to the Assistant Criminal Judge in charge of the Zillah Court of Cuddapah with instructions to present to Mr James Thomas Acting Judge on Circuit in the Centre Division at that Station a Supplemental Calendar with the case of the prisoner referred to in the correspondence now recorded - if he has been committed - and Mr Thomas, to whom in that event the Assistant Criminal Judge will communicate these instructions, will proceed immediately to try him -

2.

But should the case not be ready for Trial, or Mr Thomas have left the Cuddapah, the Assistant Criminal Judge will in that case immediately report to the Court of Fonjdarree Udalut whether or not the investigation is in progress before him, and when he expects that it will be concluded: and on the receipt of his reply the Court will

issue further instructions on the subject -

3.

The Court further direct that the Provincial Court of Circuit in the Centre Division be instructed immediately upon the receipt of these proceedings to dispatch to the Officer in charge of the Zillah Court of Cuddapah the entire Record of Case No 1 of the Cuddapah Special Sessions of 1832, wherein the prisoners were charged with the murder of Mr Mc Donald the Sub Collector of Cuddapah.

Ordered, that Extract from these proceedings be sent to the Assistant Criminal Judge in charge of the Zillah Court of Cuddapah for his information and guidance, by Precept returnable within three days from and after its receipt -

/ Sent following Precept No 1157 /

Also Ordered that Extract from the Proceedings / para 3 / be sent to the Provincial Court of Circuit in the Centre Division for their information and guidance -

/ Sentence No 1152 /

Sd

the Centre Division - reporting that he has fixed on the 14th Proximo for opening the Assizes of 1839 at Bellary -

/ Hereunder I.O. No. 1592 of 1839 /

1.

The Court of Foujdaree Adalut direct a copy of the letter from the Officiating Resident at Hyderabad to the Magistrate of Cuddapah dated the 28th August 1839 be sent to the Assistant Criminal Judge in charge of the Zillah Court of Cuddapah with instructions to present to Mr James Thomas Acting Judge on Circuit in the Centre Division at Cuddapah a Supplemental Calendar with the case of the prisoner referred to in the correspondence now recorded - if he has been committed - and Mr Thomas, to whom in that event the Assistant Criminal Judge will communicate these instructions, will proceed immediately to try him -

2.

But should the case not be ready for Trial, or Mr Thomas have left Cuddapah, the Assistant Criminal Judge will in that case immediately report to the Court of Foujdaree Adalut whether or not the investigation is in progress before him, and when he expects that it will be concluded: and on the receipt of this reply the Court will

issue further instructions on the subject -

3.

The Court further direct that the Provincial Court of Circuit in the Centre Division be instructed immediately upon the receipt of these proceedings to dispatch to the Officer in charge of the Zillah Court of Cuddapah the entire Record Vide of Case No 1 of the Cuddapah Special Sessions of 1839, wherein the prisoners were charged with the murder of Mr Mc Donald the Sub Collector of Cuddapah.

Ordered, that Extract from these proceedings be sent to the Assistant Criminal Judge in charge of the Zillah Court of Cuddapah for his information and guidance by Precept to be returnable within three hours from and after its receipt -

/ Sent following Precept No 1157 /

Ordered, that Extract from these proceedings / paragraph 3 / be sent to the Provincial Court of Circuit in the Centre Division for their information and guidance -

/ Sent in No 1152 / S

F. 16.

At a Court of the Tonjdaree Udalut.

Present.

Thomas Alexr. Oakes Esqre. 1st. Puisne Judge

Friday 27th. September 1839.

William Studdeston Esqre. 2nd. Puisne Judge

Alexr. Duncan Campbell Esqre. 3d. Puisne Judge

Read Return dated the 6th. Instant

D.A.C. from the Acting Criminal Judge of Madura

to the precept of the Tonjdaree Udalut of the

2nd. Instant, conveying their observations and

orders on the Madura Criminal Reports for

the Month of July last.-

/Here enter F. No. 1527 of 1839./

Case No. 58. 1. In the above return the Acting Criminal Judge explains with reference to the paras. 5 and 9 of the Proceedings of the Tonjdaree Udalut "that the prisoner in Case No. 58 a female, was called for by the Criminal "Court upon the Statement of the Prosecutor in Case No. 57, two female witnesses also mentioned her having been present, but their evidence in that case appears so defective that the Acting Criminal Judge felt it perfectly useless to commit her."-

2. Adverting to the remarks of the Judge on Circuit on Case No. 17 of the Calendar

Calendar, the Court do not consider there is any necessity for further Proceedings being held against the Prisoner in question, and they accordingly resolve not to disturb the order passed by the Acting Criminal Judge in this case.-

Ordered that Extract from these Proceedings be sent to the Acting Criminal Judge of Madura for his information.-

/ Extract No. 1158 /

Read Letter dated the 9th instant from the Criminal Judge of Chicacole, forwarding the Criminal Reports of the Zillah Court for the Month of August.-

/ Here enter F. M. No. 1570 of 1839. /

Suppl. Report Cases Nos. 52 and 58.-

The Criminal Judge will be pleased to explain the meaning of the entry in the Report that these Cases are "under reference to the Fouzdaree Adalut."-

Case No. 61.

2.

The five Prisoners in this case are charged with having instigated the 4th Prisoner to bring a false complaint before the Magestrate of Ganjam against one Lehunda Sahara Bakhshee Patnaikoodoo and some others, charging them with having beaten and killed his younger Brother the 5th Prisoner.-

3.

The Court of Fouzdaree Adalut observe that the Prosecution should have been of Subornation of Perjury against the 1st, 2nd, 3rd and 5th Prisoners: and of Perjury against the 4th Prisoner who is here made to have instigated himself.-

Report V Case No. 71.

4.

The Prisoner in this case was convicted of having, "on the night of the 4th August 1839, entered into the house of the Prosecutor while the door was open, and stolen therefrom property valued at 8½ Rupees and was sentenced to three Months' hard labour in irons," under Clause Sixth, Section VI. Regulation VI of 1822."-

5.

The Court of Fouzdaree Adalut observe that the Provision cited is inapplicable to entry by an open door: and the Sentence must be passed under Section VII. Regulation X of 1816.-

Ordered that Extract from these proceedings be sent to the Criminal Judge of Chicacole, by Precept returnable within three days from and after its receipt.-

/ Sent following Precept No. 1159 /

Read Return dated the 14th instant, from the Magestrate of Chingleput, to the precept of the Fouzdaree Adalut dated the 27th August 1839, calling for an explanation in regard to Case No. 10 of the Chingleput Criminal Reports for the Month of July 1839.-

/ Here enter No. 1529. /

Read

27th September 1839.

Read Return dated the 14th Inst. instant, from the Provincial Court of Circuit in the Carnatic Divisions, to the precept of the Tongdaree Adalut of the 24th Ultimo, calling for the opinions of the Provincial Court as to the propriety of the conviction of the 2nd prisoner in case No. 31 of the Supplemental Criminal Report of the Zillah Court of Chingleput, for the Month of July last.-

/ Here enter No. 1535.-/

Read Return dated the 14th instant, from the Acting Criminal Judge of Madura, to the precept of the Tongdaree Adalut dated 7th September 1839, directing him to submit an explanation regarding the corporal Punishment having been inflicted on the Prisoner in Criminal Case No. 83 before the expiration of the limited time, and also to state why no mention was made in the report of the Prisoner in No. 78 being a Servant in the Pagoda from which the property was stolen.-

/ Here enter No. 1580 /

Read Supplemental Return dated the 21st instant, from the Magistrate of Chingleput, to the precept of the Tongdaree Adalut dated the 27th August 1839, calling for an explanation in regard to Case No. 40 of the Chingleput Criminal Reports for the Month of

F.16.

27th September 1839.-

of July 1839.-

/ Here enter No. 1587. /

Read Return dated the 20th instant from the Provincial Court of Circuit in the Southern Division, to the precept of the Tongdaree Adalut dated the 3rd September 1839 forwarding Circular Order No. 110, and directing them to furnish transcripts of the same to the several Magistrates in their Divisions, for their information and guidance.-

/ Here enter No. 1594. /

Read Return dated the 21st instant, from the Acting Assistant Criminal Judge in charge of Cuddapah, to the precept of the Tongdaree Adalut dated 13th September 1839, conveying their observations and orders upon the Criminal Report for the Month of July last.-

the Zillah Court of Cuddapah

/ Here enter No. 1597. /

L.P.C.

End 9th.

F. No.

At a Court of the Foujdaree Udalut.

Present:-

Thomas, Alexr. Oakes Esqre. Actg. 1st. Puisne Judge &

Saturday — William Studdeston Esqre. 2d. Puisne Judge &

28th September 1839 — Alexr. Duncan Campbell Esqre. 3d. Puisne Judge

Read Order of Government dated the 3d. September 1839 - transferring to the Court of Foujdaree Udalut a Petition dd. 5th. of 1839 addressed to Government by one Singapah of Palacore in the Zemindary of Calastry in the District of North Arcot - complaining generally of acts of injustice and extortion committed by the Zemindar of Calastry who is in charge of the Police: stating that some persons having beaten and abused his (Petitioners') wife, she committed Suicide, on which he complained to the Zemindar who received Bribes from the Defendants and released them; and praying that an order may be issued to the Magistrate to inquire into the matter; with instructions to the Court to cause such notice to be taken of the matter as they may consider necessary -

(Here enter F. No. dd. 30th. of 1839.)

The Court of Foujdaree Udalut direct

direct that a translations of the Petition be sent to the Magistrate of North Arcot with instructions to enquire into the matter and submit a report upon the subject to this Court.-

Ordered, That Extract from these proceedings be sent to the Magistrate of N. North Arcot, by Precept returnable within Twelve days from and after its receipt.-

/ Sent following Precept No 1161. /

Read Return dated the 10th instant from the Provincial Court of Circuit in the Northern Division, to the precept of the Foujdaree Adalut of the 13th ultimo, directing them to call for the proceedings in Case No. 42 in the Vellore Criminal Report for the Month of June 1839- and pass such orders thereon as they may deem proper, respecting the result to the higher Court.

/ Mem under No 1590 /

Read Return dated the 19th instant from the Provincial Court of Circuit in the Northern Division, to the precept of the Foujdaree Adalut dated the 3d September 1839 forwarding Circular Order No 110 and directing them to furnish transcripts of the same to the Zillah Magistrates in their Divisions for their informations and guidance.-

/ Mem under No 1600. /

Read letter dated the 18th instant from the Provincial Court of Circuit in the Western Division, forwarding translations of the Sirsee Criminal Reports for August last.-

/ Mem under No 1602. /

Read Return dated the 23d instant from the Provincial Court of Circuit in the Centre Division, to the precept of the Foujdaree Adalut dated the 6th September 1839, directing them to call upon the Magistrate in the Northern Division of Arcot, to take evidence as to the truth or falsity of the assertions of Lutchmee Ammaul, that she was detained in confinement by the Head of Police of Cowarepank, for six days without food.-

/ Mem under No 1605.- /

S.N.O.

Ed. Bd

WH

WB

F.C.

At a Court of the Foujdaree Udalut

Present

Thomas Alex.r Oakes Esq.re — Judge 1.st Puisne Judge

Monday, William Rudleston Esq.re — 2.d Puisne Judge

30.th September 1839. Alex.r Duncan Campbell Esq.re — 3.d Puisne Judge

Read letter dated the 14.th

L.R.C. Instant from the 1.st Judge on Circuit

in the Western Division, submitting for

the final orders of the Foujdaree Udalut,

the record of Case No.22 on the Malabar

Calendar for the 3.d Sessions of 1839.—

(Here enter F.C. No.157 of 1839.)

Mr. Oakes and Mr. Campbell. 1. At page 111. of the record it

is stated that "the evidence of the second

"prisoner's first and second witnesses being contra=

="dictory, the one to the other, and the said

"1.st witness having in his deposition before

"the Criminal Court given contradictory

"statements as to his going to the Kulla=

="thil Parambil house, and his evidence being

"solitary, the Court considers it unnecessary

"to repeat his examination and hee is

"consequently

"consequently not examined."—

The Court of Faujdaree Udalut observe that although there can be no doubt of the contradictions of the 2d prisoner's 1st and 2d witnesses before the Criminal Court, yet as on their respective defences before the Court of Circuit, the 1st prisoner offered to cite "two fresh witnesses," and the 2d requested his first witness should be examined. the 1st Judge should, in accordance with the principle laid down in the Circular Order of the Faujdaree Udalut of the 7th August 1833 and the 4th October of the same year, have examined them— They therefore direct that the record of this trial be returned to the 1st Judge on Circuit, who will be pleased to examine the said witnesses in the presence of the prisoners or if he has left the station, will cause this duty to be performed by the Criminal Court, on transmitting to this Court and annexing to the trial English and Persian Translations thereof.—

At Parah. 5 of the letter of the 1st Judge it is stated that "the 1st witness "for the 2d prisoner has been put upon "his trial this day for perjury" But there is nothing in the record to shew that this was done by the Criminal Court, The Court of Faujdaree Udalut consider it necessary therefore to call for explanation as to the authority who committed for the alleged perjury— But even if the individual should have been convicted for perjury. the accused in this capital case are entitled to the benefit of this testimony under Act XIX 1837.

The Court further deem it advisable that the evidence of the second prisoner's 2d witness as to the atrocious threates used towards him in order to induce him to falsify his evidence, be taken as above directed.—

Ordered, that Extract from these proceedings be sent to the 1st Judge on Circuit in the Western Division for his information and guidance by Precept returnable within 25 days, from and after its receipt.—

(Sent following Precept No 1185)

J.P.

30th September 1839.

It being necessary to refer to the Proceedings held in Case No 2 of the Supplemental Calendar of the First Sessions of 1839 of the Tillah Court of Combaamum the Court of Singlaree Udalut directed that the Second Judge late on Circuit in the Southern Division be instructed to cause to be prepared and to submit at his earliest convenience, an English Translation of the Record of that Trial.-

Ordered, that Extract from these Proceedings be sent to the Second Judge late on Circuit in the Southern Division, by Precept returnable within fifteen days from and after its receipt.-

(Seal following Precept No 1166-)

Read the Criminal Reports of the Auxiliary Court of Trichinopoly for the Months of August.-

(Here enter F.R. No 1533 of 1839.)

Case No 98. 1. The two Prisoners in this case were charged "with having, in their capacity of Village Police Officers, abused the authority vested in them by suspending the first Prosecutor by

by two ropes passed under his shoulders, and maltreating him and the other three as Prosecutors, with a view to induce them to confess they had been concerned in the commission of a Robbery in the house of the first Prisoner.-

2. The first Prisoner was sentenced to pay a fine of Rupees 15 or to be imprisoned for six weeks; and the second Prisoner a fine of five Rupees, or to be imprisoned for the same period.-

3. In his remarks on this case, the Joint Criminal Judge states that there can be no doubt of the offence charged having been committed, but, he observes "when the testimony of the Prosecutors is divested of the exaggerations naturally resulting from the feelings of irritation with which the Persons first accused, now appear as Prosecutors, the Court cannot consider it to afford sufficient proof to justify the conviction of the Prisoners, as principals in the outrage shown to have been perpetrated:" and immediately afterwards he adds that it "is clear

clear that both were present at and among the parties concerned in the commission of the offence."—

4. The Court of Foujdaree Udalut do not understand, with reference to the preceding remarks, why the Prisoners are not considered principals.—

5. The Court also consider the sentences to be objectionably lenient.—

6. When such a charge is established, (which seldom happens) the punishment should be exemplary.—

Ordered, that Extract from these Proceedings be sent to the Joint Criminal Judge of Trichinopoly, for his information and future guidance.—

(Sent in a No. 1167.)

Read the Criminal Reports of the Auxiliary Court of Coimbatore, for the month of August.—

(Here enter F. No. 1563 of 1839.)

Suppl. Report Case No. 108.

1. The Prisoner in this case was convicted of having, on the morning of the 21st July 1839 stolen two handfuls of Tobacco valued at Annas 4 from the Government Godown;" and sentenced to one Months imprisonment in Irons and 50 Lashes "under Clause fourth, Section III Regulation VI of 1822."—

2. There is nothing in the Report to show that this case comes within the provision above cited: and the sentence must be passed under Section VII Regulation X of 1816.—

Ordered, that Extract from these Proceedings be sent to the Acting Joint Criminal Judge of Coimbatore, for his information and guidance.—

(Sent in a No. 1168.)

Read the Criminal Reports of the Tillah Court of Madura, for the month of August.—

(Here enter F. No. 1581 of 1839.)

Report V Case No. 106.

1. The Prisoners in this case were charged "with having been found in possession of a Cow belonging to the Prosecutor and worth Rupees 7, and which was stolen from the pasture ground in the village of Pan Koovelly

Pankoverthy during the day-time of the 8th July 1839." and were sentenced to be imprisoned for twelve months with hard labour in Irons and to receive 50 lashes each of a cat of nine tails "by Clause fourth, Section III. Regulation VI of 1822."—

2. The Court of Fanjdaree Adawlut observe that the provision cited applies to theft, and with that the prisoners were not charged: Nor is the guilty Knowledge, (the essence of the crime) charged.—

3. The Acting Criminal Judge will be pleased to submit a report upon this case.—

Cases Nos 108-110-113 and 115. 4. In all these Cases, the "guilty Knowledge" is omitted to be charged.—

Case No 116. 5. The prisoner in this Case was charged with having been found in possession of part of the jewels, Utensils &c in Criminal Case No 32 of 1839- valued at Rupees 622-14- and was sentenced to fifteen months' imprisonment "by Clause fourth, Section IV. Regulation VI of 1822."—

6. The Court of Fanjdaree Adawlut observe

observe that neither in this case is the guilty Knowledge charged: and if property to the amount above stated was stolen, the case was beyond the jurisdiction of the Criminal Court.—

7. The Acting Criminal Judge will submit a Report upon this case also.—

Ordered, that Extract from these proceedings be sent to the Acting Criminal Judge of Madura, by Precept returnable within seven days, from and after its receipt.—

(Sent following Precept No 1169)

Read again Miscellaneous Petitions presented on the 8th April last by Poodeerayen Pillay of Tinnevelly, praying that an order may be issued for the release of his brother Soobramanaya Pillay and four other persons who in Cases Nos 3-4-5-6 and 7 of the Tinnevelly Calendar of the first Sessions of 1838 were convicted of Perjury and sentenced by the Court of Circuit

Circuit to imprisonment with hard labour in Irons for five years.—

(Here enter M. P. No. 47 of 1839.)

Read also Return dated the 2nd. and Supplemental Return dated the 14th Instant, from the Provincial Court of Circuit in the Southern Division, to the Precept of the Court of Fouzdaree Udalut under date the 12th August 1839, directing the Provincial Court to prepare and submit for their consideration, English Translations of the Record of Case No. 3. of the Tinnevelly Calendar of the first Sessions of 1838 and of the proceedings in the charge of Robbery for alleged Perjury in which, the prisoners in Nos. 3 to 7 of that Calendar, were tried and sentenced.—

(Here enter F. R. Nos. 1488 and 1568 of 1839.)

1. With their Supplemental Return of the 14th Instant, the Provincial Court of Circuit sends up English Translations of the Documents called for in the Proceedings of the Fouzdaree Udalut of the 12th

12th August last.—

2. The Court of Fouzdaree Udalut have attentively considered the Documents in question and are perfectly satisfied on that the prisoners in Nos. 3 to 7 of the Tinnevelly Calendar of the first Sessions of 1838 committed Perjury. It is quite clear that their testimony before the Head Assistant Magistrate, respecting the alleged robbery indicates falsehood. They swore to a highway robbery in open day by eleven persons in the presence of half a dozen bystanders.—

3. The Court resolve therefore to reject the prayer of the Petition No. 47 of 1839.—

4. The Court observe that the Indictment in Case No. 3 of the Tinnevelly Calendar of the first Sessions of 1838 drawn up by Mr. H. D. Phillips, at that time Acting Joint Criminal Judge of Tinnevelly, runs as follows.

"You Swaminoma Pillay are charged with "having on the 17th November 1837 or 24th "January 1838, committed wilful and corrupt "Perjury before the Head Assistant Magistrate

"of

"of Tinnevelly, by deposing falsely on oath
"that Narayana pillay, Arnachellum pillay,
"Calya pillay and Pothyadia pillay (who were
"Prisoners in No 45 of 1837 on the file of
"the Head Assistant Magistrate's Office) in
"company with some others, committed Highway
"robbery on you on the 11th Prattasy 1013, or
"25th September 1837 at 15 Nazis in the day
"time at a place north of and ½ a Mile
"distant from the Village Vattallen, and of
"robbed your ready money Vizt: Whereas in
"truth and fact, the aforesaid Narayana pillay
"was at Sevally, Arnachellum pillay and
"Calya pillay at Sheeyycondum and Pothyadia
"pillay at Sekkaracoody Village respectively,
"at the time when the robbery falsely charged
"was alleged to have been committed."—

5. It is obvious to remark that this Indictment is altogether at variance with the form prescribed to be "in all instances conformed to as far as the nature of the case will admit" by the Circular Order of the Sudder Adalut dated the 31st January 1820. Notwithstanding which, it was adopted as the arraignment

arraignment on the Trial by Mr. J. Hooper the late Acting Third Judge on Circuit in the Southern Division, to whose duty it was to have returned it to the Criminal Court for amendment in conformity with those orders.—

6. It is impossible for either of these Gentlemen to plead ignorance of the said Circular Order and their non observance of it appears to the Sudder Adalut to indicate Contempt of this Court's authority.—

7. The Court of Sudder Adalut resolve to call upon Mr. Hooper and through him upon Mr. Phillips to offer any statement to show why their conduct should not be reported to the Government with reference to the Provisions of Section XXIV Regulation VIII of 1802.—

Ordered, that Extract from these Proceedings (Paras 1 & 3) be sent to the Provincial Court of Circuit in the Southern Division, for their information.—

(Sent in No 1170.)

Ordered also, that Extract from these

"of Tinnevelly, by deposing falsely on oath
"that Narayana pillay, Arnachellum pillay,
"Calya pillay and Pothyadia pillay (who were
"Prisoners in No 45 of 1837 on the file of
"the Head Assistant Magistrate's Office) in
"company with some others, committed Highway
"robbery on you on the 11th Prattasy 1013, of
"25th September 1837 at 15 Naris in the day
"time at a place north of and ½ a Mile
"distant from the Village Vaiyallen, and of
"robbed your ready money 9 Fs. Whereas in
"truth and fact, the aforesaid Narayana pillay
"was at Sevally, Arnachellum pillay and
"Calya pillay at Streevycoondum and Pothyadia
"pillay at Sekkracoody Village respectively,
"at the time when the robbery falsely charged
"was alleged to have been committed."—

5. It is obvious to remark that this Indictment is altogether at variance with the form prescribed to be "in all instances conformed to as far as the nature of the case will admit" by the Circular Order of the Fouzdaree Adalut dated the 31st January 1820 Notwithstanding which, it was adopted as the arraignment

arraignment on the Trial by Mr Lloyd & Cooper the late Acting Third Judge on Circuit in the Southern Division, whose duty it was to have returned it to the Criminal Court for amendment in conformity with those orders.—

6. It is impossible for either of these Gentlemen to plead ignorance of the said Circular Order and their non observance of it appears to the Fouzdaree Adalut to indicate Contempt of this Court's authority.—

7. The Court of Fouzdaree Adalut resolve to call upon Mr Cooper and through him upon Mr Phillips to offer any statement to show why their conduct should not be reported to the Government with reference to the Provisions of Section XXIV Regulation VIII of 1802.—

Ordered, that Extract from these Proceedings (Paras 1 to 3) be sent to the Provincial Court of Circuit in the Southern Division, for their information.—

(Sent in No 1170.)

Ordered also, that Extract from these

these proceedings be sent to Mr. G. L. Hooper late Acting Third Judge on Circuit in the Southern Division, by Precept returnable within fifteen days, from and after its receipt.—

(Sent following precept No. 1171)

Ordered also, that the prayer of the Petition No. 47 be rejected, and that Extract from these proceedings (Remarks 1 & 3.) be furnished to the Petitioner upon this application.—

Read return dated the 25th Instant from the Provincial Court of Circuit in the Centre Division, to the precept of the Faujdaree Adalut dated the 14th Ultimo, directing them to call upon the several Criminal Courts to report the probable expence which the adoption of the Higher Court's suggestion to pay the expences of all Prosecutors and Witnesses appearing before the Courts of Circuit, without reference to the restriction contained in Section XXXIII Regulation X of 1816, would entail upon the State, and in forwarding the same to the Higher

Higher Court, to submit their opinion on the subject and any suggestion which their experience may enable them to offer.—

(Here entered No. 1610.)

Read return dated the 23d Instant from the 2d Judge late on Circuit in the Northern Division, to the Precept of the Faujdaree Adalut dated the 16th September 1839, requiring him to explain the reason of the delay which occurred in the disposal of the 1st, 2d, 3d, 4th and 15th Cases on the Chittagong Calendar for the 1st Sessions of 1839.—

(Here entered No. 1611.)

Read return, dated the 28th Instant from the Provincial Court of Circuit in the Centre Division, to the Precept of the Faujdaree Adalut of the 17th Instant, forwarding Circular Order No. 111, promulgating the opinion of their Mahomedan Law Officers that the sale of a Child by its parent in a season of famine is not punishable under the Mahomedan Law, and that at all other times it is punishable by Tazeer.—

(Here entered No. 1612.)

F. 16.

At a Court of the Tenjalarce Udalut

Present,

Thomas Alexr Oakes Esqre — 1st Pudna Judge

Tuesday 1st October 1839 — William Rudleston Esqre — 2d Pudna Judge

Alexr Duncan Campbell Esqre — 3d Pudna Judge

L. N. O.

Read Letter dated the 12th Ultimo from the Criminal Judge of Bellaree, forwarding the Criminal Reports of the Tillahs Court for the month of August.—

(Here enter F. 16. No 1562 of 1839.)

Suppl. Report Case No 162.

The Court of Tenjalarce Udalut observe that so great a detail of the Evidence is not required in Cases of Commitment, as is given in this case.—

Ordered, that Extract from these Proceedings be sent to the Criminal Judge of Bellaree, for his information and future guidance.—

(Sent in No 1714)

Read the Criminal Report of the Auxiliary Court of Vizagapatam,

for

for the month of August.-

(Here enter Fil. No. 1572 of 1839.)

Suppl. Report 1.
Case No. 135.

The Prisoner in this case was charged with Perjury and committed for Trial before the Court of Circuit.-

2. The Court of Tongdarae Udalut observe that if the charge, as entered in the Report, be meant to exhibit the Indictment to be presented to the Court of Circuit; it is a most extraordinary one, and altogether at variance with the standing orders on the subject.-

3. It will be the duty of the Acting Joint Criminal Judge to see that the Indictment laid before the Court of Circuit, is in accordance with the Circular Orders of the Tongdarae Udalut.-

Ordered, that Extract from these proceedings be sent to the Acting Joint Criminal Judge of Vizagapatam, for his information and guidance.-

(Sentence No. 1175)

Read Return dated the 19th Ultimo from the Acting Judge on Circuit

in the Centre Division, to the Precept of the Court of Tongdarae Udalut under date the 10th September 1839- directing him to look into the proceedings in Case No. 97- of the Supplemental Report of the Tillah Court of Caddapah and pass such orders thereon as he may deem proper- with reference to the Provisions of Section XXIII. Regulation X of 1816- reporting the result for the information of the Tongdarae Udalut.-

(Here enter Fil. No. 1591 of 1839.)

1. The Acting Judge having recited the substance of the evidence in Case No. 97, submits that "as there is no evidence sufficient to prove the attempt of Robbery, together with the confessions before the Magistrate, of the first and second prisoners, those two prisoners should be committed to take their trial before the Court of Circuit."-

2. The Court of Tongdarae Udalut resolve to direct the Acting Judge on Circuit to issue the requisite instructions to the Criminal Court for the committal of the

said

1st October 1839.-

said prisoners for Trial before the Court of Circuit at the next ensuing Sessions of Jail Delivery.-

3. The Court observe that in strictness this case should have been remitted to the Collective Court of Circuit.-

Ordered, that Extract from these Proceedings be sent to the Acting Judge on Circuit in the Centre Division, for his information and guidance.-

(Sentence No 1876.)

Read return dated the 23d Ultimo from the Provincial Court of Circuit in the Western Division, to the Precept of the Tongdaree Udalut of the 17th Ultimo, forwarding Circular Order No 111. promulgating the opinions of their Mahomedan Law Officers that the sale of a Child by its Parent in a season of famine is not punishable under the Mahomedan Law, and that at all other times it is punishable by Tazeer.-

(Here enter No 1819.)

F.U.

At a Court of the Tongdaree Udalut

Present

Thomas Alexr Oakes Esqr.—1st Puisne Judge

Wednesday, William Hudleston Esqr.—2d Puisne Judge,

2d October, 1839.- Alexr Duncan Campbell Esqr.—3d Puisne Judge

Read Return dated the 14th

D.P.C. Ultimo from the Acting Joint Criminal Judge of Vizagapatam to the Precept of the Court of Tongdaree Udalut under date the 30th August 1839 conveying their observations and orders on the Criminal Reports of the Auxiliary Dists for the month of July.-

(Here enter F.U. No 1588 of 1839)

Case No 114. 1. In regard to this case, the Acting Joint Criminal Judge will be pleased to act as directed in the Proceedings of the Court of Tongdaree Udalut of the 30th August last.-

Case No 135. 2. The Court of Tongdaree Udalut do not understand how in one part of the explanation regarding this case, it is stated that

that "the Assistant General Superintendent had informed the Circuit Judge of the approvers Commitment for another murder" and subsequently that the examination of the witnesses had "been concluded by the Joint Criminal Judge" read.

3. The Acting Joint Criminal Judge will submit an explanation on this point.—

4. The Acting Joint Criminal Judge will be pleased in future to number the paragraphs of his Returns and other correspondence.—

5. In para: 16, of the proceedings of the Tanjadore Adalut under date the 14th August 1839 the words "by the evidence of the Prosecutor" were inadvertently used for "by the discovery of the property" and the Third Judge on Circuit in the Northern Division will be pleased to make the necessary correction in those proceedings.—

Ordered, that Extract from these Proceedings be sent to the Acting Joint

Joint Criminal Judge of Vizagapatam by Precept returnable within seven days from and after its receipt:—

(Sent following Precept No. 1178)

Ordered also, that Extract from these Proceedings (para: 5.) be sent to the Third Judge on Circuit in the Northern Division, for his information.

(Sent in No. 1179)

Read letter dated the 23d Ultimo from the Provincial Court of Circuit in the Western Division, submitting with reference to the Proceedings of the Tanjadore Adalut under date the 16th Ultimo a report from the Principal Sudr Ameen at Sirsee relative to Case No. 42 on the Supplemental Report for the month of July last.—

(Here Enter No. 1620)

Read letter dated the 25th Ultimo, from the Third Judge on Circuit in the Northern Division, reporting his having opened the Court of 2d Sessions

2d October 1839.

of 1839 at Vizagapatam on the 25th Ultimo,
L.R.O. and the State of the Calendar.—
Ent. Bk.
(Here Enter Ap. 162.)—

W.D.

F. Co.

At a Court of the Foujdaree Udalut
Present

Saturday 5th October 1839. Thomas Alexander Oakes Esqr. 1st Puisne Judge
William Hudleston Esqr. 2nd Puisne Judge
Alexander Duncan Campbell Esqr. 3d Puisne Judge

L.R.O. Read again Miscellaneous Petition
presented on the 15th July last by Parvyammah and
others of the Zillah of Salem, praying for an order
for the release of the first, second, third and fourth
prisoners in Case No. 6 of the Salem Calendar of the
first Sessions of 1839.

(Here enter M. P. No. 83 of 1839.)

Read also Return dated the 25th
Ultimo from the Second Judge late on Circuit in
the Southern Division, to the Precept of the Court
of Foujdaree Udalut under date the 19th September
1839 communicating to him the Court's remarks on
review of the Record of case No. 6 of the Salem Calendar
of the first Sessions of 1839 and directing him to
offer any reasons he may wish to give why the
conviction by the Court of Circuit of the first four
prisoners in that case, should not be overruled.—

(Here enter F. C. No. 109 of 1839.)

With

5th October 1839.

1 With reference to the general remarks in para 1 of the Second Judge's return, it appears sufficient to observe that the contradictions in the several depositions of the witnesses for the prosecution, as pointed out in this Court's proceedings of the 19th Ultimo are irreconcilable with the notion that those persons intended to speak the truth. If they were suborned by the 11th witness, as have been alleged, and were instructed as to what they should depose respecting the individuals whom they accuse, they learnt their lessons badly. If the robbery was committed by the absconded Chucklers, much of what is stated in the evidence for the prosecution may have happened on the occasion, while all that respects the identification of the prisoners in this case may be false.

para 2 2. The prosecutor's statement that the robbers were disguised, so as not to be identified, becomes more important on the supposition, that he is fully entitled to credit.

para 3. 3 The reasons here offered appear to the Court of Foujdaree Adalut to be totally insufficient to account for such contradiction, as that the robbers were, according to some, and were not according to other witnesses, disguised on the

5th October 1839.

occasion and if the 1st, 2nd and 3rd witnesses had such opportunity for accurate observation, as also the 5th witness, the inconsistencies in their evidence, as noticed in this Court's proceedings, make the more forcibly against their veracity.

para 4 4 It appears to the Court that the discrepancies pointed out, between the depositions before the Police Officer and the Courts, are of a very flagrant nature: the Court do not suppose that the 2nd Judge late on Circuit means in this para: that Gomastahs would insert in a deposition, that robbers had disguised their faces with charcoal and arsenic, if no such statement were made by the deponent or that the deponent did not recognize persons, when he deposed that he did.

para 5. 5. It may be admitted (as above noticed) that the robbery was committed, and the outrages alleged were perpetrated; but the Court see no way of accounting for the non-accusation of the prisoners on the occasion of the delivery of puttahs after the robbery, if they had been identified

by

by persons of the village as taking part in that crime whether, or not, the assertion that the articles here referred to had been placed by others in the hut and cattle shed of the 1st prisoner be true, is a point, which the Court do not consider absolutely set at rest by the Magistrate's enquiry all that is certain on that subject appears to be, that the Magistrate does not believe the said assertion.

6. The Court do not attach importance to the conclusions in the future, where the 4th prisoner's statement before the Criminal Court is totally misrepresented.

7. Upon mature consideration the Court of Foujdaree Adalut are not of opinion that the inference, drawn by this Court from their recital of contradictions in the evidence for the prosecution in this case, that that evidence cannot properly be relied upon for the conviction of the four prisoners convicted by the Court of Circuit is shewn by this return to be unsound.

8. It appears to the Court that the record exhibits sufficient grounds for great doubt, to say the least, of the guilt of those prisoners and the Court

Court resolve therefore to order their liberation.

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

(Sent following Precept No. 1181.)

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

Read Miscellaneous Petition presented on the 9th Ultimo on behalf of Mahavaghery Appachariar by his Mookhtar Yakeb Sahachariar of the Zillah of Nellore.

(Here enter M. P. No. 107 of 1839.)

The Petitioner prays to be furnished with copies upon unstamped paper of the Return of the Provincial Court of Circuit in the Northern Division dated the 3rd February 1839, to the Precept of the Court of Foujdaree Adalut under date the 8th January 1839 and of the Return of the Magistrate of Nellore therewith transmitted.

The Court of Foujdaree Adalut observe that the Returns in question contained explanations

explanations furnished for the satisfaction of this Court. of which the Court do not consider it proper to give a copy to the Petitioner, who has already been referred to the Civil Courts for the settlement of his claims. The Court therefore decline to comply with the Petitioner's request.

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

Read Miscellaneous Petition presented on the 16th Ultimo by Meenatchee Ammaul of the Zillah of Chittoor.—

(Here enter M. P. N. 115 of 1839)

Mr. Oakes and Mr. Hudleston

The Petitioner represents that having been severely ill treated by certain parties she complained to the Magistrate who fined two of the offenders, and released the other three Nos. that dissatisfied with this judgment she petitioned the Judge presiding at the Court of Quarter Sessions who passed an order dated the 29th June 1839 affirming the decision of the Magistrate: and she therefore prays the Court of Foujdaree Adalut to issue instructions for the further examination of the case, and severe punishment of the parties who injured her, and likewise

likewise for the recovery of the amount of certain Bonds which she alleges were taken violently from her and destroyed by the Defendants.—

The Record of the case having been examined by the Court of Circuit and the Magistrate's decision approved, the Court of Foujdaree Adalut see no ground for their interference.

Ordered, that the prayer of this petition be rejected, and that extract from these proceedings be furnished to the Petitioner upon her application.—

Minute of the 3d Judge.—

Dissentient—

Because I think inquiry necessary to be made as to the loss of the bonds and from Colonel Stewart quoted as witnessing the effects of the ill usage.— I wish this dissent to be recorded.—

(Signed) A. D. Campbell

Read Return dated the 13th Ultimo from the Acting Joint Criminal Judge of Masulipatam, to the Precept of the Court of Foujdaree Adalut under date the 7th September 1839 conveying their observations and orders on the Criminal Reports of the Auxiliary Court for the Month

5th October 1839

Month of July.—

(Here enter F.No. N° 1571 of 1839).

1. In regard to the case of abduction N° 70 the Cazee cob Cozzat and Mosftees of the Tovjdaree Udalut have declared—in answer to a second reference founded on the observations of the Acting Joint Criminal Judge in the Return now recorded—that if a person shall send for a female child of tender age for the purpose of marrying her—without the consent of the father or relations by the father's side—knowing that she has such relations living, he is liable to Tazeer—And all persons who shall secretly or without violence take away the said child, for the purpose of her being married to that person without the consent of the said relatives, are likewise liable to Tazeer."—

2. The Court of Tovjdaree Udalut regret to be compelled to notice the unbecoming tone of the remarks in para: 2 of the present Return—

3. The Court of Tovjdaree Udalut having decided that the Reports of the Auxiliary Court were generally drawn up in a slovenly and defective

5th October 1839

manner—it was the duty of the Acting Joint Criminal Judge to certify that he would endeavour in future to amend them: instead of which he has presumed to question how far the facts "justify" the censure by the Tovjdaree Udalut and adds some not very relevant observations regarding the difficulty of correcting Drafts and writing English with other than an oriental Idiom.—

4. It is the duty of the Acting Joint Criminal Judge himself to draw out his reports; and any aid he may in this respect derive from the natives under him, is matter for his revision alone; the Court of Tovjdaree Udalut look to the reports as formed by him only—and they would have referred him to several of the Monthly Reports in confirmation of the remark above mentioned, had he not rendered that course unnecessary by admitting that the fault in question "has generally obtained under his supervision."

5. He will therefore in future be careful himself to prepare the Reports as well those of the Sudr Ameen, as of his own Court, and when he next has occasion to address the Tovjdaree Udalut he will

will couch his observations in language becoming a subordinate officer, whose duty it is to obey and not question the orders of his superiors.—

Ordered, that extract from these proceedings be sent to the Acting Joint Criminal Judge of Masulipatam for his information.—

(Sent in No. 1182

Read the following letter dated the 2nd received on the 21st Ultimo, from the Provincial Court of Circuit in the Northern Division.—

(Here enter T. No. 1578 of 1859)

Mr. Oakes and Mr. Huddleston

The Provincial Court of Circuit submit for the consideration and orders of the Court of Foujdaree Udalut, a copy of a correspondence which has passed between the Criminal Judge of Nellore and the Magistrate of that Zillah regarding a Criminal case in which the prisoner was charged with having Dies and Counterfeit Rupees in his possession.—

2. It appears that upon a declaration being given on oath by a person that he understood that the prisoner was engaged in forging and uttering Counterfeit coins, the Head Assistant Magistrate

Magistrate of Nellore issued an order to apprehend the prisoner and search his house, when two Dies bearing the impression of the Madras Pagoda and Nineteen Counterfeit Rupees were discovered. There was no evidence to show that the prisoner was ever engaged in forging or uttering the coins, and the Head Assistant Magistrate divided the case into two charges, namely one of possessing the dies and the other of possessing Counterfeit Rupees without good cause: sending the prisoner up to the Criminal Court on the former charge alone, and requesting, that, in the event of his being acquitted of that charge, he might be permitted to the Magistrate's Cutcherry to be proceeded against for the offence of possessing Counterfeit Rupees.—

3. The Criminal Judge was of opinion that the prisoner should have been sent up to the Criminal Court on both charges, in order that if the minor offence was also proved the Court might consider if it was necessary to award the full extent of punishment adjudicable by the Criminal Court under Section IV Regulation VI of 1827.—

The

4. The Magistrate argues that the offence upon which the Prisoner was sent up is adjudicable by the Criminal Judge; & that the second charge is expressly reserved by Regulation to the Magistrate; and that the two charges cannot with propriety be blended.

5. He also observes that he does not see the applicability to the case either in spirit or letter of Clause 2nd Section III Regulation VI of 1822, or of the Tongdaree Udalut's Circular Order of the 28th October 1823; that the latter refers to several offences (punishable if viewed separately by the Magistrate) committed by a Prisoner, the letter as well as the spirit of the Regulation requiring that a party deserving of severer punishment than that specifically declared to be adjudicable by the lower shall be remitted to the higher tribunal, but that it refers clearly to a Prisoner charged with several instances of similar offences or at least of offences legally cognizable by the Criminal Court.

"The Provincial Court concur in opinion

"opinion with the Criminal Judge that both "the cases should have been sent to the Criminal "Court."

"The Provincial Court do not agree "with the Magistrate in the construction given "by him to the Circular Order of the Tongdaree "Udalut dated 28th October 1823. It appears to "them to be expressly applicable to the subject of this "reference, and under the declaration therein "contained, that the letter as well as the spirit "of the Regulations, clearly requires, that a party "deserving of severer punishment than that spec- "ifically declared to be adjudicable by the lower "shall be remitted to the higher tribunal, "they think that both the charges against the "Prisoner alluded to should have been referred "for trial to the Criminal Court".

6. The Court of Tongdaree Udalut concur in opinion with the Provincial Court.

7. The only difficulty arises from the Magistrate's opinion that the Criminal Judge cannot take cognizance of the offence provided for by Section VII Regulation II of 1822 but

A

5th October 1859

it often happens that an assault of the description provided for in Section XXXII. Regulation IX. of 1816 is disposed of by the Criminal Judge, and the cases seem to the Court of Tajdara doubtful to be analagous.

8. So also it occurs that the Court of Circuit disposes of cases cognizable by the Criminal Judge under the provisions of Regulation VI of 1822 and other enactments.

9. According to Mr Monhouse's views the prisoner might be punished separately for both offences, but this seems opposed to the rule that when there are several charges against the same person, the most serious is to be selected for trial.

10. The Circular Order of the 31st December 1823, seems in point; it meets the case of an offence within the Magistrate's cognizance, being brought before the Criminal Court.

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

5th October 1859

information:

(Sent in No. 1183)

Minute of the Sr. Judge

I don't think the Circular Order of 31st December 1823 in point there the Magistrate sent in the prisoner charged; here he reserves to himself to try him on the minor charge and sent him charged with the major crime only.

In Mr Angelo's case I gave my opinion that Mr Bushby could legally interfere on the major case alone and on the minor I concur with Mr Monhouse.

L. A. C.

Signed A. D. Campbell

4 Oct 59

105

J. N.

At a Court of the Foujdaree Udalut.—

Present.—

Thomas Alexr. Oakes Esqre. 1st Puisne Judge

Tuesday Willm. Rudleston Esqre. 2d Puisne Judge

8th October 1839.— Alexr. Duncan Campbell Esqre. 3d Puisne Judge

Read the following letter dated

L. N. C. the 25th ultimo from the Criminal Judge of Chittoor.—

/ Vide under F. N. C. No. 1642 of 1839. /

The Criminal Judge reports that on the 23d ultimo, a Jemadar named Saul Mahomed was sent to the Criminal Court by the Magistrate of North Arcot charged with having attempted to murder his Superior Officer—a Havildar—that on the following day he received from the Officer Commanding the Detachment at Chittoor, a letter, calling upon him, as the crime with which the man was charged, was of a Military nature, to deliver over the Prisoner to his charge, to be tried for Mutiny: and that as upon reference to Article 3. and 5 Sections I. Article 21 Section IX. and Article 5 Section XII. Regulation X. of 1824 he considered that the crime of which the man was accused, was peculiarly of a Military nature, he complied with Lieutenant Howard's request

Request and made over the Prisoner to him, stating his reasons for doing so in his Criminal Calendar of which, as also of Lieutenant Hamer's letter, he transmits a copy.-

2. The Criminal Judge submits this Report in consequence of his having learnt that the Magistrate considers his Proceedings unauthorized, and purposes making a reference on the subject to the Foujdaree Adalut.-

3. Read also Letter dated the 28th ultimo from the Magistrate of North Arcot.-

/ Here enter F. C. No. 3rd 1611 of 1839./

4. The Letter from the Magistrate relates to the same matter as that from the Criminal Judge.-

5. The Magistrate conceives that the Criminal Judge's proceedings are contrary to the Regulations: and he considers that his "authority as Magistrate of the Zillah has been greatly disparaged by the act of the Zillah Judge."

6. The Court of Foujdaree Adalut observe that the Criminal Judge ought to have made a reference to the Court before he gave up the Prisoner: but as the latter is, by the Articles of War liable to suffer death, it is certain that the Criminal Judge and Court of Circuit have not jurisdiction.-

Order that Extract from their Proceedings be sent to the Criminal Judge of Chittoor

Chittoor and the Magistrate of North Arcot for their information respectively.-

/ Sent in No. 1185 & 1186./

Minute of the Third Judge.-

I dissent from the above, because I have no doubt that the civil Courts possess exclusive jurisdiction over the minor offence of wounding and that the accused is amenable to it for that offence- and I do not see that the charge for inciting is made as a capital offence- on acquittal of which the accused I think is amenable to the civil law for the minor crime.-

/ Signed / A. D. Campbell.
3rd Judge.-

Read the following Extract from the Minutes of Consultations in the Judicial Department under date the 30th September 1839 No. 7814, forwarding copy of an Extract from the Dispatch of the Honorable the Court of Directors under date the 26th June 1839, conveying their observations regarding the enquiry into Mr. Bannerman's charges against the late Mr. Garrow.-

/ Here enter F. C. No. 1633 of 1839./

Ordered that a copy of the Extract from the General Letter from the Honorable the Court of Directors dated the 26th June 1839, be sent.

8th October 1839.

Sent to Mr. C. Bannerman for his information.

/ Sent in No. 1157 /.

Read letter dated the 27th ultimo from the Criminal Judge of Combaconum transmitting the Criminal Reports for the Month of August 1839.

/ Here enter No. 1624 /.

Read letter dated the 30th ultimo from the Acting 1st Judge on Circuit in the Southern Division, reporting his intention of opening the 2nd Sessions of 1839 at Salem on the 21st Instant.

/ Here enter No. 1636 /.

Ext. Ck. L.N.C.

W.S.

W.S.

F. No.

At a Court of the Foujdaree Udalut

Present:

Thomas Alexr. Oakes Esqre. 1st Puisne Judge.

Wednesday Wm. Huddleston Esqre. 2nd Puisne Judge.

9th October 1839. Alexr. Duncan Campbell Esqre. 3rd Puisne Judge.

Read Return dated the 28th

L.N.C. ultimo from the Acting Criminal Judge of Cuddapah, to the Precept of the Court of

W.S. Foujdaree Udalut under date the 26th September 1839. communicating with the requisite instructions on the subject the order of Government dated the 17th September 1839. relative to the prisoner Hakeem Nijam Khan charged with being concerned in the murder of Mr. McDonald at Cuddapah in the year 1832.

/ Here enter F. No. 1629 of 1839 /.

In the event of the prisoner Hakeem Nijam Khan being sent up to the Criminal Court by the Joint Magistrate, the Acting Criminal Judge will be pleased to submit a further Report on the subject to the Foujdaree Udalut, in accordance with the tenor of this Courts' instructions under date the 26th ultimo.

Ordered

8th 9th October 1839.-

Ordered, that Extract from these proceedings be sent to the Acting Criminal Judge of Caddapah for his information and guidance.-

/ Sent in Nº 1193 /

Read Return dated the 28th September 1839 from the Second Judge Itinerant Circuit in the Northern Division, to the precept of the Tongdaree Adalut dated the 24th September 1839, directing the immediate and unconditional release of the Prisoner Cankara Lechmudoo who was convicted of Perjury in Case Nº 9 of the Vizagapatam Primary Calendar 1st Sessions of 1839.-

/ Here enter Nº 1637 /

Read Return dated the 2nd instant from the Provincial Court of Circuit in the Southern Division, to the precept of the Tongdaree Adalut of the 30th August 1839, directing them to call for the proceedings in Criminal Case Nº 95 of 1839 of the file of the Zillah Court of Salem and pass such orders thereon as they may deem proper.

/ Here enter Nº 1649 /

Read Return dated the 5 instant from the Provincial Court of Circuit in the Southern Division, to the precept of the Tongdaree Adalut dated the 17th September 1839, forwarding Circular Order Nº 111, promulgating the opinion of

9th October 1839.-

of their Mahommedan Law Officers, that the Sale of a child by its parent in a season of Famine is not punishable under the Mahommedan Law, and that at all other times it is punishable by Fazeer.-

/ Here enter Nº 1650 /

Read Letter dated the 2d instant from the Criminal Judge of Canara, transmitting copy of a letter from the Assistant Criminal Judge, and requesting the Court of Tongdaree Adalut to cause the error that has occurred in the entry of the Sentence in Case Nº 123 to be noted in the Criminal Register for August 1839.-

/ Here enter Nº 1651 /

Read Return, dated the 27th ultimo, from the Provincial Court of Circuit in the Northern Division, to the precept of the Tongdaree Adalut of the 14th ultimo, requiring information as to what Order has been passed by the Provincial Court of Circuit in Case Nº 26 of the Criminal file of the Auxiliary Court at Masulipatam for 1839.-

/ Here enter Nº 1652 /

Read Return dated the 29th ultimo from the Provincial Court of Circuit in the Northern Division, to the precept of the Tongdaree Adalut of the 19th ultimo, directing them to examine the proceedings in Case Nº 39 on the Nellore Criminal file for July 1839

(Au

9th October 1839.

and report the result to the higher Court, and further directing them to call for certain original papers alluded to in the letter from the Magistrate of Nellore, regarding Cavarcherry the Government Pleader of the Zillah Court of Nellore, and to examine the proceedings of the said Zillah Court in the Suit which is stated to have been founded upon the deed alleged to have been forged by the said Government Vakeel, and to instruct the Zillah Judge of Nellore to suspend the Government Vakeel from Office until further Orders from the Court of Sudr Udalut.—

(Here enter 8th 1853.)

L.P.C.

F.H.C.

At a Court of the Foujdaree Udalut

Present,

Thomas Alexr. Oakes Esqre. Agt. Prisnr. Judge

Thursday, William Rudleston Esqre. 2d. Prisnr. Judge,

10th October, 1839. Alexr. Duncan Campbell Esqre. 3d. Prisnr. Judge

Read again Letter dated the 16th July 1839 from the Second Judge (Calin) on Circuit in the Northern Divisions, transmitting copies of the Primary and Supplemental Calendars of the Auxiliary Court of Vizagapatam for the first Sessions of 1839.

(Here enter F.H.C. No. 1222 of 1839.)

Read also Return dated the 27th ult. from the same Officer to the Precept of the Court of Foujdaree Udalut under date the 23d September 1839 calling upon him to submit the explanation required from Captain Valliancy in Para: 4. of the Proceedings of the Foujdaree Udalut under date the 19th July 1839 in regard to the grounds upon which the approvers therein referred to

L.P.C.

to were charged with the Capital crime (Murder by Thuggee) instead of the minor offence (the having belonged to a Gang of Thugs)..

(Here enter Jt. No. 1633 of 1839.)

Read also letter dated the 2d Instant from the 3d Judge on Circuit in the Northern Division.—

(Here enter No 1654 of 1839.)

1. It appears from Captain Vallance's explanation of which a copy accompanies the Return now recorded, that Mr Dowdeswell (Joint Criminal Judge of Vizagapatam) has refused to allow of commitments for the minor offence provided for by the Act No XXI of 1836, in Cases where it appears that the Thug approvers had committed Murder by Thuggee.—

2. In so doing Mr Dowdeswell has departed entirely from the "instructions" of the Supreme Government transmitted with Mr Secretary Macnaghten's letter dated 19th June 1837 and circulated by the Foujdaree Adawlut to the several Criminal Courts under date the 12th August 1837.

According

3. According to these instructions a Thug informer to whom a promise of Mercy has been made is to be brought on nevertheless to immediate trial for the said minor offence and the Criminal Judge is totally incompetent to make any objection to this course, as Mr Dowdeswell has done.—

4. The Thug who has given information under such promise of Mercy is not liable to trial for the Capital Crime.—

5. The Court of Foujdaree Adawlut resolve therefore to order the Capital Commitments of any such Thug informers to be quashed, and their trial to take place according to the said "instructions" for the minor offence, of which as Thug informers they must necessarily be convicted on their own confession.—

6. The Primary Calendar does not appear to require any remark.—

7. With reference to the suggestion in No 1 of the Supplemental Calendar that

that authority should be given for taking additional evidence for the prosecution in Cases 1-3-4 and 11 notwithstanding that the prisoners have been put on their defence; it appears to the Court of Sanjdaree Udalut that this cannot be done under the circumstances excepting by order of this Court after reference of the Trials, should this Court see ground for requiring such additional evidence.—

8. Nos. 8-9-10-12-13-17 and 18 of the Supplemental Calendar 1st Sessions of 1839 are, the Court perceive from Mr. Haigh's proceedings of 16th July 1839, cases in which Mr. Dowdeswell has adopted the irregular course of proceeding above described: and if the Prisoners in these Cases received a promise of mercy under the said instructions of the Governor General in Council, they must be brought to trial for the minor offence provided for by Act. No. XXX of 1836, and not for Murder by Thuggee.—

9. With reference to the foregoing letter from the 3d Judge on Circuit in the Northern

F.C.
10th October 1839.

Northern Division dated the 2d Instant, the Court of Sanjdaree Udalut grant authority for the eventual further postponement of the trials of Nos. 9-16-19-20 and 21,- but they observe that in the cases of King Approvers who have admitted in their declarations the fact of their having belonged to Gangs of Thugs,- evidence for the defence on trials for the Minor offence under Act. No. XXX of 1836 appears to be totally unnecessary as they must on their own confessions be convicted; and indeed if they properly understand the offer of mercy made by authority of the Supreme Government to them,- they will if guilty, at once plead so, to that charge before the Court of Circuit.—

Ordered, that Extract from these proceedings be sent to the Second Judge on Circuit in the Northern Division for his information, and with instructions to communicate a copy of the Court's remarks to Mr. Dowdeswell for his future guidance.—

(Sentin. No. 1194)

Recd

10th October 1839.

Ordered also, that Extract from these proceedings be sent to the Third Judge on Circuit in the Northern Division, for his information and guidance.—

(Sentence No. 1195)—

L.P.O.

Ent. 11th

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F. 16

At a Court of the Fouzdaree Udalut.

Present,

Thomas Alexr. Oakes Esqre — 4th Puisne Judge

Friday 1 William Huddleston Esqre — 2d Puisne Judge

11th October, 1839.— Alexr. Duncan Campbell Esqre 3d Puisne Judge

Read letter dated the 14th September 1839 from the Criminal Judge of Cuddapah, submitting the Criminal Reports of that Court for the month of August last.—

L.P.O.

15

(Here enter No. 1561.)

Suppl. Report Case No. 211.

1. Five Prisoners in this case were charged with Housebreaking and robbery of property to the amount of Rupees 460-9

2. The 1st, 4th and 5th Prisoners were on the grounds stated in the Report committed to take their trial before the Court of Circuit, and the 2d and 3d Prisoners were required, in consequence of the enmity which exists between the Prosecutor and them, to provide each two securities in 50 Rupees for their good conduct and appearance for one

one year.-

3. It is observed that the Acting Assistant Criminal Judge has omitted to quote any authority for the commitment of the 1st 4th and 5th prisoners or for his order passed on the 2d and 3d prisoners. The Court direct that he be informed, that the provision under which any order or sentence in a case on the Criminal Report is passed, should be recorded.-

4. With reference to the order passed by the Acting Assistant Criminal Judge on the 2d and 3d prisoners in this case, the Court of Foujdaree Udalut deem it proper to point out to that officer, that Clause first Section IV Regulation II of 1822 does not authorize the requisition of Security by a Criminal Court, except in the case of a prisoner appearing to be under strong suspicions of some specific act of criminality.-

5. Security for keeping the peace can be demanded by the Magistrate only under the provisions of Clause first Section V Regulation VII of 1827.-

If

6. If the Acting Assistant Criminal Judge deemed it necessary, it was competent to him thro' the Criminal Judge to put the Magistrate in possession of any information which would seem to render it expedient that security to keep the peace should be required from any of the prisoners concerned in the case in question.-

7. The Court of Foujdaree Udalut accordingly resolve to direct that the bail bonds should they have been entered into be immediately cancelled or that the prisoners be unconditionally set at liberty.-

Case No 2247- 8. The prisoners in this case are charged with having broken into the house of the Prosecutor Vee Stokes therefrom property valued at Rupees 28-4 and also some documents.-

9. The first prisoner was convicted and sentenced by the Pundit Sudr Ameen to 8 Months imprisonment with hard labour in irons under Clause 1st Section II Regulation VI of 1816.-

10. The Acting Criminal Judge

vide

11th October 1839.

will call on the Pundit Sudr Ameen to state what Regulation was intended to be cited in support of the Sentence passed in this case, as Clause first Section II Regulation VI of 1816 is evidently a mistake.—

11. The Pundit Sudr Ameen has also entered the wrong Section and Regulation in support of the order passed by him on the 2nd Prisoner ordered to find one Security in the sum of 21 Rupees for six months. Clause 1st Section IV Regulation II of 1822 and 1st Section VIII Regulation VI of 1824, is the authority to cite in support of a Requisition for security from a Prisoner under strong suspicion of any act of criminality before the Criminal Court.—

228. 12. The excuse given by the Head of Police of Poolewedla for the delay in transmitting this case to the Criminal Court, the Magistrate will be informed, is considered far from satisfactory.—

229. 13. No explanation having been offered of the delay which has occurred in this case, a copy of the case as it stands in the

F.116.

11th October 1839.

the Report and of this Paragraph will be sent by the Acting Criminal Judge to the Magistrate, who will be pleased to report where the Prisoners were from the 31st July to the 4th of August, the date on which they were sent to the Criminal Court.—

Case No. 234. 14. The Court of Tonjaree Udalut entertaining doubts of the propriety of the order passed by the Acting Assistant Criminal Judge, releasing the Prisoners in this case, resolved to direct the Provincial Court of Circuit in the Centre Division to call for the Proceedings held in the case and pass on them such orders as may appear to them proper, reporting the result to the Court of Tonjaree Udalut.—

Cases Nos. 231. 233. 234. 243. 244. 247. 248 and 252. 15. The explanation of the detention of the Prisoners in the Talooks afforded by the several Police Officers who transmitted these cases to the Criminal Court being considered far from satisfactory, the Acting Criminal Judge will be requested to furnish copies of the cases noted in the Margin as stated in the Report and of this Para-

to

to the Magistrate of Cuddapah, who will be pleased to take such notice of the conduct of the several Police Officers concerned as may appear to him proper, reporting the result for the information of the Sunjaum Udalut.

Cases Nos. 235. 237. 242 and 261.

16. No explanation having been offered to account for the detention of these cases in the Talook. The Magistrate will also be furnished with copies of these cases and of this Parah: and will be instructed to ascertain the causes of the delay in the Talook, and should the reasons assigned by the several Heads of Police not appear to him satisfactory, he is required to take such notice of their conduct as may appear to him proper, reporting the result in each case for the information of the Sunjaum Udalut.

17. From the report of the Zillah of Cuddapah, great delay appears to take place in forwarding the cases to the Criminal Court, the explanation of which are in general very unsatisfactory, and such as have been constantly denounced by this Court as insufficient. The Court of Sunjaum Udalut have

have viewed with displeasure the very general disregard on the part of the Police Officers in the Cuddapah district to their repeated orders, and they trust the Magistrate will not fail to impress on them the paramount importance of discharging with promptitude and regularity their functions as Officers of Police.

18. The Court of Sunjaum Udalut observe 11 Cases containing 114 persons remaining undisposed of at the close of last month; the Court will not remark further on the overwhelming arrears before the Criminal Court of the Zillah of Cuddapah under the expectation that they have been already greatly reduced, and that no exertion will be spared to prevent the accumulation of arrears in future.

Ordered, that Extracts from these proceedings be sent to the Acting Criminal Judge of Cuddapah by Precept returnable in 5 days from and after its receipt.

(But following Precept No. 1200

Ordered

11th October 1839.

Ordered also, that Extract from these Proceedings - Para: 4th be sent to the Provincial Court of Circuit in the Centre Division, by Precept returnable within 30 days, from and after its receipt:-

(Sent following Precept No. 1201)

Read Return dated the 28th Ultimo from the Criminal Judge of Nellore, to the Precept of the Court of Fouzdaree Udalut under date the 19th September 1839 conveying their observations and orders on the Criminal Reports of the Zillah Court for the Month of July:-

(Here enter F.Mo. No. 1638 of 1839)-

Cases Nos. 51 and 52.

1. The Court of Fouzdaree Udalut when they passed the order for the release of the Prisoner in Case No. 51 overlooked the fact of the same Prisoner's being convicted in Case No. 52 of the Reports but as he has been set at liberty by the Criminal Judge, the Court will not now direct his re-apprehension:-

2. In future, however, the Criminal Judge, instead of acting upon first own conclusion as

F.Mo.
11th October 1839.

as to what is the intention of the Fouzdaree Udalut in such Cases, will be pleased to make a reference to this Court for further instructions:-

Ordered, that Extract from these proceedings be sent to the Criminal Judge of Nellore for his information:-

(Sent in No. 1202)

Read Return dated the 26th Ultimo from the Criminal Judge of Nellore to the Precept of the Court of Fouzdaree Udalut under date the 12th September 1839, conveying their observations and orders on the Criminal Reports of the Zillah Court for the month of July last:-

(Here enter F.Mo. No. 1630 of 1839)

Case No. 126.

1. Adverting to the remarks of the Court of Fouzdaree Udalut on this case, the Criminal Judge states "in explanation for not committing the Prisoners for trial before the Court of Circuit, that although he is aware that according to the Law of England a single witness is sufficient for conviction, and that the injured party is a

a competent witness; which latter principle has been recognized by the Court of Tanjore Udalut, yet, the Criminal Judge has always understood that the testimony of a single person, whether Prosecutor or Witness, however unexceptionable it might be, was not held sufficient for conviction before the Court of Circuit, or even for the commitment of the Prisoner, although he might be liable to strong suspicion."-

2. The Court of Tanjore Udalut observe that the Criminal Judge is in error on this point- a conviction might take place on the evidence of a single witness under the provisions of Section II Regulation I of 1818.-

3. The Criminal Judge is correct in supposing that the Court of Tanjore Udalut have ruled that a Prisoner should not be committed for trial, unless there were probable grounds for conviction.-

Ordered, that Extract from these proceedings be sent to the Criminal Judge of Bellary, for his information.-

(Sent in No. 1203)

Read

Read letter dated the 24th Ultimo from the Second Judge late on Circuit in the Northern Division, transmitting the Record in Case No. 5 on the Vizagapatam Calendar for the 1st Sessions of 1839.-

(Here enter No. 1616.)

Read letter dated the 7th Instant from the Second Judge late on Circuit in the Northern Division, forwarding copy of a letter from the Acting Joint Criminal Judge of Vizagapatam, reporting the death of the 1st Prisoner Sunnay Cumma Doora in Case No. 5 on the Primary Calendar for the 1st Sessions of 1839.-

(Here enter No. 1668.)

Read return, dated the 3d Instant from the Criminal Judge of Chicacole to the precept of the Tanjore Udalut dated the 21st September 1839, conveying their observations and orders on the Criminal Reports for the month of August 1839.-

(Here Enter No. 1672.)

L.P.C.

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a competent witness, which latter principle has been recognized by the Court of Sunjaum Udalut, yet the Criminal Judge has always understood that the testimony of a single person, whether Prosecutor or Witness, however unexceptionable it might be, was not held sufficient for conviction before the Court of Circuit, or even for the commitment of the Prisoner, although he might be liable to strong suspicion".-

2. The Court of Sunjaum Udalut observe that the Criminal Judge is in error on this point- a conviction might take place on the evidence of a single witness under the provisions of Section II Regulation I of 1818.-

3. The Criminal Judge is correct in supposing that the Court of Sunjaum Udalut have ruled that a Prisoner should not be committed for trial, unless there were probable grounds for conviction.-

Ordered, that Extract from these proceedings be sent to the Criminal Judge of Bellary, for his information.-

(Sent in No. 1203)

Read

Read letter dated the 24th Ultimo from the Second Judge late on Circuit in the Northern Division, transmitting the Record in Case No. 5 on the Vizagapatam Calendar for the 1st Sessions of 1839.-

(Here Enter No. 1616.)

Read letter dated the 7th Instant, from the Second Judge late on Circuit in the Northern Division, forwarding copy of a letter from the Acting Joint Criminal Judge of Vizagapatam, reporting the death of the 1st Prisoner Sunnoy Cunna Poo Doorh in Case No. 5 on the Primary Calendar for the 1st Sessions of 1839.-

(Here Enter No. 1668.)

Read return, dated the 3d Instant from the Criminal Judge of Chicacole, to the precept of the Sunjaum Udalut dated the 27th September 1839, conveying their observations and orders on the Criminal Reports for the month of August 1839.-

(Here Enter No. 1672.)

L.A.D.

E.W.J.

F. 16.

At a Court of the Tondaree Adalut.

Present.

Monday 14th October 1839.

Thomas, Alexr. Oakes Esqre. Acting 1st Puisne Judge
William Rudleston Esqre. 2nd Puisne Judge
Alexr. Duncan Campbell Esqre. 3rd Puisne Judge

L.P.O. — Rea Miscellaneous Petition
presented on the 23rd September 1839 by Mootoo
Tamegaree Vencannah and his Wife Seetanmah,
of the Zillah of Chittoor.
/ Vernacular Mss. P. No. 117 of 1839 /

1. The petitioners state that in
December 1835, their house was broken into by
certain individuals and the Sicca Petitioner beat.
Upon this they applied to Mr. Cochrane, then
Head Assistant Magistrate, whose Moonshee,
being game mer to the opposite parties' inter-
est, caused their complaint to be referred to the
Head of Police, who was an intimate friend
of the defendants. To this the petitioners
objected, and after two Months, the Head Assist-
ant Magistrate summoned the defendants,
who, to prove their innocence, with no exceptions,
swore that the petitioners belonged to another
Village. The first petitioner at this time fall-
ing sick, permission was granted to them
both

F. U:

At a Court of the Fouglaree Udalut:

Present

Thomas, Alexr. Oakes Esqre. Actg. 1st Puisne Judge

Monday Williams Rudleston Esqre. 2nd Puisne Judge

14th October 1839. Alexr. Duncan Campbell Esqre. 3rd Puisne Judge

Read Miscellaneous Petition of

L.P.O. presented on the 23rd September 1839 by Mootoo:

Veneegaree Vencannah and her Wife Seelammah,

of the Village of Chettoor.

/ Heer under No. P. No. 117 of 1839 /

1st

1. The petitioners state that in or

December 1835 their house was broken into by

certain individuals and the Second Petitioner hurt

Upon this they applied to Mr. Cochrane then

Head Assistant Magistrate, whose Moonshee,

being gained over to the opposite parties interest,

caused their complaint to be referred to the

Head of Police, who was an intimate friend

of the defendants. To this the petitioners

objected, and after two Months, the Head Assist-

ant Magistrate summoned the defendants,

who, to prove their innocence, with no exception,

swore that the petitioners belongs to another

Village. The first petitioner at this time fall-

ing sick, permission was granted to them

to

both to return to their Village, where they found their houses sold, and in consequence of this were obliged to reside elsewhere. At the time the Defendants proposed to file a Rayyemamak, to which they did not agree, but consented to execute a Kaurnamak, or enter into Security to prove the assertions of the Defendants, that they belonged to a different Village.

2. At the expiration of a year the wife of the first Petitioner was restored; upon which the Defendants stopped proceedings, pretending to have intended to raise a Rayyemamak. Thereupon they agreed to give a Kaurnamak. Thereupon they refused to do so, & even agreed to restore the property stolen and to execute a Rayyemamak.

3. On presenting the Kaurnamak to Mr Hall & Mr Cockburn, successors of the Deponent refused to receive it, saying it would be required at the time of investigations, and that their petition was rejected, and the endorsement thereon stated that the matter had been taken up by the Court of Circuit. Upon this they applied to Mr Davies and Mr Castamajor, the latter of whom stated that he would take the matter into consideration: but three Months having elapsed without procuring any answer, the

the petitioners have brought the case to the notice of the Tongdarre Adalut.

The Court of Tongdarre Adalut observing it necessary that the proceedings of Mr Castamajor and Mr Davies should be before them, resolve to call upon the Provincial Court of Circuit in the Centre Division to forward copies of the said proceedings to this Court at their earliest convenience, Ordered, that Extract from these proceedings, with a translation of the petition be forwarded to the Provincial Court of Circuit in the Centre Division, for their information and guidance, by precept returnable within ten days.

(Vide following Precpt No. 1209)

Rule Miscellaneous Petition presented on the 23rd ultimo by Narraina Reddy of Chingleput.

(Here under M. D. No. 120 of 1839)

The Petitioner prays that an order may be issued for the release of his brother Rayloo Reddy, who, in Case No. 580 of the Criminal File of the Zillah Court of Chingleput for the Month of August 1839 was convicted of Housebreaking and Theft and sentenced by the Criminal Judge to imprisonment with hard labour in Irons for two years

years and to receive one hundred and fifty lashes of a cat of nine tails.-

2. The Petitioner should address the Provincial Court of Circuit, with reference to the Provisions of Section XXIV Regulations X of 1816.-

3 But the Court of Sujdaree Adalut see nothing in the Petition which contains little more than an idle tale of the Prisoners having used Magical arts to discover the property stolen from the Prosecutor, that impugned the convictions.-

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

Read the Criminal Reports of the Sudder Dewanny Court of Cumbalcatta for the month of September.-

(Mercurder Ft. No. 1859 of 1839)

Report Case No 128.

1. In this case, the first prisoner was charged with having, on the night of the 5th September 1839, entered the Prosecutor's house by pulling off the lock and staple, and stolen therefrom property to the value of eight annas and seven Pice; and the 2d prisoner who is described as a Girl of ten years old, "with having aided and abetted the first prisoner by accompanying him."-

The

2. The first prisoner was sentenced to imprisonment with hard labour in Irons for one year and to receive one hundred lashes of a cat of nine tails and the Court, "in consideration of her extreme youth" to be imprisoned with hard labour for the period of four months under Clause Sixth, Section II Regulation VI of 1822."-

3. The Court of Sujdaree Adalut observe that the girl was probably so completely under the influence or power of the first prisoner that the Justice of punishing her, if she be an adult, is questionable; and they presume to direct the Acting Joint Criminal Judge, in that event, to release the said second prisoner from confinement.-

Cases Nos 130 and 133.- 4. In Case No 130 the prisoner was charged with the having stolen the Prosecutors buffalo valued at Rupees 6 and that in Case No 133 the prisoner was charged with a similar offence, and in each case the prisoner was sentenced to two months imprisonment with hard labour in Irons and to receive sixty lashes of a cat of nine tails, "under Clause fourth, Section III Regulations VI of 1822."-

5. The Court of Sujdaree Adalut observe that in Instances of two months imprisonment

as

4th October 1839.

is contrary to the intention of the Provision above alld: and that the punishment in all cases falling under that enactment should exceed that adjudicable under Section VII Regulation X of 1816.-

Ordered, that Extract from these proceedings be sent to the Acting Joint Criminal Judge of Coimbatore by Precept returnable within seven days, forward after its receipt.-

/ Sent following Precept No 1710 /

Read Return dated the 2nd instant from the Provincial Court of Circuit in the Northern Division, to the Precept of the Foujdaree Udalut dated 7th September 1839 directing them to look into the Proceedings in Case No 69 of the Criminal Reports of the Auxiliary Court at Masulipatam for the Month of July and pass such orders thereon as may be deemed proper, with reference to the provisions of Section XXIII Regulation X of 1816, reporting the result to the Higher Court.-

/ Here enter No 1677 /

Read letter dated the 4th instant from the 2nd Judge of the Provincial Court in the Western Division, Lads Presiding at the Tellicherry Third Quarterly Sessions of 1839, submitting the Statement received from the Joint Criminal

Judge

14th October 1839

Judge of Malabar of the batta paid to the Prosecutors and Witnesses during the said Session.

/ Here enter No 1679 /

L.D.C.

E.D.

J.D.

is contrary to the intention of the Provision above alld: and that the punishment in cases falling under that enactment should exceed that adjudicable under Section VII Regulation X of 1816.

Ordered, that Extract from these Proceedings be sent to the Acting Joint Criminal Judge of Coimbatore by Precept returnable within seven days, from and after its receipt.

/ Sent following Precept No 1710 /

Read Return dated the 2nd instant from the Provincial Court of Circuit in the Northern Division, to the Precept of the Foujdaree Adalut dated 4th September 1839 directing them to look into the Proceedings in Case No 69 of the Criminal Reports of the Auxiliary Court at Masulipatam for the Month of July and pass such orders thereon as may be deemed proper, with reference to the provisions of Section XXIII Regulation X of 1816, reporting the result to the Sudder Court.

/ Mem entered No 1677 /

Read letter dated the 4th instant from the 2nd Judge of the Provincial Court in the Western Division, Lahd Presiding at the Tellicherry Third Quarterly Sessions of 1839, submitting the Statement received from the Joint Criminal

Judge

Judge of Malabar of the batta paid to Prosecutors and Witnesses during the said Sessions.

/ Mem entered No 1679 /

L.R.O.

E.W.L.

H.D.

F. 16.

At a Court of the Faujdaree Udalut.

Present:

Thomas Alexr. Oakes Esqre. — Ag 1st Puisne Judge

Tuesday, 15th October 1839. — William Hudleston Esqre. — 2d Puisne Judge

Alexr. Duncan Campbell Esqre. — 3d Puisne Judge

Read letter dated the 1st Ultimo from the Second Judge of the Provincial Court of Circuit in the Western Division, transmitting the record of Case No. 1, on the Tellicherry Additional Calendar, for the 3d Quarterly Sessions of 1839, for the final Judgment of the Faujdaree Udalut.

(Here enter F. 16 No. 1560 of 1839.)

The Court of Faujdaree Udalut,

Mr. Oakes and Mr. Hudleston. — on a deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the proof against the prisoner

Polayan Podalata alias Panipolatu Thokoy.

is sufficient to convict him of the crime of wilful Murder, do, under the authority with which

which they are vested by Clause first Section II Regulation I of 1818, convict him thereof, and under the provisions of Section X Regulation VIII of 1802, sentence him to suffer Death by being hanged at the usual time and place of execution.—

1. The Court of Fouzdaree Udalut are of opinion, that this is a case of a cruel and savage nature, and that no provocation is shewn to have been given at the time, by the deceased, which can entitle the prisoner to the indulgence shewn by the law of England, to an act done in the first transport of passion.—

2. The Court cannot discover any ground whatever in the record, for the opinion declared by the Judge presiding at the trial, that the prisoner did not intend to kill the deceased; if such an intention is not presumable, where severe wounds, some in vital parts, are inflicted, with a deadly weapon, the Court do not perceive how a murderous intention can ever be presumed.—

3. The Court of Fouzdaree Udalut cannot

cannot discover any alleviating circumstance in this case which would warrant a remission of the Capital punishment, prescribed on conviction of Murder.—

Ordered, that Extract from these proceedings be forwarded to the Acting Judge of Circuit in the Western Division for his information.—

(Sudder Ct. 1211)

Read return dated the 9th Instant from the Acting First Judge on Circuit in the Southern Division, to the precept of the Fouzdaree Udalut of the 30th August last, directing him to look into the proceedings in Cases Nos. 68 and 72. of the Criminal Report of the Tinnevelly Zillah Military Court for the month of July 1839, and pass such orders thereon as he may deem proper, reporting the result to the higher Court.—

(Vide Enton No. 1687.)

Read return dated the 10th Instant from the Acting First Judge on Circuit in the Southern Division, to the precept of the Fouzdaree Udalut of the 30th

5th October 1839.

30th August 1839, directing him to call for the proceedings in Cases Nos. 86 94 and 96 of the Salem Criminal Report for the month of July last, and pass such orders thereon as may appear to him proper, reporting the result to the higher Court.—

(Here Enter No. 1688.)

Read Statement dated the 10th Instant from the Acting Second Judge of the Provincial Court of Circuit in the Centre Division, of Batta paid to the Prosecutors and Witnesses during the 2d Quarterly Sessions of 1839 at Chittoor.—

(Here Enter No. 1689.)

Read return dated the 9th Instant, from the Acting Joint Criminal Judge of Coimbatore, to the precept of the Sonjedarce Udalut of the 26th August 1839 directing the immediate restoration of the Petitioner Shunmooga Moodely to the Office of Jailor.—

(Here Enter No. 1690.)

L.A.C.

W.D.

15

H.D.

Fº 16.

At a Court of the Sonjedarce Udalut

Present

Thomas Alexr. Oakes Esqre. Agg. 1st Puisne Judge

Wednesday William Huddleston Esqre. 2d. Puisne Judge

15th October 1839. Alexr. Duncan Campbell Esqre. 3d. Puisne Judge

Read letter dated the 11th Ultimo from the Second Judge late on Circuit in the Northern Division, transmitting the record in Case No. 16 on the Vizagapatam Calendar for the 1st Sessions of 1839.—

L.R.O

15

(Here Enter No. 1583.)

Mr. Oakes.

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

1st Venekery Gungadoo

and

2d Vellenkoola Venkoo

is sufficient to convict them of the crime of Highway Robbery, do, under the authority with which they are vested by Clause first Section

Read

Section V, Regulation VIII of 1831, and Clause first, Section II, Regulation I, of 1818, convict them thereof, and under the provisions of Clause third Section IV Regulation XV of 1803, and Clause third, Section III, Regulation I of 1825, sentence the said prisoners to be imprisoned and kept to hard labour in irons, on the public roads, or other public works, for, and during the period of Seven years.—

(Sent following letter — No. 1215)

Read Extract from the Minutes of Consultation in the Judicial Department under date the 8th October 1839 — No. 806 — transmitting to the Court of Foujdaree Udalut a copy of a letter from Mr. Mason — Head Assistant Magistrate of Vizagapatam — and requesting the Court, with reference to their proceedings under date the 23d Ultimo to state whether, as he is suffering from ill health, he may not be allowed to appear by Vakeel in the investigation which is ordered to be conducted at Vizagapatam.—

(Here Enter F. Ma. No. 1866 of 1839.)

With

With reference to the provisions of Section XV Regulation IX of 1816, the Court of Foujdaree Udalut are of opinion that a Mr. Mason may be allowed to appear by Vakeel in the investigation above mentioned.—

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. 1216)

Ordered also, that Extract from these Proceedings be sent to the First Judge late on Circuit in the Northern Division, for his information and guidance.

(Sent in No. 1217)

Read letter dated the 10th Instant from the Acting Magistrate of Bellary, submitting the explanation called for in the Proceedings of the Foujdaree Udalut under date the 9th August 1839, relative to Case No. 151 of the Bellary Triennial Reports for the month of June 1839.—

(Here Enter No. 1697)

Read

16th October 1839.

Read return dated the 11th instant, from the Second Judge late on Circuit in the Southern Division, to the precept of the Fouzdaree Udalut of the 5th Instant, directing the release of the 1st, 2nd, 3d and 4th Prisoners in Case No. 6 of the Salem Calendar for the 1st Sessions of 1839.-

(Here enter Nos. 1/11.)

Read return dated the 5th Instant from the Provincial Court of Circuit in the Northern Division, to the Precept of the Fouzdaree Udalut of the 30th August 1839, directing the 3d Judge on Circuit to look into the proceedings in Case No. 139 of the Criminal Reports of the Auxiliary Court of Vizagapatam for the month of July, and pass such orders thereon as he may deem proper, with reference to the provisions of Section XXIII Regulation X of 1816, reporting the result to this Court.-

(Here Enter No. 1/10.)-

Eg. N. L. L.P.C.

L.P.C.

Sd.

L.P.C.

Sd.

Friday 18th October, 1839.

At a Court of the Fouzdaree Udalut.

Present,

Thomas Alexr. Oakes Esqr. ——— Acting 1st Puisne Judge,

William Rudlaston Esqr. ——— 2d Puisne Judge,

Alexr. Duncan Campbell Esqr. ——— 3d Puisne Judge.

Read Return dated the 3d instant from the First Judge on Circuit in the Western Division, to the Precept of the Court of Fouzdaree Udalut under date the 28th August 1839, directing him to look into the Proceedings in Case No. 28 of the Supplementary Criminal Report of the Principal Sudr Ameen of Bowree for the Month of July, and pass such orders thereon as he may deem proper, with reference to the provisions of Section XXIII Regulation X of 1816, reporting the result to the Fouzdaree Udalut.

(Here enter F.U. No. 1667 of 1839)

The First Judge will be pleased to instruct the Magistrate of Canara to use his best endeavours to obtain more evidence in this Case.-

Ordered, that Extract from these proceedings be sent to the First Judge on Circuit in the Western Division, for his guidance.-

(Sent in No. 1221)

Read

18. Octobre 1839.

Read letter dated the 12th instant
from the Acting Criminal Judge of Junction, forwarding
the Criminal Reports for the month of September 1839.
(Here enter No. 1715 of 1839.)

E.R.S.

L.X.D

F.U.

At a Court of the Faujdaree Udalut

Present,

Thomas Alexr Ockes Esqre Actg 1st Puisne Judge

Saturday, William Rudleston Esqre 2d Puisne Judge

16th October 1839. Alexr Duncan Campbell Esqre 3d Puisne Judge

Read the following letter

P.F.C. dated the 11th Instant from the Acting

First Judge on Circuit in the Southern

Division:-

(Here enter F.U. No 1710 of 1839.)

1. In this letter, the Acting First Judge on Circuit in the Southern Division, reports the circumstances of a Case of Riot tried as Case No 20 of the Combaconum Calendar of the Second Sessions of 1839 - wherein ninety one persons of the Mopla Class, fought in Company with many others not apprehended, under their respective leaders with sticks, and during the affray, several persons were wounded and one individual was killed.

2. The Acting First Judge further

further observes that "the acts of plunder and the case of death have also been tried in Cases from 21 to 28 - two of the former acts of plundering have been partially proved, but no proof exists against the individuals tried upon the charge of killing; all that can be depended upon is that he met his death in the act of rioting with the rest of his party."-

3. And the Acting First Judge applies for instructions as to whether he should "refer these cases as far as proved for the ultimate decision" of the Foujdaree Udalut "or whether he should sentence them to such proportionate punishment as they may individually appear to merit, under Section III Regulation III, A.D. 1831."

4. It does not appear to the Court of Foujdaree Udalut that Regulation III of 1831 applies to the Cases under consideration.

5 The Judge of Circuit must be guided by the Regulations; if the prisoners are convicted only of an affray and there is no evidence of wilful homicide, it will be competent to

to the Court of Circuit to dispose of the cases, if the Fetwas of the Mohummudan Law Officer are approved.-

6. In a case of this sort, Death is often the result of mere accident: but if the circumstances fall within the provisions of Clause first Section IV Regulation XVII of 1803, the case must be referred for the final Judgment of the Foujdaree Udalut.

7. With reference to the Provisions of Clause Second, Section XV Regulation VII of 1802, the Court further observe that even were the homicide by misadventure, yet if it was committed in the prosecution of an unlawful act - it is punishable, and in such a case, the act of one is the act of all.-

Ordered, that Extract from these proceedings be sent to the Acting 4th Judge on Circuit in the Southern Division for his information and guidance.-

(Sudder No. 1223)

Read Return dated the 8th Instant, from the First Judge on Circuit

in

in the Western Division, to the Precipt of the Court of Tinjdaree Udalut under date the 16th September 1839, directing him to report his opinion as to the propriety of the proceedings held and the necessity for delay in Cases Nos. 45 & 51 on the Criminal Reports of the Principal Sudr Ameen of Sirsee, for the month of July.-

(Here enter F.M. No. 1714 of 1839.)

1. The First Judge submits a copy of an order issued by him under date the 23d Ultimo to the Principal Sudr Ameen of Sirsee, and a translation of a Return thereto by the latter Officer, from which, observes the first Judge, "it would appear to be advisable as the most safe plan- that the 3d prisoner should be admitted as an approver, and that on sanction being granted to this effect, the Principal Sudr Ameen should proceed to take his evidence, and commit those whom his testimony and that of the Prosecutors already examined may tend to convict, without further delay."

2. Upon a consideration of the

circumstances of these cases, the Court of Tinjdaree Udalut resolve, in exercise of the power vested in them by Section XII. Regulation XIII of 1832, to authorize the offer of a conditional pardon to "Hunmalu" the third prisoner in Cases Nos. 45 & 48. as recommended by the First Judge on the terms and conditions specified in Section XX Regulation VIII of 1802.-

Ordered, that Extract from these proceedings be sent to the First Judge on Circuit in the Western Division for his information and guidance.-

(Sent in No. 1224)

Read letter dated the 13th Instant from the Third Judge on Circuit in the Northern Division, submitting with reference to the Proceedings of the Tinjdaree Udalut of the 30th August 1839. copy of the Proceedings held by him in Case No. 129 on the Vizagapatam Criminal Report for the month of July 1839.-

(Here Enter No. 1736.)

L.D.

Copd

F. 16.

At a Court of the Foujdaree Udalut

Present,

Thomas Alexr. Oakes Esqre. Agt. 1st. Puisne Judge

Monday, William Hudleston Esqre. 3d. Puisne Judge

24th October 1839. Alexr. Duncan Campbell Esqre. 3d. Puisne Judge

Read Miscellaneous Petition

presented on the 5th October 1839, by

D.B. Streenevasa Row, of the Tillah of Cuddapah.

(Here enter M. P. No. 125 of 1839.)

1. The Petitioner prays the Court to call for the record of Case No. 18 of the Cuddapah Calendar for the 2d. Sessions of 1839, and order the release of the petitioner's Son Raghavendra Row, a prisoner in that case.—

2. The Court of Foujdaree Udalut direct that the petitioner be informed that the case in question will be considered on the receipt of the Calendar, and recommended to return to his village, as his staying here can do no good to his Son.—

Ordered, that Extract from these

these proceedings be furnished to the petitioner on his application.—

Read letter dated the 21st Ultimo from the 2d Judge late on Circuit in the Northern Division, submitting the record of Case No. 1, on the Vizagapatam Calendar, for the Sessions of 1839, for the final Judgment of the Sunjdaree Adalut:—

(Here enter F.H. No. 1613.)

Mr. Huddleston. and Mr. Campbell

The Court of Sunjdaree Adalut having maturely considered the proceedings held before the Judge on Circuit, the futwa of the Provincial Law Officer, and the futwa of the Cazee-ool-Cozat and Mooftee of the Sunjdaree Adalut, confirm the said futwa of the Cazee-ool-Cozat and Mooftee aforesaid, convicting the prisoner Allegalasetty Reddee Saunyf of the crime charged, and awarding to Roolah, and under the provisions of Clause third, Section VIII, Regulation XV of 1803, sentence her to be transported to such place or places beyond sea, as the Governor in Council shall appoint, there to be imprisoned and

and kept to labour suitable to her sex, for and during the period of her natural life.—

The Court of Sunjdaree Adalut observe that both the Joint Magistrate, and Joint Criminal Judge, in examining the first witness in this case, neglected to do so on oath, and they direct the Second Judge late on Circuit, to intimate to those Officers, that the Court has noticed this irregularity with disapprobation, and to direct their attention to the Circular Orders of this Court of the 15th April 1819 and 12th July 1825, wherein the course of proceeding to be pursued in such cases is laid down.—

Ordered, that Extract from these proceedings be sent to the 2d Judge late on Circuit in the Northern Division for his information and guidance.—

(Entered No. 1225)

Read letter dated the 30th Ultimo from the Acting First Judge on Circuit in the Southern Division, submitting the record in Case No. 1 on the Tinnevelly Calendar

21st October 1839.

Calendar for the 2d Sessions of 1839.-

(Here enter F.C. No. 1640.)

Mr. Huddleston and Mr. Campbell.

The Court of Faujdaree Udalut, having maturely considered the proceedings held before the Judge on Circuit, the futwa of the Provincial Law Officers, and the futwa of the Cazee-ool-Cozat and Mooftee of the Faujdaree Udalut, confirm the said futwa of the Cazee-ool-Cozat, and Mooftee aforesaid, convicting the Prisoner

Alwarredoly

of the crime of wilful Murder, and awarding Kissaas, and under the provisions of Section X Regulation VIII of 1802, Sentence him to suffer Death by being hanged at the usual time and place of Execution.-

(Sent following letter at No. 1226)

Read letter dated the 27th Ultimo from the First Judge on Circuit in the Western Division, transmitting copies of the Calendars of the Zillah Court of Malabar and the Auxiliary Court at Cochin for the Second Sessions of 1839.-

(Here enter F.C. No. 1644 of 1839.)

In

2. F.C.

21st October 1839.

Malabar Calr. Cask No. II

1. In this case, four Prisoners were charged with Housebreaking and theft of property valued at Rupees 155-11-7.-

2. The Prisoners were convicted and sentenced by the First Judge to imprisonment with hard labour in Irons for seven Years.-

3. It appears by an entry in the Report that "the delay" in disposing of the Trial "was caused by endeavours to procure the attendance of two witnesses (named by the 1st Prisoner to prove an alibi) said to be residing in the Cochin Country, who were reported, after three references to the Dewan, to be "gone to Coimbatore."-

4. But, observes the First Judge, "as the said Prisoners' confession before the Talvecldar was most circumstantial and beyond suspicion, when taken in connexion with the other circumstances of the Case, there appeared to be no reason to postpone the Case for a chance of the witnesses being procured at another Sessions and the still less chance of their being able to

to establish an alibi to shake the evidence against the Prisoner!! &c &c.—

5. It appears by the foregoing that there are such persons as those named by the first Prisoner as his Witnesses.—

6. The Court of Foujdaree Udalut are therefore of opinion that the conviction in this case, so far as respects the said first Prisoner, must be quashed and the Trial be completed by the Judge next proceeding on Circuit, in the manner directed by the standing orders, by the examination of his two witnesses (whose attendance at the ensuing Sessions the authorities must be enjoined to use their best endeavours to procure) after which a Fatwa must be taken and his case disposed of according to the Regulations.—

Code N.XI 7. In this case, the Prisoner Rawoothen Kattoo Veetheen was charged with having, in the day time of the 3d Medom 1014 or 14th April 1839, beaten the prosecutrixes in a Jungle and plundered from their persons, Jewels of the aggregate

aggregate value of five Rupees.—

8. He was convicted and by the Second Fatwa of the Mahummudan Law Officer of the Court of Circuit, declared liable to Hud-i-Sirka-i-Kibra but "as there was no violence on the part of the Prisoner, except the seizure of the property from the persons of the Prosecutrixes and inflicting two slaps on the cheek of one (as the only assaults) and as he was not armed but appears to have been suddenly induced to rob on seeing the trifling property (valued at two Rupees) on the neck of the first Prosecutrix, when he first met her in the Jungle," the First Judge is of opinion "that imprisonment with hard labour for four Years would be a sufficient punishment."—

9. In the opinion of the Court of Foujdaree Udalut, the Sentence in cases of Robbery should always exceed that adjudicable for the minor offence of Theft.—

10. The Court resolve, therefore, in the present case to authorize the First

21st October 1839.

First Judge to issue his warrant to the Acting Criminal Judge of Malabar, for the imprisonment of the aforesaid Prisoner with hard labour in Irons for eight years from the date on which the Trial was closed.—

Case No. XIV. 11. The Prisoner in this Case was charged with having, on the night of the 11th Medom 1014 or 22nd April 1839, murdered the Prosecutor's Nephew Govinen by cutting and wounding him with a reaping hook in his (Prisoner's) hands.—

12. The Prisoner was discharged from the Bar without Trial for the reasons recorded in the Extract from the Proceedings of the First Judge under date the 1st August 1839; which conclude with the following remarks. "there is consequently no ground for putting the Prisoner on Trial for culpable homicide: the Acting Criminal Judge, with reference to the orders of the Faujdaree Udalut dated 3rd July 1834, should have released the Prisoner when the Case came before him: and the Acting Magistrate, to whom it appears that the Tahsseldar first submitted the

F. 16.

21st October 1839.

the case, ought to have disposed of it under that order, and so have prevented it from coming to the Court."—

13. The Court of Faujdaree Udalut consider the Circular Order of the 3rd July 1834 inapplicable to such a case as this.—

14. The homicide appears to have been admitted by the Prisoner in a confession before the Criminal Judge: and this, with proof of the fact of the homicide, sufficed for conviction.—

15. The plea in justification of the illicit intercourse is matter for the Prisoner's defence on his trial; and not ground for discharging the Prisoner from the bar without trial.—

16. The Court of Faujdaree Udalut resolve to order the re-apprehension of the Prisoner and his commitment for Trial at the next sitting Sessions of Jail Delivery for Murder.—

Add. Case No. Case No. III

17. The first sworn Prisoners in this Case were charged with Gang Robbery by open violence: the 12th and 13th Prisoners with

with knowingly receiving the property so acquired: and the 14th prisoner with having planned the Robbery, formed the Gang, and, as Principal, received a considerable portion of the plundered property.—

18. The prisoners were all convicted, and, with the exception of the 4th, 5th and 6th sentenced to imprisonment with hard labour in Irons for fourteen Years.—

19. The First Judge "being of opinion that the 4th and 6th prisoners "on account of their confessions throughout and the 5th as being a youth and having confessed before this Court" (the Court of Circuit) "may be recommended for mitigation of the prescribed punishment" suggested "that each of them should be sentenced to imprisonment with hard labour in Irons for five Years."—

20. As already observed, the Court of Foujdaree Adalut are of opinion that the principles of the existing Regulations require that the Sentence for Robbery should exceed that for Theft—excepting only under circumstances

circumstances of peculiar palliation, which this case does not exhibit.—

21. The Court authorize the First Judge to issue his warrant to the Acting Criminal Judge of Malabar for the imprisonment of the prisoners.

4th Vetaarri Asaapen

5th Yenpmmel Chakittamparambil Syed Ahmad

and

6th Chakittamparambil Moideen

with hard labour in Irons for Eight Years.—

Cochin Calendar. Case No. II.

22. The prisoners in this case were convicted of Gang Robbery by open violence: but "as they have all confessed in every stage, and there are no very atrocious features in the robbery, or other circumstances to require the infliction of the prescribed punishment." the First Judge submits that they should be punished by imprisonment with hard labour—the 1st prisoner as leader—for seven Years; the 2nd, 3rd and 4th for five Years each.—

On

with knowingly receiving the property so acquired: and the 1st prisoner with having planned the Robbery, formed the Gang and, as Principal, received a considerable portion of the plundered property.—

18. The prisoners were all convicted, and, with the exception of the 4th, 5th and 6th sentenced to imprisonment with hard labour in Irons for fourteen years.—

19. The First Judge "being of opinion that the 4th and 6th prisoners "on account of their confessions throughout and the 5th as being a youth and having confessed before this Court" (the Court of Circuit) "may be recommended for mitigation of the prescribed punishment" suggests "that each of them should be sentenced to imprisonment with hard labour in Irons for five years."—

20. As already observed, the Court of Foujdaree Udalut are of opinion that the principles of the existing Regulations require that the sentence for Robbery should exceed that for Theft, excepting only under circumstances

circumstances of peculiar palliation, which this case does not exhibite.—

21. The Court authorize the First Judge to issue his warrant to the Acting Criminal Judge of Malabar for the imprisonment of the prisoners.

4th Vetearri Asappen

5th Yenpunnel Chakittamparambil

Syed Ahmed

and

6th Chakittamparambil Moideen

with hard labour in Irons for Eight Years.—

Cochin Calendar. Case No. II

22. The prisoners in this case were convicted of Gang Robbery by open violence: but "as they have all confessed in every stage, and there are no very atrocious features in the robbery, or other circumstances to require the infliction of the prescribed punishment." the First Judge submits that they should be punished by imprisonment with hard labour—the 1st prisoner as leader—for seven years; the 2nd, 3rd and 4th for five years each.—

On

23. On the grounds already stated, the Court of Foujdaree Udalut decline to sanction a sentence of less than eight years imprisonment in this Case.- They authorize the First Judge to issue his warrant to the Acting Joint Criminal Judge of Cochin for the imprisonment of the prisoners.

1st Caliparambil Conjy Pawa.
2d Poyatil Ahmod Cootty
3d Munjadiveetty Coonjee Ayapen
and
4th Ranjaraparambil Krishnen.

with hard labour in Irons for Eight Years.-

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

(Sent following precept No. 1227)

Read the Criminal Reports from the Joint Criminal Judge of Tellicherry for the Month of September 1839.-

(Here enter No. 1713.)

Report Case 68.

Under the circumstances of this case, the Court of Foujdaree Udalut deem it

necessary to direct the Provincial Court of Circuit in the Western Division to look at the proceedings held on it, and to pass thereon such orders as they may deem proper, with reference to the Provisions of Section XXIII Regulation X of 1816- reporting the result to this Court.-

Ordered, that Extract from these proceedings be sent to the Provincial Court of Circuit in the Western Division by Precept returnable within fifteen days, from and after its receipt.-

(Sent following precept No. 1228)

Ordered also, that Extract from these proceedings be sent to the Joint Criminal Judge of Tellicherry for his information.-

(Sent in No. 1229)

Read the following Extract from the Proceedings of the Provincial Court of Circuit in the Northern Division under date the 9th September 1839.-

(Here enter F.C. No. 1548 of 1839.)

Read

Read the Miscellaneous Petition presented on the 2d Ultimo on behalf of Rajah Vasereddy Athummah by her Mookhtar Vakeel D. Kristniah Pantulu.

(Here enter M. P. No 106 of 1839.)

1. The Provincial Court, with reference to the proceedings of the Tanjore Adalut under date the 2d September 1839. upon the petition of Subraiah Venkatachellum praying that notice may be given him of the opening of the Agency House at Amaravaty for the removal of the property belonging to the Vaseredy Estate to some other place, where it will be secure from the effects of the weather transmit a copy of a letter from the Magistrate of Guntoor and of the translation which accompanied it, of an Urzee addressed to that Officer by the Head of Police of Munglagherry, reporting that the necessary repairs to the said Agency House have been executed, and that as they appear to be sufficient for the preservation of the property, it does not

seem necessary to remove it to another place.

2. The Petitioner in No 106. prays that orders may be issued to the Magistrate of Guntoor, directing him to take measures for the security of the property with her knowledge and concurrence.—

3. The Court of Tanjore Adalut observe that the Magistrate of Guntoor having reported that the building has been effectually repaired, and that no injury to the property is to be apprehended from the effects of the weather, it cannot be necessary now to remove the property from the said building.—

4. But it will continues to be the duty of the Magistrate to take care that the property is effectually secured.—

Ordered, that Extract from these proceedings be sent to the Provincial Court of Circuit in the Northern Division for their information, and for communication to the Magistrate of Guntoor for his information and guidance.—

(Sent in No. 1230)

Ordered

21th October 1839.

Ordered also, that Extract from these proceedings be furnished to the Petitioner's Vakeel on his application.-

Read the Criminal Reports dated the 3d Instant from the Acting Criminal Judge of Rajahmundry for September 1839.-

(Here enter No. 1683)

Read the Criminal Reports dated the 8th Instant from the Acting Joint Criminal Judge of Masulipatam for September 1839.-

(Here enter No. 1685)

Read letter dated the 11th Instant from the Criminal Judge of Nellore, forwarding the Criminal Reports for September 1839.-

(Here enter No. 1726)

Read letter dated the 13th Instant from the Acting Joint Criminal Judge of Cuddalore, forwarding the Criminal Report and Statements connected therewith for September 1839.-

(Here enter No. 1730)

F.C.

F.C.

F.C.

for his information and future guidance.—

(Sent in No. 1236)

Read letter dated the 7th Instant from the Acting Criminal Judge of Rajahmundry, reporting that the Acting Head Assistant Magistrate of Rajahmundry has forwarded a Prisoner C. Kristnadawmy to the Criminal Court charged with having uttered a forged Bill—representing that the witnesses are inhabitants of Hyderabad and have been already examined before the Officiating Resident, and their evidence appears sufficient to warrant the commitment of the Prisoner: and requesting authority to postpone the Examination of the Case until a few days before the opening of the next Sessions of Jail Delivery at Rajahmundry, when the said Witnesses can be sent for from Hyderabad and can, at the same time, give their evidence before the Court of Circuit; and thus the necessity for a double journey be obviated.—

(Here enter F.C. No. 1695 of 1839)

1. Upon a consideration of the

circumstances, the Court of Foujdaree Adalut resolve to authorize the measure proposed by the Acting Criminal Judge of Rajahmundry which will not subject the accused to unjust detention, as he is liable to imprisonment as a person of notoriously bad character (under Section III, Regulation II of 1822.) until the Sessions of Jail Delivery.—

2. But the Acting Criminal Judge must take care that the Witnesses for the defence as well as those for the Prosecution, are in attendance.—

Ordered, that Extract from these Proceedings be sent to the Acting Criminal Judge of Rajahmundry, for his information and guidance.—

(Sent in No. 1237)

Read order of Government dated the 15th October 1839. No. 830.—upon the letter from the Acting Register of the Foujdaree Adalut dated the 11th of the same month, approving of the course of proceeding proposed in that

Communica-

22nd October 1839

communication to be adopted in regard to the trial of the Prisoner Hakeem Nizam-Khan charged with the murder of Mr. Macdonald at Cuddapah, and desiring the Judges of the Sunjdaree Adalut to issue the necessary instructions accordingly.-

(Here enter P.C. No. 1728 of 1839.)

1. The Court of Sunjdaree Adalut direct that a copy of their Acting Registrar's letter above referred to, be sent to the Acting Judge on Circuit in the Centre Division, and the Acting Criminal Judge of Cuddapah, for their information and guidance respectively.-

2. In the event of the commitment of Hakeem Nizam Khan taking place during the present Sessions of the Court of Circuit at Bellary, the Acting Criminal Judge of Cuddapah will be pleased immediately to report that circumstance to Mr. James Thomas, the Acting Judge on Circuit in the Centre Division, and likewise to the Court of Sunjdaree Adalut.-

The

2. P.C.

22nd October 1839.

3. The Acting Judge of Circuit having received such Report, will, immediately on the close of the Sessions at Bellary, proceed to Cuddapah, and hold a Special Sessions at that Station for the Trial of the Prisoner Hakeem Nizam Khan.-

4. Should the Sessions at Bellary be brought to a close without the Acting Judge on Circuit receiving any such Report from the Acting Criminal Judge of Cuddapah, he will immediately make a communication to that effect to the Court of Sunjdaree Adalut, and to the Acting Criminal Judge of Cuddapah.-

Ordered, that Extract from these Proceedings be sent to the Acting Judge on Circuit in the Centre Division for his information and guidance.-

(Sent in No. 1238)

Ordered also, that Extract from these Proceedings be sent to the Acting [redacted] Criminal Judge of Cuddapah for his information and guidance.-

(Sent in No. 1239)

Read

Read letter dated the 1st Instant from the Third Judge of the Provincial Court of Circuit in the Western Division, reporting for the information of the Judges of the Foujdaree Adalut, his having received the Primary Calendar of the Auxiliary Court of Malabar, containing one Cadee and 8 Prisoners, also subjoining copy of the directions issued to the joint Criminal Judge of Malabar respecting it.

(Here Enter No. 1708.)

Read returns dated the 5th Instant from the Provincial Court of Circuit in the Northern Division, to the Precept of the Foujdaree Adalut of the 17th September last, directing them to communicate the Circular Order No. 111 to the several Criminal Judges and Magistrates within their Division.

(Here enter No. 1718.)

Read return dated the 9th Instant from the Provincial Court of Circuit in the Northern Division, to the Precept of the Foujdaree Adalut of the 14th August last, directing them to call upon the several Criminal Courts within their Division

for reports as to the probable expence which the adoption of this Courts suggestion to pay the expences of all Prosecutors and witnesses appearing before the Courts of Circuit without reference to the restriction contained in Section XXXIII Regulation X of 1816, would entail upon the State.

(Here Enter No. 1720.)

Read the Criminal Report dated the 1st Instant from the Acting Joint Criminal Judge of Trichinopoly for the months of September 1839.

(Here Enter No. 1729.)

Read letter dated the 14th Instant from the Third Judge of the Provincial Court of Circuit in the Northern Division, submitting copy of the Calendar of a Person committed by the Joint Criminal Judge of Trichinopoly to take his trial at the 4th Quarterly Sessions of 1839, together with the Futwa given by the Mahomedan Law Officer in the case.

(Here Enter No. 1732.)

At a Court of the Foujdaree Udalut

Present,

Thomas Alexr. Oakes Esqre. 1st. Puisne Judge

Wednesday, William Rudleston Esqre. 2d. Puisne Judge

23d. October 1839. Alexr. Duncan Campbell Esqre. 3d. Puisne Judge

Read letter dated the 26th.

D.J.O. Ultimo from the First Judge on Circuit in the Western Division, transmitting the Record in Case No. 1 on the Cochin Calendar for the 2d. Sessions of 1839.-

(Here enter No. 1638.)

Mr. Rudleston and Mr. Campbell. The Court of Foujdaree Udalut, on a deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the proof against the Prisoner

Tayepeedigail Parya

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

place, or places beyond Sea, as the Governor in Council shall appoint, there to be imprisoned, and kept to hard labor in irons, on the public roads, or other public works, for and during the period of his natural life.—

(Sent following letter No. 1240)

Read letter dated the 11th. Ultimo from the First Judge on Circuit in the Western Division, transmitting the record of Case No. 3, on the Malabar Calendar for the 2d. Sessions of 1839, for the final judgment of the Foujdaree Adalut.—

(Here enter F. Ll. No. 1559.)

Mr. Oakes
Mr. Hudleston.
and
Mr. Campbell.

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

1st. Pallyil Itteraricha Menon
2d. Pallyil Moochikel Govinen Nair
and
3d. Vellateddan Coolluperoo.

is sufficient to convict them of the crime charged, do, under the authority with which they are vested by Clause first Section II Regulation I of 1818, convict them thereof, and under the provisions of Section X Regulation VIII of 1802 sentence the prisoners

1st. Pallyil Itteraricha Menon
and
2d. Pallyil Moochikel Govinen Nair
to suffer Death by being hanged at the usual time and place of execution: and the prisoner

3d. Vellateddan Coolluperoo
to be transported to such place or places beyond Sea, as the Governor in Council shall appoint, there to be imprisoned, and kept to hand labour in irons, on the public roads, or other public works, for and during the period of his natural life.—

L. S.

Certificate of Pardon
to
Tayenjeratoo Oonny Pooravoo

No. III
Malabar Calendar
2d. Sessions of 1839.

Whereas under date the 13th. the August last

23rd October 1839.

the Court of Tonjdaree Udalut were pleased to authorize the First Judge on Circuit in the Western Division, to tender an offer of pardon to Tegungeraloo Condey Poorayen on condition of his making a full disclosure of every circumstance within his Knowledge relative to the murder of Kello on the night of the 28th Kurkadakum 1013 corresponding with the 11th August 1838.—

And wherease the Court of Tonjdaree Udalut are of opinion that the conditions of the said grant of pardon have been sufficiently fulfilled.—

Now these are to certify and declare that in consideration thereof, the Court of Tonjdaree Udalut have been pleased under the provisions of Section XX Regulation VIII of 1802 and Section XII Regulation XIII of 1832, to confirm the pardon conditionally tendered as aforesaid, to the said Tegungeraloo Condey Poorayen, so far as regards the acts herein referred to.

And the Court do hereby confirm the said pardon accordingly.—

Given

2. F.M.

23rd October 1839.

Given under my hand and the Seal of the Court this 23rd day of October in the Year of Our Lord, One thousand eight hundred and thirty nine.—

(Signed) A. P. Forbes.

Ag. Nr. Agst. to the Reg.

1. With reference to the 2nd para. of the 1st Judge's letter, the Court of Tonjdaree Udalut observe that the record of the trial ought to have shown the offer of a conditional pardon to the 1st Witness.—

2. The passage in Starkie's law of evidence referred to by Mr. Vaughan, shews that much diversity of practice has prevailed in respect to the nature of the confirmation of an accomplice's evidence, as requisite in order to the conviction of the accused.—

3. The latest authority on this subject is the 8th Edition of Phillipps, published in 1838, with additions by Messrs. S. M. Phillipps and A. Amos: and by this it is shewn that the recent practice has

has been in exercising the discretion of the
Court "as to the evidence that ought to be
"adduced in order to entitle an accomplice to
"credit," to "require a confirmation upon some
"point affecting the person of the prisoner
"charged: and that when several prisoners
"are jointly tried, confirmation is to be
"required as to all of them, before all can
"safely be convicted."—

4. It is also pointed out that
"the distinction between confirmation as to
"the manner, in which an offence was committed,
"and as to the parties, by whom it was
"committed, is of obvious importance: and
"although cases may sometimes arise, in
"which, from the confirmation of an accomplice
"as to the circumstances attending the
"commission of the crime, a jury may be
"led to conclude, that the accomplice speaks
"the truth with regard to the person
"charged; still, as the two points are in
"general essentially different, great caution
"is to be used in drawing such conclusion.
"If the witness has really been an accomplice
"as

"as he states himself to be, he must be
"acquainted with the manner in which the
"offence was committed: and in describing
"the manner, it would not in general be
"the interest or the desire of an accomplice
"to swear falsely. But, with respect to
"persons concerned, there may be strong
"reasons to infer the existence of motives,
"which would induce an accomplice to
"fabricate or pervert some facts against
"a party charged, notwithstanding that
"other facts related by him may be
"indisputably true, or even notwithstanding
"the general consistency of his story may
"be clearly established."—

5. The rule that a legal "conviction
may take place on the unsupported testimony
of an accomplice may be said to be only not
abrogated, in express terms; because it is, in
all such cases, the practice of Judges in
England to advise the jury "not to give
"credit to the accomplice."—

Phillipps 8th Edn. V. 1. p. 37.

6. In this case, it appears to

2. 23rd October 1839.

to the Court of Toujdaree Udalut, that the evidence of the 1st Witness is confirmed both as to the manner in which the offence was committed and as to the parties by whom it was committed - As to the first point by the state of the corpse, and of the floor, that of the latter shewing that blows were struck in the dark which missed the deceased and hit the floor - by the size of the wounds corresponding with that of the 1st Prisoner's hatchet; - by the place where the body was found; and as to the 2d point by the 3rd Prisoner's confession, and the other circumstances detailed in Mr Vaughan's letter of reference -

7. The tale told by the 1st and 2nd Prisoners on their defence was evidently invented after their examination in the Criminal Court: and their attempting to prove an alibi by persons who could depose to nothing of the Kind, is greatly against them -

8. Upon the whole the Court of Toujdaree

3. F.W.

23rd October 1839.

Toujdaree Udalut concur with the 1st Judge on Circuit in the conviction of the Prisoners and determine to pass on them the sentence recommended by Mr Vaughan -

9. The Court do not think that Mr Vaughan's remarks in para. 5 of the letter of reference, sufficiently account for the 1st Witness's having been taken to the scene of the murder and they still think, that there were prima facie grounds for regarding the said witness as a party concerned - as stated in this Courts Proceedings of the 13th Ultimo - His statement may as Mr Vaughan observes, be true as to his not having been informed of the intention to murder, but all that the Regulation requires is that the party be suspected to be an accessary, or accomplice -

10. There is, in the opinion of the Court, nothing in the record to shew that this man was not stationed, where he stood, "to prevent surprize" which according to the law of England would make him

him a principal in the second degree.—

11. Moreover all that is required by Section XX Regulation VIII of 1802 is that there shall be reason to suppose the party to be an accessary—The Court considers that there existed abundant reason for this suppposition: nor do they see that the absolute subserviency of the 1st Witness to the 2d prisoner weakens the suppposition, but the contrary: finally that which may appear after the trial is not before this Court when considering applications under the said Section.—

12. From para: 9 of the letter of reference it would appear that Mr Vaughan has misunderstood para: 1 of this Court's proceedings of the 12th Ultimo where it is not stated, that the Act No XIX of 1837 applies only "to cases of Thuggee," but a fact, established by the records of this Court, is noticed, namely that the said Act was "passed with reference to the "proceedings for the suppression of Thuggee."

13. The general application of the provisions

provisions of this Act is sufficiently indicated by its terms.—

14. But it respects solely the evidence of persons, who have been convicted of offences: it does not modify the provisions previously enacted regarding the mode of obtaining the evidence of suppposed accessaries.

15. With reference to para: 10 of the letter of reference it is to be observed that Section XX Regulation VIII of 1803 has always been applied to "declared" accessaries:— this is shewn by the terms of the Circular Order of 3rd April 1828, and under the provisions of the general Regulations there is no way of rendering the evidence of an unconvicted accessary available against the principals in a crime but by a recourse to the provisions of Section XX Regulation VIII of 1802.— the town Courts are bound to bring all offenders to trial, and to the Fouzdaree Adalut is preserved the power of directing the examination of an accused party, as a witness against others, concerned with him.

The

23d. October 1839.

The Magistrates and Criminal Judges are forbidden to swear a Prisoner to his confession, and his confession, with proof of the commission of the crime confessed, suffice for his conviction.—

16. The Court adhere to all the observations in the Proceedings of the 12th Ultimo to which Mr. Vaughan objects in this letter.—

Ordered, that Extract from these Proceedings be sent to the First Judge on Circuit in the Western Division for his information and guidance.—

(Sent in No. 1241)

Read return, dated the 18th Instant from the Acting Joint Criminal Judge at Coimbatore, to the precept of the Fouzdaree Udalut dated the 14th Instant, conveying their observations and orders on the Criminal Reports for the month of September 1839.—

(Here Enter No. 1754.)

F.C.

At a Court of the Fouzdaree Udalut.

Present.

Thomas Alexr. Oakes Esqre. Actg. 1st. Puisne Judge

Thursday William Hudleston Esqre. 2d. Puisne Judge

24th. October 1839. Alexr. Duncan Campbell Esqre. 3d. Puisne Judge

Read letter dated the 26th. Ultimo from the Third Judge late on Circuit in the Centre Division, transmitting the record in Case No. 1 on the Bellary Calendar for the 1st. Sessions of 1839.—

(Here Enter No. 1617.)

Wm. Oakes and Wm. Hudleston.

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-Coozat and Mooftees of the Fouzdaree Udalut, confirm the said futwa of the Cazee-ool-Coozat and Mooftees aforesaid, as far as respects the proof of the fact that the Prisoner Chickuppiah murdered the deceased Timmee.— But considering

considering, that the Prisoner was in a state of insanity, at the time he committed the fatal act of violence, established by the evidence, the Court of Tanjore Adalut direct that he be placed under the charge of the Surgeon of the Zillah of Bellary, in view to his eventual confinement in the Lunatic Asylum at Madras, under the rules prescribed by the Circular Order of the 1st June 1839, and that he be in no account released without the orders of this Court.—

(Sent following letter - No. 1242)

Read Return dated the 27th Ultimo and Supplemental Return dated the 7th Instant from the Provincial Court of Circuit in the Northern Division, to the Precept of the Court of Tanjore Adalut under date the 14th September 1839 directing them with reference to their Returns of the 8th July and 23d August last to the Precept of the Tanjore Adalut under date the 3d June 1839 - to report what order they have passed on Case No. 26 of the Criminal

Criminal File of the Auxiliary Court of Masulipatam for 1839.—

(Here enter F.M.s Nos. 1652 and 1741 of 1839.)

1. In their proceedings under date the 9th Instant, of which a copy accompanies the Supplemental Return now recorded, the Provincial Court advert to the communication of the 17th August last from the Acting Joint Criminal Judge wherein that Officer observes, in regard to Case No. 26 that "there is not much prospect of any investigation eliciting the fact, when it is stated that the blood on the prisoner's jacket was not such as could, in any probability have been caused by a wound of any thing but a pimple on the prisoners body." Vide—

2. The Court of Tanjore Adalut resolve to direct the Provincial Court of Circuit to call upon Mr. Rohde to reconcile this part of his letter of the 7th August 1839 with that part of the Report of the Case - No. 26 - which refers to the dress of the prisoner as not bloody.—

3. Before finally disposing of this

24th August 1839.-

this matter, the Court of Fouzdaree Udalut
deems it necessary to have before them transla-
tions of all the proceedings held in the
case, which the Provincial Court will be
pleased to call for from the Acting Joint
Criminal Judge and submit to this Court
with as little delay as possible.-

Ordered, that Extract from
these proceedings be sent to the Provincial
Court of Circuit in the Northern Division
by Precept returnable within twelve days
from and after its receipt.-

(Sent following Precept No. 1213)

Read again Return dated the
24th and Supplemental Return dated the
26th July last from the Provincial Court
of Circuit in the Northern Division, to
the Precept of the Court of Fouzdaree
Udalut under date the 11th July 1839-
directing them to call upon Captain
Vallancey - Assistant General Superintendant
for the Suppression of Thuggee and Joint
Magistrate of Vizagapatam to explain his
having reported to the Joint Criminal Judge
that

2. F.C.

24th October 1839.-

that in the case committed by him under
the provisions of Act XXX of 1836- which
formed the subject of his letter to the
Fouzdaree Udalut under date the 22nd
June 1839- there was no further evidence,
while the confessions of the Prisoner before
Captain Vallancey and the Magistrate of
Guntoor, of his having belonged to a Gang
of Thugs, would seem not to have been
sent to the Joint Criminal Judge.-

(Here enter F.C. Nos. 1252 and 1290 of 1839)

1. With their Supplemental Returns
now recorded, the Provincial Court send up
a copy of a Return from Captain Vallancey
wherein that Officer states "that he did
not withhold from the Joint Criminal
Judge the confessions of Prisoner Rahmoo
taken before him and the Assistant
Magistrate of Guntoor- but forwarded both
to the Criminal Judge with the Calendar
and other proceedings in the case, and it was
after these papers had been forwarded that
Captain Vallancey stated he had no further
evidence to produce- These documents- he

add

adds- "are now in the Auxiliary Court."-

2. With reference to this explanation, the Court of Fouzdaree Adalut resolve to direct the Provincial Court to call upon Mr. Dowdeswell to explain his proceeding in not committing the accused.-

3. The Provincial Court will be pleased to instruct the Acting Joint Criminal Judge of Vizagapatam to furnish Mr. Dowdeswell with such Documents as that Gentleman may require to enable him to submit the explanation now called for.-

4. With reference to the entry at the foot of Case No. 92 of the Vizagapatam Supplemental Criminal Report for the month of June last and to para: 6 of this Court's proceedings under date the 11th July 1839- the Provincial Court will be pleased to point out to the Acting Joint Criminal Judge of Vizagapatam that a Thug Approver who has admitted his belonging to a Gang of Thugs, cannot be released with reference to para: 2. of the Draft of Instructions by the Government of India,

*"there being no evidence against the prisoner, he is released."

circulated with the Extract from the Minutes of Consultation under date the 8th July 1839 No. 615: and inasmuch as all such approvers must have admitted their belonging to the Thug fraternity, the remark that there was no evidence in this case, requires no explanation.-

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

(Sent following Precept No. 2746)

Read letter dated the 16th Instant from the Acting Judge on Circuit in the Centre Division, reporting his arrival at Bellary on the 15th Instant, and of his having entered upon the duties of the 2d Sessions of 1839, and forwarding a Statement containing a description of the cases and the number of Prisoners in the Calendar.-

(Here Enter No. 1747.)

Read

adds- "are now in the Auxiliary Court."

2. With reference to this explanation, the Court of Sunderee Adalut resolve to direct the Provincial Court to call upon Mr. Dowdeswell to explain his proceeding in not committing the accused.-

3. The Provincial Court will be pleased to instruct the Acting Joint Criminal Judge of Vizagapatam to furnish Mr. Dowdeswell with such Documents as that Gentleman may require to enable him to submit the explanation now called for.-

4. With reference to the entry at the foot of Case No. 92 of the Vizagapatam Supplemental Criminal Report for the month of June last and to parah. 6 of this Court's Proceedings under date the 11th July 1839- the Provincial Court will be pleased to point out to the Acting Joint Criminal Judge of Vizagapatam that a Thug Approver who has admitted his belonging to a Gang of Thugs, cannot be released with reference to parah. 2. of the Draft of Instructions by the Government of India, circulated

*"there being no evidence against the prisoner, he is released."

circulated with the Extract from the Minutes of Consultation under date the 8th July 1839 No. 615: and inasmuch as all such approvers must have admitted their belonging to the Thug fraternity, the remark that there was no evidence in this case, requires an explanation.-

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

(Sent following Precept No. 3746)

Read letter dated the 16th Instant from the Acting Judge on Circuit in the Centre Division, reporting his arrival at Bellary on the 15th Instant, and of his having entered upon the duties of the 2d Sessions of 1839, and forwarding a Statement containing a description of the cases and the number of Prisoners in the Calendar.-

(Acre Enter No. 4747.)

Read

24th October 1839.

Read return, dated the 15th Instant, from the Acting Criminal Judge of Cuddapah to the precept of the Tanjore Adalut dated the 11th October 1839, conveying their observations and orders on the Criminal Reports for the month of August 1839.-

(Here enter No. 1750)

Read letter dated the 18th Instant from the Criminal Judge of Combaconum, transmitting the Criminal Reports for the month of September 1839.-

(Here Enter No. 1752.)

Read return, dated the 19th Instant from the Acting Judge on Circuit in the Centre Division, to the precept of the Tanjore Adalut dated the 12th September 1839, directing him to call for the Proceedings held in the Cases Nos. 138- 139- 140- 141- 142 and 156 of the Criminal Reports of Bellary for the month of July last, and to pass on them such orders as may appear to him necessary, with reference to the provisions of Section XXIII Regulation X of 1816.-

(Here enter No. 1761.)

L.T.O

W.H.

Sec.

At a Court of the Tanjore Adalut.

Present,

Friday, 25th October 1839.- Thomas Alexr. Oakes Esqre. ——— Acting 1st Puisne Judge.

William Huddleston Esqre. ——— 2d Puisne Judge.

Alexr. Duncan Campbell Esqre. ——— 3d Puisne Judge.

L.T.O.

Read letter dated the 17th September 1839 from the Acting 2d Judge of the Provincial Court of Circuit in the Centre Division, transmitting the record in Case No. 9 on the Chittoor Calendar for the 3d Quarterly Sessions of 1839.-

(Here enter No. 1569 of 1839)

Mr. Oakes, and Mr. Huddleston,

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

Cheima temboo
and
Moodoo away

is sufficient to convict them of the crime charged, do, in under the authority with which they are vested by clause first, section II, Regulation I, of 1818, convict them thereof, and under the provisions of Clause second of the same Section and Regulation, direct their Law Officers to

to declare by a second futwa, to what sentence the prisoners would have been liable, under the Mahommedan Law, if they had been convicted upon full legal evidence.—

Answer.

In the event of the prisoners being proved by full legal evidence to have been guilty of the crime charged, they would have been liable to Coocoutut.—

The Court of Sudder Adawlut, under the penalty of Coocoutut declared in the foregoing futwa, and in conformity with the provisions of Clause third section VII Regulation XV of 1803, sentence the prisoners

1st to Chittagong,

and

2d to Moodooaumy,

to be transported to such place or places beyond sea, as the Governor in Council shall appoint; there to be imprisoned and kept to hard labour in irons, on the public roads, or other public works, for, and during the period of their natural lives, respectively.—

(Sent following letter No. 1245.)

Read letter dated the 14th instant from the Third Judge on Circuit in the Northern Division, reporting that the prisoners in Cases Nos. 22-23-24-26-27-28 and 29 on the Vizianagrattam Calendar - being Thug approvers - are charged with murder and with the offence made punishable by Act XXX of 1836 and submitting "whether, under the "circumstances of their having been promised a pardon if

"of the Capital punishment, it will not be sufficient to "arraign and try them upon the offence punishable under "the act aforesaid."—

(There enter No. 1240 of 1839)

1. The Court of Sudder Adawlut observe that their orders of the 10th October 1839 already communicated to the Third Judge, appear to apply to these cases.—

2. The Thug to whom a promise of exemption from Capital punishment has been made, is not to be brought to trial on the Capital charge.—

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

(Sent in No. 1246.)

Read letter dated the 18th ultimo from the Third Judge on Circuit in the Northern Division, submitting a copy of the Calendar of the Zillah Court of Rajahmundry for the second Sessions of 1839.—

(There enter S. D. No. 1596 of 1839)

Case No. 2. 1 The first prisoner in this case was convicted of Looting, while employed as a servant of the Prosecutor, stolen from the House in which they lived, property of the value of Rupees 1130 9 a.—

2. The Third Judge recommends that the punishment

punishment to which the prisoner is liable under Section XXI Regulation VII of 1802, be mitigated to four years' imprisonment: observing that he "showed great sorrow and regret at having abused the confidence his Master had reposed in him, and it is therefore probable that he will return to his former honest ways after his time of imprisonment shall have expired".-

3. Upon a due consideration of the circumstances of this case, the Court of Foujdaree Adaulut resolve to accede to the recommendation of the Third Judge, and under the Provisions of Clause Third, Section III, Regulation I of 1825, authorize him to issue his Warrant to the Acting Criminal Judge of Rajahmundry for the imprisonment of the prisoner Yarabendy Loobarayadoo for the period of four years.-

Case No. 3. 4. The Court of Foujdaree Adaulut require to be informed whether Venterpillee Venkoo the first prisoner in this case, is the wife of either of the other prisoners.-

Ordered, that Extract from these proceedings be sent to the Third Judge on Circuit in the Northern Division by Precept returnable within seven days, from and after its receipt.-

(Sent following Precept No. 1247)

Read

Read Supplimentary Return dated the 10th instant from the Acting Criminal Judge of Ruddaichal to the Precept of the Court of Foujdaree Adaulut under date the 10th August 1830 - conveying their observations and orders on the Ruddaichal and Cumlum Criminal Reports for the Month of June.-

(Here enter F.D. No. 1755 of 1830)

1. Referring to the remarks of the Court of Foujdaree Adaulut on Case No. 30 of the Report from the late Principal Sudr Ameen of Cumlum, the Acting Criminal Judge after receiting the substance of the evidence against the prisoners in that case, submits that "as there is no proof that the skins had covered the prosecutors beasts, or that the prisoners had stolen the animals, their sentence should have been to find security - strong suspicion being established against them by their producing the skins at the time the prosecutor lost his animals".-

2. Under the explanation afforded by the Acting Criminal Judge, the Court of Foujdaree Adaulut resolve to direct that Officer to alter the sentence in the case in question, and call upon the Prisoner to produce security (the amount &c. to be fixed by the Acting Criminal

Criminal Judge, with reference to the existing Regulations on that subject) for their future good behaviour &c.—

Ordered, that Extract from these proceedings be sent to the Acting Criminal Judge of Cuddapah for his information and guidance.—

(Sent in No. 1243.)

Read letter, dated 14th. October, from the Criminal Judge of Chittoor, submitting the Criminal Reports for the month of September 1839.—

(Here enter Abstr. No. 1735)

Sup/C. Report August

No. 150.

1. The prisoner, in this case, was charged with having murdered a female named Basava, and was committed for trial before the Court of Sessions, under Clause third, Section IX, Regulation X of 1816.—

2. The Court of Foujdaree Adawlut consider that in cases committed for trial before the Superior Court, a detail of the evidence, such as is given in this case, is unnecessary.—

Report No. V

No. 199.

3. In this case the prisoner was charged with having fraudulently presented to the prosecutor a forged letter, purporting to have been written by his (prosecutor's) younger brother, and with having fraudulently taken possession of part of certain property sent by the prosecutor

prosecutor in charge of the prisoner, in consequence of the forged letter, falsely saying that the said property was stolen from him on the road.—

4. The Criminal Judge considered that the charge of forgery was not established against the prisoner, but that that of theft was proved, and he accordingly sentenced him to eighteen months imprisonment with hard labour in irons, under the provisions of Clause fourth, Section III Regulation VI of 1822.—

5. The Court of Foujdaree Adawlut consider this to be a case of fraud, and not of theft, and the provision quoted, therefore, inapplicable. They are of opinion that the case falls under Section VII Regulation X of 1816, and that if the punishment prescribed in that Section is considered inadequate, the prisoner should have been committed. This cannot be done now, as the Prisoner has already undergone part of the sentence past upon him, but the Court direct the Criminal Judge to reduce the sentence in conformity with the provision above cited.—

Ordered, that Extract from these proceedings be sent to the Criminal Judge at Chittoor for his information, and guidance in future

returnable

25th Octobre 1839.

returnable within five days from and after its receipt.—

(Sent following Precept No 1249.)

Read Letter dated the 3d instant from the Third Judge late on Circuit in the Centre Division, subs = mitting for the final Judgment of the Court of Enquête et Adat the Record of Case No 12 of the Caddalore Calendar of the First Sessions of 1839.—

(Here enter F. R. No 1657 of 1839.)

The Court of Enquête et Adat having maturely considered the proceedings held before the Judge on Circuit, the Sentence of the Provincial Law officer and the Sentence of the Cazee and Cozat and Inquêtes of the Enquête et Adat, confirm the said Sentence of the Cazee and Cozat and Inquêtes aforesaid, acquitting the prisoner

Allaga Padiachee

and do accordingly acquit him: and direct that he be set at liberty.—

(Sent following letter No 1250.

1. The Court of Enquête et Adat are of opinion that the evidence in this case is not sufficient for the conviction of the prisoner.—

&c

F. R.

25th Octobre 1839.

2. As observed by Mr. Mc. Swain in para. 18 of his letter referring the Case, No 12 of the Calendar 2d Sessions of 1838, "the various contradictions in" the evidence of the prosecutrix," and the statements made by her "immediately after the occurrence, are conclusive against "her recognition of any one of the prisoners."—

3. The prosecutrix, having in his examination before the Acting Joint Criminal Judge (p. 22) stated that as the Peons beat him, he "was obliged to confess "at the Katcherry" ought to have been required to explain that plea by evidence, agreeably to this Court's Circular Order dated 27th December 1815; and his declaration before the Head of Police should have been read over to him.—

4. The Court of Enquête et Adat direct that the attention of Mr. C. F. Kaye - Acting Joint Criminal Judge of Caddalore - be called to his neglect of the instructions contained in the said Circular Order; and that he be enjoined strictly to conform thereto in future.—

5. Besides the evidence of the prosecutrix as to the recognition of the prisoner, which the Court of Enquête et Adat concur with Mr. Mc. Swain in regarding as unworthy of the least credit, the record contains not a tittle of evidence, corroborative of the prisoner's alleged Police confession.—

&c

6. In the 15th para: of the letter referring to the trial, the 3d Judge late on Circuit states that the future of the Mahommedan Law Officer "convicts the prisoner" and in para: 11 that he concurs in the future of the Law Officer and recommends that the prisoner be transported for life.—

7. The 1st Future of the Mahommedan Law Officer having acquitted the prisoner, the 3d Judge of Circuit puts to him the following question:— "If the "1st, 2d and 3d witnesses were not apprehenders of crimes, "and if the crime alleged against him were "established against him by credible witnesses, of "what crime would he have been convicted, and to "what punishment would he have been "liable".—

8. To which question the Law Officer answered, "if so," the prisoner would have been convicted of having taken that part in the perpetration of the crime charged, of which the 3d Judge late on Circuit states in his letter of reference

reference, that the Law Officer convicted the prisoner.—

9. The Court of Zoujdaree Adaulut resolve to call upon Mr. Davis to explain under what provision of the Regulations he demanded a second future by a question which the connection of the accused by the testimony of credible witnesses, is assumed in respective terms.—

10. By such a proceeding it is clear that the Judge of Circuit assumes, to all intents and purposes, the powers vested exclusively in the Court of Zoujdaree Adaulut by the provisions of Section II Regulation I of 1818.— and it is equally clear that any convictions which may have taken place in trials held by Mr. Davis on second future so taken have been illegal and invalid.—

11. With reference to this conclusion the Court of Zoujdaree Adaulut deem it necessary to require Mr. Davis to transmit to this Court a Memorandum of all convictions, in cases disposed of by him on second future taken on the assumption, as in this trial, that the accused were convicted by the evidence of credible witnesses, in order that the Zoujdaree Adaulut may

may determine as to the measures which should be adopted in respect to those convictions.—

Ordered, that Extract from these Proceedings be sent to the Third Judge late on Circuit in the Centre Division by Precept returnable within ten days from and after its receipt.—

(Sent following Precept No. 1251.)

F.H.

At a Court of the Tinjolaree Udalut

Present

Thomas Alexr. Oakes Esqre. Agt. 1st Puisne Judge

Saturday 26th October 1839.—

William Rudleston Esqre. 2d Puisne Judge

Alexr. Duncan Campbell Esqre. 3d Puisne Judge

Read the following letter dated the 9th Instant from the Third Judge on Circuit in the Northern Division.—

(Here enter F.H. No. 1716 of 1839.)

1. The Third Judge submits a copy of the charge Vera in Case No. 36 of the Vizagapatam Calendar of the Second Sessions of 1839 - and solicits the orders of the Court of Tinjolaree Udalut in regard to its disposal premising that the Mahommudan Law Officer of the Court of Circuit is of opinion that the Prisoner is not liable to punishment under the Mahommudan Law.—

2. In the case in question, the Prisoner, a female is charged with Murder, in having, on the night of the 29th July 1839, taken her infant daughter Maury

Mauny aged one year and left her in the sea," and thereby caused the death of the child.—

3. The third Judge remarking that "the Prisoner ..... it is evident had no malicious intention of killing her infant, but from sheer want of food during the latter dreadful famine she was induced to throw herself and child into the sea" ..... and that "the mother, by chance, was washed on shore and saved, but the child met its death,"— submits "that the Prisoner ought to be released."—

4. In a similar case the Mohammedan Law Officers of the Foujdaree Adalut gave a Futwa of Deyut. There can be no doubt that the Prisoner is punishable, and the Trial, when completed, must be referred to the Foujdaree Adalut, if the Law Officers of the Court of Circuit, by his Futwa, should declare the contrary.—

5. The Court of Foujdaree Adalut cannot authorize the release of the Prisoner without Trial, as, supposing the circumstances to afford a justification of the act she

has committed, it is necessary that the Trial take place, in order that that justification may be proved.—

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

(Sent in No. 1252.)

Read Extract from the Minutes of Consultation in the Judicial Department under date the 15th October 1839 No. 834.— stating with reference to the letter from the Foujdaree Adalut dated the 26th September last, that the Right Honorable the Governor in Council has not seen reason to remit the unexpired portion of the sentence awarded to the Prisoner Ratyaat, alias Srambikal Cunhy Oyee.—

(Here enter F.D. No. 1733 of 1839.)

Ordered, that the same be communicated to the Acting Criminal Judge of Malabar for his information, with reference to his letter dated the 11th September last.—

(Station No. 1253.)

Read

26th October 1839.

Read order of Government dated the 22d October 1839 - No. 844 - authorizing, under the Provisions of Section III Regulation III of 1827 - the Criminal Judge of Bellary to bring Chendregaudoo and Soobanah charged with receiving Stolen property, knowing it to have been stolen, to trial before the Court of Circuit at the Sessions now being held at Bellary -

(Here enter F.M. No. 1763 of 1839)

Ordered, that the same be communicated to the Criminal Judge of Bellary, with reference to his letter to this Court of the 10th Instant, for his information and guidance -

(Sent in No. 1254.)

Read letter dated the 21st Instant, from the Acting First Judge on Circuit in the Southern Division, reporting the arrival of the Court of Circuit and the commencement of the Sessions at Salem on the 21st Instant -

(Here enter No. 1765.) -

L.H.O.

Ed. W.L.

C.C.

At a Court of Oyer and Terminer Adalut.

Present,

Monday, 28th October, 1839.

Roman Alexr. Oakes Esqr. — Acting 1st Puisne Judge,

William Hudleston Esqr. — 2d Puisne Judge,

Alexr. Duncan Campbell Esqr. — 3d Puisne Judge,

L.H.O.

Read Miscellaneous Petition presented on the 23d September 1839, by Nanjeyennual of the Village of Combaconum -

(Here enter No. P. No. 119 of 1839)

1. The Petitioner prays the Court of Oyer and Adalut to call for the record of Case No. 57 of the Combaconum Calendar, 2d Sessions of 1838, and to grant an order for the release of her son, Vengadachella Iyen, who in that case was convicted by the Court of Circuit of Perjury and sentenced to imprisonment with hard labour in Irons for seven years. -

2. The Court of Oyer and Adalut direct that the Petitioner be informed that this case was disposed of in their proceedings of the 5th July 1839 upon a mature consideration of the Record in which it was declared that the Prisoners tried in Nos. 52 to 58 of the Combaconum Calendar 2d Sessions of 1838, have been properly convicted of Perjury. -

Ordered

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

Read Miscellaneous Petition presented on the 30th ultimo by Iyya Naidoo and Moonesawmy Chitty of the Zillah of Chingleput.—

(Here enter Mis. P. No. 121 of 1839)

1. The Petitioners re-iterate the request preferred in Petition No. 74 and former Petitions presented by the same parties, that the Court of Poujdaree Adalut will be pleased to order the remission of the fine imposed by the Magistrate on the Petitioner Iyya Naidoo and the removal of the attachment from the Mauniem of the Petitioner Moonesawmy Setty - the Dasoy.—

2. The Court of Poujdaree Adalut do not see that the decision of the Civil Suit at all affects the proceedings of the Magistrate for a breach of the peace.—

3. But the Court are not aware that the Magistrate is empowered to attach a Mauniem as a punishment - and in order to ascertain whether, or not, the statement of the Petitioner on that point is true, the Court resolve to direct the Provincial Court to obtain and send up a copy of the sentence of the Magistrate of

of Chingleput.—

4. But the Court see no ground for remitting the fine.—

Ordered, that Extract from these proceedings be sent to the Provincial Court of Circuit in the Centre Division by Precept returnable within twelve days from and after its receipt with reference to this Court's proceedings under date the 5th February 1838.—

(Sent following Precept No. 1259)

Ordered also that Extract from these proceedings be furnished to the Petitioners upon their application.—

Read Miscellaneous Petition presented on the 5th instant by Mahommed Yoosuf late a Peon of the Zillah Court of Cuddapah.—

(Here enter Mis. P. No. 123 of 1839)

1. The Petitioner complains of his dismission from his situation by the Zillah Judge of Cuddapah in consequence of certain occurrences connected with the sale of some unclaimed property, deposits in the Zillah Court.—

2. Complaints of dismissals by the Zillah Judge should be made to the Provincial Court to whom

whom this Petitioner is accordingly referred.—

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

Read Miscellaneous Petition presented on the 11th instant by Chinnoy alias Aromachella Moodely, of the Zillah of Combaconum.—

(Here enter Mr. P. No. 126 of 1839)

The Petitioner referring to the order of the Court of Enquiree dated the 15th July 1839 on his Petition No. 71 of 1839, wherein he prayed to be furnished with an attested copy of this Court's order of the 8th April 1839 on his Petition No. 42 of 1839, represents that he is too poor to be able to purchase the requisite stamped paper and prays the Court to furnish him with a copy of the said order on unstamped paper.—

2. The Court of Enquiree dated cannot give an authenticated copy on unstamped paper: but the Petitioner is at liberty to take a copy of the order in question under the Provisions of Section XXX Regulation XIII of 1816.—

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

Read

E. H.

28th October 1839.

Read letter dated the 11th Instant from the Acting Joint Criminal Judge of Vizagapatam transmitting an Extract from the Proceedings of the Sessions Judge on Circuit in the Northern Division relative to Case No. 81 on the Vizagapatam Calendar for the Second Sessions of 1839, and requesting the Court to send for the proceedings in the said case and decide whether the merits the censure recorded against him by the Sessions Judge.—

(Here enter E. H. No. 1749 of 1839)

1. This reference is irregular.—

2. If the Acting Joint Criminal Judge considers the remarks of the Court of Circuit uncalled for, he should represent it in Return to that Court's Precept: and eventually request the Judge on Circuit to refer the matter to the Enquiree dated.—

Ordered, that Extract from these proceedings be sent to the Acting Joint Criminal Judge of Vizagapatam for his information.—

(Sent in No. 1260)

Read Extract from the Minutes of Consultation in the Judicial Department under date the 15th October 1839. No. 838 communicating the orders of Government on the letter from the Enquiree dated

dated

dated the 25th September last, submitting copy of a letter from the Criminal Judge of Bellary relative to a case of a prisoner - the servant of a Mudaial officer in the Cantonment of Bellary - who has been tried by a Military Tribunal for a Heinous offence of which he was fully convicted and sentenced to imprisonment with Hard Labour for one Month in the Gaol of the Zillah under Clause first Section XV Regulation VII of 1802, and stating that it appears to the Court of Sudder Adalut that the charge in question was not for an offence included in the Provisions of Section XIII and punishable under Section XV, but falls within the provisions of Clause first, Section VI, and should under Section VII Regulation VII of 1832, have been remitted to the Civil authorities.—

(Here enter S.L. No. 1734 of 1839)

Ordered, that a copy of the Extract from the Minutes of Consultation now recorded and of the letter from the Sudder Adalut to Government dated 25th September 1839, be sent to the Criminal Judge of Bellary for his information, with reference to his letter to this Court of the 13th ultimo.—

(Sent in No. 1261)

Read

Read Extract from the Minutes of Consultation in the Political Department under date the 22nd October 1839. No. 348 - communicating a copy of a letter from the Acting Secretary to the College Board, reporting that two Brooshies Gyhoolam Ally and Gyhoolam Moohammud Arabee have been ordered to proceed to Chittoor to assist in translating the Record of the Trial now pending before the Special Commission at Chittoor.—

(Here enter P.C. No. 1768 of 1839)

Ordered, that a copy of the Letter from the Secretary to the College Board to the Secretary to Government be sent to the Special Commissioner at Chittoor for his information - with reference to his letter to this Court of the 5th instant.—

(Sent in No. 1262)

Read Letter dated the 12th instant from the Acting Joint Criminal Judge of Vizagapatam - submitting for the orders of the Court of Sudder Adalut with reference to Parah: 6 of their Circular Order of the 1st June 1829 - translation of proceedings held by him in a case wherein the prisoner is charged with Murder, but appeared, when brought to the bar of the Criminal Court, to be in a state of Insanity.—

(Here enter S.L. No. 1748 of 1839)

This

28th October 1839.

1. This reference is irregular and shows that the Acting Joint Criminal Judge does not understand the Circular Order to which he refers.—

2. The charge, being "Murder" is cognizable by the Court of Circuit; and in such cases it is directed in Sparah: 5 of the Circular Order above cited, that "the Criminal Court shall take evidence, not only as to the act charged against the prisoner, but as to the state of his mind when the same was committed:" but it is for the Court of Circuit eventually to make a reference on this subject to the Sudr Dewanny Adawlut.—

Ordered, that Extract from these proceedings be sent to the Acting Joint Criminal Judge of Vizagapatam for his information and future guidance.—

(Sent in No. 1263)

Read again letter dated the 4th January 1839, from the Acting 3d Judge Late on Circuit in the Southern Division, transmitting the record of Case No. 48 Combaconum Calendar 2d Sessions of 1838 for the final judgment of the Sudr Dewanny Adawlut.—

(Here enter S.D.A. No. 89)

Read also letter dated the 2d October 1839, from the Provincial Court of Circuit in the Southern Division, submitting for further instructions

Copies

S.D.A.

28th October 1839.

Copies of a letter from the Criminal Judge of Combaconum, and a Certificate from the Assistant Surgeon, to the effect that the prisoner Lachapien in case No. 48 of the Combaconum Calendar 2d Sessions of 1838, had not shewn any symptom of insanity for the last three months, was in good health, and as far as he could judge, free from mental derangement.—

(Here enter S.D.A. No. 1648)

Mr Bird
and
Mr Oakes

As the evidence on the Trial showed that the prisoner had been of unsound mind for a considerable time previous to the act of violence with which he was charged, the Court of Sudr Dewanny Adawlut consider it inexpedient to authorize his release at present, and they therefore direct the Provincial Court in the Southern Division to instruct the Criminal Judge of Combaconum to continue the Prisoner under Medical observation, and to obtain from the European Medical Officer and submit to the Court a report of the state of his mind at the expiration of three months from the date of the receipt of this order.—

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

Southern Division with instructions to communicate the same to the Criminal Judge of Combaconum for his information and guidance.—

(Cent. no. 1264

Read Return dated the 16th instant from the Acting Joint Criminal Judge of Kumbakonam to the Registrar of the Court of Sudder Adawlut under date the 30th August 1839— directing him to submit an English Translation of the Proceedings in Case No. 62 of the Supplemental Criminal Report of the Auxiliary Court for the Province of Cuma—

(Here enter Extl. No. 1753 of 1839)

1. In this case the prisoner,

Ekonnum Paradyen,

was sent up to the Criminal Court— "charged with having on the 14th June 1839, wilfully and maliciously made on oath a false complaint before the Acting Head Assistant Magistrate of Kumbakonam to the effect that Kalyoga Ramen and others had caused the death of his sister Mayandatto by beating her on the shoulder with a rice-beater."—

2. The prisoner was "warned and released" by the Acting Joint Criminal Judge "as there is no "Provision in the Regulations which embraces the prisoner's "case".—

The

28th October 1839.

3. The Court of Sudder Adawlut observe that the deposition of Ekonnumpandyen on oath before the Acting Head Assistant Magistrate, under date 14th June 1839, is merely to the effect that he had heard such and such circumstances stated by other persons.—

4. This statement was not evidence: and the issue of the warrant on the same date for the apprehension of the persons whom the said Prosecutor so stated that other persons charged with Murder, was irregular and improper,— the Regulations requiring that the facts shall be deposed to on oath or solemn declaration, before the issue of a warrant.—

5. Moreover, the warrant, so improperly issued, is essentially defective, in as much as it does not contain a specification of the crime charged.—

6. In the Criminal Report the Case No. 62 exhibits a charge not borne out by the Proceedings before the Assistant Magistrate as the accused did not state on oath that Kalyoga Ramen and others had caused the death of his sister,— but as above pointed out, that he had so heard.—

7. On such hearsay statement, no

proceeding

28th October 1839.

proceedings should have been founded without the corroboration of some evidence: and the Acting Head Assistant Magistrate acted erroneously in sending them=
=mum papers up to the Criminal Court.—

Ordered, that Extract from these proceedings be sent to the Acting Joint Criminal Judge of Cimnelly for his information.—

(Sent in No. 1265)

Ordered, also that Extract from these proceedings be sent to the Magistrate of Cimnelly for the information and future guidance of his Head Assistant.—

L.P.C.

(Sent in No. 1266

End P.P.

W.B.

No.

P.P.C.

At a Court of the Tanjadore Adalut.

Present

Thomas Alexr. Oakes Esqre. Actg 1st. Puisne Judge

Tuesday 29th October 1839.

William Huddleston Esqre. 2d. Puisne Judge

Alexr. Duncan Campbell Esqre. 3d. Puisne Judge

Read letter dated the 2d.

L.P.C. ... October 1839 from the 2d. Judge late on

Circuit in the Northern Division, Sub=

=mitting the record of Case No. 10 of the

Negapatam Calendar for the 1st. Session

of 1839, for the final Judgment of the

Court of Tanjadore Adalut.—

(Here enter P.P.C. No. 1646.)

Mr. Huddleston and Mr. Campbell

The Court of Tanjadore Adalut, on a deliberate consideration of all the cir=
=cumstances of the case in evidence before them, being of opinion that the proof against the Prisoner

Gopeka paraty Cunniah

is sufficient to convict him of the crime charged, do, under the authority with which they are vested by Clause first Section

Section II Regulation I of 1818, convict him 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 Mohummudan Law, if he had been convicted by full legal evidence.—

Answer.

In the event of the prisoner being proved by full legal evidence to have been guilty of the crime charged, he would have been liable to Kesas, Khud of Tina being barred, in consequence of the non fulfilment of the conditions thereof.—

The Court of Foujdaree Adalut under the penalty of Kesas, declare in the foregoing futwa, and in conformity with the provisions of Clause third Section VII Regulation XV of 1803 and Clause third Section II Regulation I of 1825, Sentence the prisoner

Gurekapauty Cunniah

to receive one hundred and ninety five lashes of

a Cat of nine tails, and to be transported to such place or places beyond Sea, as the Governor in Council shall appoint, there to be imprisoned, and kept to hard labour in irons on the public roads or other public works, for and during the period of his natural life.—

(Sent following letter No. 1272)

The Court of Foujdaree Adalut direct that the first witness for the defence Dandapoo Saumaegaudoo be committed to take his trial for perjury in swearing that the first witness accompanied the prisoner with the treasure to the village of Dalegottum, the falsehood of which Statement is unquestionable.—

Ordered, that Extract from these proceedings be sent to the 2d Judge late on Circuit in the Northern Division for his information and guidance by precept returnable within 10 days from and after its receipt.—

(Sent following precept No. 1273)

Read

29th October 1839.

Read letter dated the 8th Instant from the 2d Judge late on Circuit in the Northern Division, transmitting the Record in Case No 2 on the Chicacole Calendar for the 1st Session of 1839.—

(Here enter No 1700)

Mr Hudleston and Mr Campbell.

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

Tantunghy Hareegandoo

is sufficient to convict him of the crime charged, 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 or places beyond Sea as the Governor in Council shall appoint, there to be imprisoned and kept to hard labour in irons on the public roads, or other public works, for and during the period of his natural life.—

(Sent following letter No 1744)

Read

2. F. 16.

29th October 1839.

Read again Order of Government dated the 3d September 1839 transferring to the Court of Foujdaree Adalut a Petition No 545 of 1839 addressed to Government by one Lingapah of Palacoore in the Zemindaree of Calastry in the District of North Arcot — complaining of acts of oppression by the Zemindar of Calastry.—

(Here enter F. 16. No 1487 of 1839.)

Also read return dated the 18th and Supplemental return dated the 21st Instant, from the Magistrate of North Arcot, to the Precept of the Court of Foujdaree Adalut under date the 28th September 1839, directing him to inquire into the truth or otherwise of the allegations set forth in the Petition addressed to Government by Lingapah as above recorded.—

(Here enter F. 16. Nos 1751 and 1760 of 1839.)

In his Supplemental Return the Magistrate of North Arcot certifies that

that "the complaint brought by Lingapah has undergone a thorough investigation and that the whole seems to be without the slightest foundation and altogether false."

Ordered, that copies of the said Returns (with the Petition) be laid before Government.—

The Court of Fouzdaree Adalut do not deem it necessary to call for the depositions.—

(Sent in a/c No. 1745)

Read letter dated the 11th Instant from the Assistant Criminal Judge, in charge of the Tellah Court of Malabar, submitting the Criminal Reports for the month of September 1839.—

(Here date F. No. 1725.)

No V Case 169

1. The first Prisoner in this Case was charged with having gone in company with certain others with lighted torches to the Prosecutor's house, while the 2d Prisoner called the 2d Witness and caused the door to be opened. Entered therein

therein, illtreated a female and robbed therefrom property to the value of Rupees 86.8.5.

2. The Prisoners were sentenced to two years imprisonment under Clause Sixth Section II Regulation VII of 1822.—

3. This appears to have been a case of robbery, and if so, not cognizable by the Criminal Court;— The Court of Fouzdaree Adalut deem it necessary to direct the Provincial Court of Circuit in the Western Division to look at the Proceedings in this case and to pass such orders thereon as they may deem proper with reference to the provisions of Section XXIII Regulation X of 1816— reporting the result to this Court.—

Case 170.

4. The Prisoners were charged with having at night entered a House by removing the latch of the door and with having stolen property therefrom.—

5. The Prisoners were sentenced under Clause fourth Section III Regulation VII of 1822.—

6. This Case appears to have been

29th October 1839.

been one of housebreaking and the provision cited is therefore not applicable; Clause Sixth Section II of the Regulation as aforesaid should have been quoted.—

Ordered, that Extract from these Proceedings be sent to the Assistant Criminal Judge in charge of the Tillak Court of Malabar for his information and guidance.—

(Sent in No. 1276)

Ordered also, that Extract from these Proceedings (Paras. 1 to 3.) be sent to the Provincial Court in the Western Division for their information and guidance by Precept returnable within fifteen days from and after its receipt.—

(Sent following Precept Nº 1277)

Read letter dated the 23d August 1839 from the Acting Sessions Judge on Circuit in the Southern Division, transmitting a copy of the Madura Calendar for the Second Sessions of 1839.—

(Here enter No. 1457 of 1839)

In

F.C.

29th October 1839.

Case No. 11

1. In this trial which is unfortunate in consequence of the Circuit Judge not concurring in the Futwa of the Law Officer of the Court,— The Court of Sudder Adalut observe that although the Acting 1st Judge has in his letter transmitting the Calendar noticed his intention of referring the case to the upper Court, he has omitted to record this fact in the body of the Calendar.—

2. In Case No. 2 of the Calendar the Court of Sessions Adalut observe that the charge laid against the 1st 2d and 4th Prisoners was for having purchased from the 3d Prisoner jewels to the value of Rupees 132-12-0 of these amounting to Rupees 189-6 which were burglariously stolen, knowing them to be stolen; and that against the 3d Prisoner was for having sold the said jewels knowing them to have been stolen; and in Cases No. 16 and 20 two Prisoners are charged with being found in possession of stolen property to the amount of Rupees 404-10.

and

and 622-16 respectively, Knowing the same to have been stolen.—

3. With reference to Case No.3 the Judge of Circuit has recorded in the Extract from his proceedings under date the 13th August 1839, that the Case No.3 is returned to the Lower Court to be dealt with under the provisions of Clause fourth Section IV Regulation VI of 1822. as he observes that there cannot be set forth against the Prisoners any of the circumstances of aggravation noticed in the second and third Clauses of Section IV Regulation VI of 1822, the existence of which alone renders it imperative on the Lower Court to commit them for trial before the Court of Circuit.— And in his proceedings of the 8th August last, he let in review of the Cases Nos. 16 and 20 of the Calendar. the Acting 1st Judge after adverting to the nature of the proof of the guilty Knowledge on the part of the Prisoners that the property found on them was stolen property, remarks that were it even proved that

that the Prisoners in Cases Nos. 16 and 20 fully knew the property found in their possession to be stolen property still their committal before the Court of Circuit in would in the present case be unauthorized because none of the circumstances of aggravation noticed in the 2d and 3rd Clauses of the Section and Regulation quoted in the 1st Para. (Section IV Regulation VI of 1822) can be shown to apply to them.—

4. The Court of Sudder Adalut apprehend that the Acting first Judge has been led to embrace the opinions recorded above, from not having weighed with the necessary attention the provisions of Clause Second Section IV Regulation VI of 1822. whereby it is expressly declared that all purchasers or receivers of stolen property obtained in the perpetration of robbery by open violence or of theft accompanied with any of the aggravating circumstances described in Clause Second Section II or Clause Second Section III

of

of that Regulation, shall be committed by the Criminal Judge to take their trial before the Court of Circuit.—

5. The Act charged in Case No. 3 having amounted to receiving property obtained in the perpetration of housebreaking—the value of the property stolen (Rupees 189-6) took the case out of the jurisdiction of the Criminal Judge under the provisions of Clause Second Section II Regulation VI of 1822.—

6. In Cases Nos. 16 and 20 the prisoners were apprehended it appears for having been found in possession of property charged to have been obtained by robbery with open violence in Case No. 15 of the same Calendar.—

7. By Clause Second Section IV Regulation VI of 1822—all such cases are expressly excluded from the cognizance of the Criminal Judge.—

8. The Court of Sudder Adalut will not now direct the recommittal of the Cases above alluded to, but they would observe

observe that the Acting 1st Judge has acted in a manner altogether inconsistent with the intention of the provisions above referred to, in returning these Cases to the lower Court, and they deem it incumbent on them to call the particular attention of Mr. Waters to the provisions of the law on this subject, and to direct that they be implicitly attended to in future.—

Case No. 30. 9. In Case No. 30 the 1st and 3rd/4 prisoners are charged with having at night in company with Six others come with lighted torches to the Prosecutor's house and robbed therefrom jewels to the value of Rupees 313 Annas 14. and with having tied and beaten the Prosecutor.—

10. The Second Prisoner is charged with having been found in possession of some of the said property knowing it to be stolen.—All the Prisoners were convicted and in the note appended to the Case—the Acting 1st Judge has observed that the Acting Criminal Judge was duly informed that the 2d Prisoner should have

have been separately indicted. This person was put on his trial before the Court of Circuit because as he confessed having received the property from the robbers there was reason to infer he might have been convicted of receiving the same with knowledge that it had been obtained by robbery by open violence. However as nothing of the kind has been proved against him and as the provisions of Clauses Second and third Section IV Regulation VI of 1822 do not apply to him. He was of necessity punished under Clause fourth of the above, altho' such pertains to the jurisdiction of the Lower Courts.—

11. It appears to the Court of Sanjdaree Adalut that the Sentence of the Acting 1st Judge passed on the 2d Prisoner in this Case was at variance with the provisions of the Section and Regulation quoted by him, since the amount of the property stolen exceeded the amount specified in Clause Second Section II as fixing the case out of the jurisdiction of the

the Lower Court.—

12. The Court therefore direct that this error be also pointed out to the Acting 1st Judge, and that he be directed to amend the Sentence passed on the 2d Prisoner in conformity with the Provisions of Clause Second Section IV Regulation VI of 1822.—

Ordered, that Extract from these proceedings be sent to G. S. Waters Esqre, 1st Judge on Circuit in the Southern Division by precept returnable within 5 days, from and after its receipt.—

(Sent following precept No 1275)

Read Supplemental return dated the 18th Instant from the Provincial Court of Circuit in the Northern Division, to the precept of the Sanjdaree Adalut dated the 7th September 1839 directing them to look into the Proceedings in Case No 69 of the Criminal Reports of the Auxiliary Court at Masulipatam for the month of July and pass such orders thereon as may be deemed proper with

29th October 1839.

with reference to the provisions of Section XXIII Regulation X of 1816 reporting the result to the higher Court.—

(Here enter No. 1771)

Read letter dated the 24th Instant from the Second Judge of the Provincial Court of Circuit in the Northern Division, reporting the opening of the 4th Quarterly Sessions of 1839 at Mahé, Spatam on the 23rd Instant and the state of the Calendar.—

(Here enter No. 1784.)

Read letter dated the 22d Instant from the First Judge on Circuit in the Western Division, requesting with reference to his letter of the 11th Ultimo that the Certificate of Pardon be issued for the 5th Witness in Case No. 3 of the Malabar Calendar for the 2d Sessions of 1839.—

(Here enter No. 1785.)

F.Pt.

Ata Court of the Foujdaree Udalut

Present,

Thursday 31st October 1839.

Thomas Alexr. Oakes Esqre. Actg 1st. Puisne Judge

William Hudleston Esqre. 2d. Puisne Judge

Alexr. Duncan Campbell Esqre. 3d. Puisne Judge

F.Pt.

Read letter dated the 8th Instant from the Acting Joint Criminal Judge of Cochin forwarding the Criminal Reporter of the Auxiliary Court for the months of September.—

(Here enter F.Pt. No. 1682 of 1839.)

Suppl. Report Case No. 28

1. The first prisoner in this case was charged with having severely wounded the Prosecutor in two places with a Razor, and the second prisoner with having bitten off the top of the forefinger of his right hand.—

2. The first prisoner was committed for Trial; the second prisoner, it is stated in the Report "not being in any way concerned with the wounding of the Prosecutor, is sentenced to two months

months imprisonment with hard labour in Irons, but in consideration of the long time which has elapsed since his arrival before the Court, two weeks of this period are remitted."—

3. The Court of Foujdaree Udalut do not understand the sentence as it re=gards the second prisoner, and they resolve to direct the First Judge on Circuit in the Western Division to look into the case, and report thereupon to this Court.—

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

(Sent following Precept No. 1233)

Ordered also, that Extract from these proceedings be sent to the Acting Joint Criminal Judge of Cochin for his information.—

(Sent in No. 1284)

Read letter dated the 10th Instant from the Criminal Judge of Chingleput, forwarding

forwarding the Criminal Reports of the Zillah Court for the month of September.—

(Here enter F.H. No. 1684 of 1839.)

Report V Cases No. 5.

The Criminal Judge will be pleased to forward to the Foujdaree Udalut any explanation which the Magistrate may have given in regard to the alleged ill treatment of the first prisoner by the Peons: or if the matter has not yet been brought to his notice, he will fur=nish him with a copy of these proceed=ings and the Magistrate will submit his report on the subject direct to the Court of Foujdaree Udalut.—

Ordered, that Extract from these proceedings be sent to the Criminal Judge of Chingleput by Precept returnable within three days, from and after its receipt.—

(Sent following Precept No. 1285)

Read the Criminal Reports of the Auxiliary Court of Vizagapatam for the month of September 1839.—

(Here enter F.H. No. 1709 of 1839.)

The

31th October 1839.

Suffl. Repk. 1. The charge against the prisoner
Case No. 97. in this case runs as follows: "with having
on Sunday the 14th Soodah of the month
Vysagah, year Vekary corresponding with
12th May 1839 at about 5 or 6 Ghuddiahs
in the night, when the Prosecutrix went
to see one Bory Ukkoloo (who had
fallen down by reason of the Prisoners
in Case No. 65 of 1839 at Gollagoodum in
the village of Vizianagarum) stabbed her
with a cruse (Sooracutty) on her left eye-
brow and thereby caused a wound of a
Tamarind leaf in breadth, and one inch in
length" and the sentence as follows:
"Sentenced as formerly; the intermediate
from his being relieved from work and
Irons up to this date, not to be taken
into account."

2. The Court of Sudder Adalut
understand neither the charge nor the
sentence.

3. The Acting Joint Criminal
Judge will be pleased to submit an explana-
tion on the subject.

Ordered

S. No.

31th October 1839.

Ordered, that Extract from the
proceedings be sent to the Acting Joint
Criminal Judge of Vizagapatam by
Precept returnable within one week from
and after its receipt.

(Sent following Precept No. 1286)

Read letter dated the 12th
Instant from the Criminal Judge of
Bellary, submitting the Criminal Repsts
of the Tillahs Court for the month of
September.

(Here enter S. No. 1321 of 1839.)

Suffl. Repk. 1. It is stated in the Report
Case No. 145. that "there is no other evidence against
the Prisoner than that he was criminated
by the other Prisoners and he confessed
before the Head of Police that he had
gone with others to rob the field" and
he was required to give security in two
sureties of thirty Rupees each for one
Year or in default to be imprisoned for
that period.

2. The Court of Sudder Adalut
have noted that the circumstances
abovementioned

abovementioned are not sufficient ground for the requisition of Security.—

3. If the Security has been furnished the Bail Bonds will be cancelled: if the Prisoner is detained in confinement, he will upon the receipt of these Proceedings, be discharged out of custody.—

Ordered, that Extract from these Proceedings be sent to the Criminal Judge of Bellary for his information and guidance.—

(Sent in No. 1287)

Read the Criminal Reports of the Auxiliary Court of Tinnevelly for the month of September 1839.—

(Here Enter T.R. No. 1731 of 1839.)

Report V. Case No. 89

1. The Prisoners in this Case were charged with having been found in possession of certain Property being a part of the property burglariously stolen from the Prosecutor's house: but the guilty knowledge which is the Essence of the offence is not charged.—

2. The Acting Joint Criminal Judge

Judge will be careful to see that the change is completed in all future cases.—

Ordered, that Extract from these Proceedings be sent to the Acting Joint Criminal Judge of Tinnevelly for his information and future guidance.—

(Sent in No. 1288)

Read letter dated the 5th Instant from the Second Judge of the Provincial Court in the Western Division, late Presiding at the Tellicherry Third Quarterly Sessions of 1839, submitting copies of the Calendars received from the Joint Criminal Judge of Malabar.—

(Here Enter No. 1680.)

Read letter dated the 14th Instant from the Provincial Court of Circuit in the Western Division, forwarding a translation of the Sirsee Criminal Reports for the Month of September 1839.—

(Here Enter No. 1742.)

Read return dated the 19th Instant from the Acting Judge on Circuit in the Centre Division, to the Precept of

31st October 1839.

of the Fouzdaree Udalut dated the 13th September 1839, directing him to call for the Proceedings held in the Cases Nos. 172 and 213 of the Supplemental Criminal Reports of Cuddapah and Cumbum for the month of July last and pass thereon such orders as may appear to him proper, with reference to the provisions of Section XXIII Regulation X of 1816.-

(Here enter No. 1762.)

Read letter dated the 23d Instant from the Acting First Judge on Circuit in the Southern Division, submitting a Statement of Batta paid to the Prosecutors and witnesses who attended the Court of Circuit during the 2d Sessions of 1839 at Cuddapah.-

(Here enter No. 1763.)

Read Statement dated the 18th Instant from James Thomas Esqre Acting Judge on Circuit in the Centre Division, shewing the amount of Batta paid to the Prosecutors and witnesses in attendance before the Court of Circuit during the 2d Sessions of 1839 at Cuddapah.-

(Here enter No. 1764.)

2 J. D.

W

Ex. J. C.

2

J. 116.

At a Court of the Fouzdaree Udalut.-

Present,

Thomas Alexr Oakes Esqre 1st Puisne Judge

Saturday 2 William Rudlestone Esqre 2d Puisne Judge

2nd November 1839.- Alexr Duncan Campbell Esqre 3d Puisne Judge

J. 40

Read letter dated the 17th Ultimo from the Provincial Court of Circuit in the Northern Division, transmitting a copy of a letter dated the 12th Ultimo from the Criminal Judge of Chicacole and the Criminal Reports of that Zillah Court for the month of September - forwarded by mistake to the Provincial Court.-

(Here enter J. 116. No. 1765 of 1839.)

Suppl. Report Cases Nos. 52 and 58. 1. The Prisoners in these Cases having been released under the orders of the Fouzdaree Udalut dated the 28th August 1839- there can be no reason for continuing to enter the Cases in the Reports and thereby causing unnecessary labour to the writers.-

Suppl. Report Case No. 60. 2. The 1st, 2nd, 3rd, 4th and 6th Prisoners in this Case were charged with House breaking and

and the Theft of Property of the value of three hundred and fifty four Rupees; and the 5th Prisoner was charged with having Knowingly purchased a part of the stolen property.—

3. It is stated in the Report that "the minor offence of having stolen gold ornaments in a mutilated state, in their possession, can only be brought clearly home to the 1st and 3rd Prisoners; of whom the 1st Prisoner is sentenced to Eighteen months hard labour in Irons and one hundred lashes with the Cat of nine tails; and the second to one Year's imprisonment with hard labour under Clause fourth, Section IV. Regulation VI of 1822.—

4. The Court of Sunjdaree Adalut observe that in this case the provisions of Clause Second, Section IV. Regulation VI of 1822. require the commitment of the Prisoners receiving, inasmuch as the Property was obtained by Theft accompanied with one of the aggravating circumstances described in Clause Second, Section II of that Regulation; namely

namely, property exceeding one hundred Rupees in value was stolen.—

5. But since the Prisoners have been partly punished, the Court of Sunjdaree Adalut do not now order their commitment.—

Report No. V. Cases Nos. 4 & 5. and 7/9. 6. The Court of Sunjdaree Adalut deems it proper to direct the Provincial Court of Circuit in the Northern Division to look into these Cases and report their opinions as to whether or not the third Prisoner should be committed for trial.—

Case No. 8/4. 7. It is stated that in this case "the evidence goes to prove that the 1st Prisoner committed the Robbery and the 2nd Prisoner was concerned in it and received the Property stolen from the 1st Prisoner: and they were sentenced the 1st under Clause fourth, Section IV. and the 2nd under Clause sixth, Section II. Regulation VI of 1822. to nine months hard labour in Irons."—

8. The Provisions quoted, appear to apply each to the other Prisoner, and the Sentence

sentence should be amended accordingly.—

Case No. 86. 9. The Prisoner in this Case was convicted of housebreaking and the theft of property valued at Rupees 6-14- and sentenced to four months' imprisonment with hard labour in Irons and fifty lashes.—

10. The Court of Foujdaree Adalut require to be informed whether the Handkerchief which was produced in Court and which the third witness swore belonged to the Prosecutor, was found upon the Prisoner.—

Case No. 88. 11. The Prisoner in this Case was convicted of Housebreaking and theft of property of the value of twenty Eight Rupees and eight Annas, and sentenced to five months' imprisonment with hard labour in Irons and to receive thirty lashes of a cat of nine tails under Clause Sixth, Section III, Regulation VI of 1822.—

12. The Court of Foujdaree Adalut observe that the imprisonment awarded in this Case is insufficient, and in respect of its extreme leniency, contrary to the intention of the legislature in passing the enactment.

enactment in question.—

13. That Regulation was framed upon the principle that the offences for which it provides require a severer punishment than those falling within the provisions of Section VII Regulation X of 1816.

Ordered, that Extract from these proceedings be sent to the Criminal Judge of Chittagong by Precept returnable within seven days, from and after its receipt.—

(Sent following Precept No. 1294)

Ordered also, that Extract from these proceedings (para: 6) be sent to the Provincial Court of Circuit in the Northern Division by Precept returnable within twenty five days from and after its receipt.—

(Sent following Precept No. 1295)

Read letter dated the 18th Ultimo from the Acting Criminal Judge of Cuddapah, transmitting the Criminal Reports of the Zillah Court for the month of September.—

(Here enter F.H. No. 1771 of 1839.)

The

2nd November 1839.-

Suppl. Report of Ct. V for July 1839 Case No. 184.

1. The first prisoner in this case was charged "with having borrowed from the Prosecutor, on the Road, a girdle in which 68 Rupees and certain gold jewels of the value of 33 1/4 Rupees the property of the Prosecutor's master were secured: and appropriated and endeavoured to abscond with the same" and the 2d and 3d prisoners were charged with having received part of the stolen property, knowing it to have been such: and they were sentenced to imprisonment the 1st prisoner for two Years, and the 2d and 3d prisoners for Six Months, "under Clause Sixth, Section II. Regulation VI of 1822."-

2. The Court of Tanjore Adalut do not see how the provision cited can apply: and they require an explanation from the Acting Criminal Judge on this point.-

Case No. 63. of the Report V. of the Principal Sud. Ameen's Court for December 1838.-

3. The Acting Criminal Judge will be pleased to report under what provision of Regulation VI of 1822 the Prisoners in this Case were sentenced.-

In

2nd November 1839.-

Case No. 198 of the Report V for July 1839. and Case No. 226 of the Report V for August 1839.

4. In Case No. 198, the prisoner was required to find Security, it being observed that there is "no other proof except his alleged confession before the Head of Police".-

5. The Court of Tanjore Adalut have ruled that this is an insufficient ground for the requisition of Security.-

6. In No. 226 the grounds for the requisition of Security recorded in the Report appear to the Court of Tanjore Adalut to be quite insufficient. It is stated that the "Prosecutor does not suspect the Prisoner".-

7. In both Cases, the Bail Bonds will be cancelled: and the prisoners, if detained in confinement under the requisition, will, upon the receipt of these proceedings, be discharged out of custody.-

Cases Nos. 210 and 221 of the Report V for July 1839.-

8. The Court of Tanjore Adalut deem it necessary to direct the Provincial Court of Circuit to look into these Cases with reference to the provisions of Section XXIII Regulation X of 1816, and pass such order

ordered thereon as they may deem proper, & reporting the result to this Court.—

Case No. 260. of the Report for August 1839.

9. The Acting Criminal Judge will be pleased to send up English Translations of the proceedings of the Head Assistant Magistrate in this case of alleged Forgery.—

10. The Court of Sunjdaree Adalut regret to see so many postponements. They expect that all such cases will be disposed of before the receipt of the next Reports.—

11. The Circular Order which requires the Criminal Reports to be transmitted to the Sunjdaree Adalut by the 15th of the month succeeding that for which they are due, must be strictly attended to. Such Reports were not received until ten days after the expiration of the limited time.—

Ordered, that Extract from these proceedings be sent to the Acting Criminal Judge of Cuddapah by Precept returnable within seven days from and after its receipt.—

(Sent following Precept No. 1296)

Ordered

Ordered also, that Extract from these proceedings (Parah. 8.) be sent to the Provincial Court of Circuit in the Centre Division by Precept returnable within 25 days, forward after its receipt.—

(Sent following precept No. 1297)

Read Letter dated the 12th October 1839 from the Provincial Court of Circuit in the Western Division, transmitting "a copy of a correspondence with the Principal Sudr Ameen of Honore on the subject of a reference which that Officer has deemed it necessary to make to the Court of Sunjdaree Adalut agreeably to the concluding Parah. of that Court's Circular Order of the 28th January 1828, in the Case of one Sheikh Moideen who, as Mr. Sharkey states, having been sent to his Court by the Acting Additional Joint Magistrate, on a charge of having made on oath "a false report involving consequences of an injurious nature" has been declared by the Moofty of the Zillah Court to be not punishable by the Mahomedan

Mahomedan Law:-

(Here enter F.C. No. 1746 of 1839)

Also read letter dated the 21st Ultimo from the same Court transmitting a copy of a further communication from the Principal Sudr Ameen of Honore having reference to their letter of the 13th Ultimo

(Here enter F.C. No. 1705 of 1839)

Also read Letter dated the 8th Ultimo from the Principal Sudr Ameen of Honore forwarding the Criminal Reports of his Court for the month of September.-

(Here enter F.C. No. 1723 of 1839)

1. The Case reported by the Principal Sudr Ameen of Honore, in which the Prisoner is charged with having presented himself at the Cutcherry of the Additional Joint Magistrate, and deliberately and voluntarily made a false statement on oath regarding the loss of a Vessel &c., has been referred to the Mochummudan Law Officers of the Sunjdaree Adalut; who have declared that in the event of the act charged being established against the party, he would be

be liable to Tazeer.-

2. The Court of Sunjdaree Adalut direct that a copy and translation of the reply of their Law Officers be transmitted through the Provincial Court of Circuit to the Principal Sudr Ameen of Honore for his information. and that of the Moofftee Sudr Ameen.-

3. The Court of Sunjdaree Adalut observe, with reference to the Circular Order of the 28th January 1828, that if the Criminal Judge have reason to think the Mahommedan Law Officers opinion bad Law, he should be at liberty to make a reference to this Court before releasing the Prisoner.-

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

(Sent in No. 1298)

Read Extract from the Proceedings of the Provincial Court in the Western Division under date the

21st

22nd November 1839.

21st October 1839. explaining the circumstances which must prevent them from making a Return to the Precept of the Court of Tinjalaree Udalut under date the 11th August 1839 within the limited period.—

(Here Enter F. No. 1792 of 1839.)

The Court of Tinjalaree Udalut observe that the Precept in question should have been returned on the day fixed; and the information called for by this Court, transmitted with a Supplemental Return.—

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

(Entered No. 1799)

Read letter, dated the 26th Ultimo, from the Acting Criminal Judge of Cuddapah reporting with reference to the Proceedings of the Court of Tinjalaree Udalut under date the 22nd October 1839. that he has concluded the examination of the Prisoner Hakeem Nizam Khan and of the Witnesses for the Prosecution forwarded by the Joint Magistrate

4. F. No.

22nd November 1839.

Magistrate in charge of the District of Cuddapah.—

(Here enter F. No. 1793 of 1839.)

1. The Acting Criminal Judge has acted correctly in sending for the witnesses referred to in para. 5 of his letter.—

2. The Court of Tinjalaree Udalut direct that the "notes" which accompanied the Acting Criminal Judge's letter, be returned to that Officer.—

Ordered, that Extract from these Proceedings be sent to the Acting Criminal Judge of Cuddapah for his information.—

(Entered No. 1800)

Read Return dated the 9th Ultimo from the Acting Joint Criminal Judge of Vizagapatam to the Precept of the Court of Tinjalaree Udalut under date the 2nd October 1839. calling upon that Officer to submit an explanation in regard to Case No. 125 of the Vizagapatam Criminal

2nd November 1839.

Criminal Reports for the months of July.-

(Here enter F. No. 1541 of 1839.)

1. The Acting Joint Criminal Judge submits a copy of a letter addressed under date the 21st June last to the Joint Criminal Judge by Captain Vallancey Assistant General Superintendant for the Suppression of Thuggee, wherein that Officer observes "that in consequence of the Thug Approver Beorka Doosjain having wilfully perjured himself before the Court of Circuit, the 2d Judge on Circuit has been pleased to direct that the conditional pardon granted to the approver be cancelled" Vide.-

2. The Court of Inquiries Udalut do not understand the meaning of this remark.-

3. The promise of exemption from Capital punishment made under the "instructions" of the Governor General is not the tender of a "conditional pardon": and the Court of Circuit has no power to cancel a promise made under the said instructions

2nd November 1839.

instructions.-

4. The Court of Inquiries Udalut direct that a copy of Captain Vallancey's letter above quoted be sent to the Second Judge late on Circuit in the Northern Division, with instructions to submit any explanation on the point in question.-

Ordered, that Extract from these Proceedings be sent to the 2d Judge late on Circuit in the Northern Division by Precept returnable within seven days from and after date of receipt.-

(Sent following precept No. 1301)

Read letter dated the 21st Ultimo from the First Judge on Circuit in the Western Division, reporting the opening of the 2d Sessions of 1839 at Mangalore on the 21st Ultimo and the state of the Calendar.-

(Here enter No. 1786.)

Read letter dated the 22d Ultimo from the First Judge on Circuit in the Western Division, forwarding the Statement of Batta paid to Prosecutors and

and witnesses attending before the Court of
Circuit for the 2d. Sessions of 1839.
Sat. Caliqut

(Here enter No. 1788.)

Read return, dated the 1st. in the
Ultimo, from the Officer Commanding the
Nilgherries, of the Convicts in the Jail at
Ootacamund for the month of September 1839.

(Here Enter No. 1791.)

Read Supplemental Return
dated the 31st. Ultimo from the Provincial
Court of Circuit in the Northern Division to
the precept of the Fouzdaree Adalut of the
30th. August 1839, directing the 3d. Judge
on Circuit to look into the proceedings
in Case No. 139 of the Criminal Reports
of the Appilate Court of Vizagapatam
for the month of July, and pass such
orders thereon as he may deem proper,
with reference to the provisions of Section
XXIII Regulation X of 1816, reporting
the result to this Court.—

(Here Enter No. 1794.)

S.A.D.

Ed. J.

W.L.

C.C.

At a Court of the Foujdaree Adalut.

Present,

Monday
4th. November, 1839. Thomas Alexr. Baker Esqr. — Acting 1st. Circuit Judge.

William Huddleston Esqr. — 2d. Circuit Judge.

Alexr. Duncan Campbell Esqr. — 3d. Circuit Judge.

S.A.D.

W.L.

Read Miscellaneous Petition presented
on the 16th. September last by Cheeneveasa Pow of the Zillah
of Cuddapah.—

(Here enter No. C. No. 114 of 1839)

1. The Petitioner represents himself to be the
father of Raghavendra Pow the prisoner in Case No. 18 of
the Cuddapah Calendar of the Second Sessions of 1839.
who was convicted of stealing from the Dwelling House,
and sentenced by the Court of Circuit to imprisonment
with hard labour in Irons for seven years.—

2. The Petitioner alleges the innocence of his
son, and prays that an order may be issued for his
release from confinement.—

3. This case has come under the consideration
of the Foujdaree Adalut on their review of the Calendar:
and the Court are of opinion that the prisoner was
properly convicted.—

4. But on the recommendation of the
Judge

Judge of Circuit, the Court of Enquiry do not have sanctioned a reduction of the penalty to which the prisoner is liable under the Regulations, to imprisonment with hard labour in Irons for four years.-

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

Read Miscellaneous Petition presented on the 14th ultimo by Rachaputte Appiah Interpreter Duly Sworn on behalf of Imamilla Pingapah Prosecutor in Case No 47 of the Cuddapah Calendar of the second Sessions of 1839.-

(Here enter Mis: C. No. 128 of 1839)

1. The Petitioner complains of the decision of the Court of Circuit in the said Case whereby the first prisoner was ordered to be released on his furnishing security for his future good behaviour.-

2. The Petitioner asserts that the said prisoner was the individual who murdered his (Petitioners) brother; and he prays the Court of Enquiry Dadalut to call for the proceedings in the said case, and issue an order prohibiting the release of the prisoner in question.-

The

3. The Court of Enquiry Dadalut have no power to over rule an acquittal by the Court of Circuit.-

4. If the Petitioner as he asserts goes in fear of his life, he should represent the same to the Magistrate.-

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 14th ultimo by Rachaputte Appiah Interpreter Duly Sworn on behalf of Letteepally Bala Cobbiah Prosecutor in Cases Nos. 58 and 59 on the Cuddapah Calendar for the second Sessions of 1839.-

(Here enter Mis: C. No. 129 of 1839)

1. The Petitioner complains of the order of the Court of Circuit for the release of the prisoners in the Cases above mentioned who were charged with Perjury, and he prays the Court of Enquiry Dadalut to call for the Proceedings and adjudge due punish=ment to the parties.-

2. The Court of Enquiry Dadalut have considered

considered the cases as they are given in the Calendar, and are of opinion that the order of the Court of Circuit was proper.—

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

Read again Supplemental Return dated the 8th of August from the 2d Judge late on Circuit in the Northern Division to the precepts of the Court of Enquiry Edaulat under dates the 15th of May and the 13th of June 1839, directing him to look into cases Nos. 115 of 1838 and 32 of 1839 on the Criminal file of the Zillah Court of Chicacole and pass such orders thereon as he may deem proper, with reference to the provisions of Section XXIII Regulation X of 1816.—

(Here enter No. 1372 of 1839)

Read also return and Supplemental Return dated the 18th and 23d of September 1839 from the Provincial Court of Circuit in the Northern Division to the precept of the Enquiry Edaulat of the 25th of August last, calling for an English translation of the record in Case No. 32 of 1839 on the Criminal file of the Zillah Court of Chicacole

(Here enter Nos. 1500 and 1631 of 1839)

1. With their return of the 23d September the Provincial Court submit a translation of the record of the Proceedings held before the Assistant Criminal Judge of Chicacole and the Head of the Police of Purlakimedy in Case

Mr Oakes and Mr Campbell

Case No. 32 on the Criminal file of the Zillah Court of Chicacole.—

2. On a deliberate consideration of the circumstances of the case as set forth in those proceedings the Court of Enquiry Edaulat concur in the opinion expressed by the 2d Judge late on Circuit in the 2d Paragraph of his proceedings of the 8th of August last. "That there is no evidence against the prisoner, Mookoola Appiah, to warrant his committal for the murder of his wife."—

3. The Court indeed do not consider it to be proved that the deceased died a violent death. Sudden death is often occasioned by some internal disorganization of the system altogether unconnected with any external injury and the mere admission of the prisoner that he had assaulted the deceased is in the opinion of the Court insufficient to establish a charge of murder against that prisoner, without additional evidence to prove that the death of the deceased was occasioned by the assault, committed by that prisoner; and such evidence the Court observe is in the present instance wanting. It is therefore resolved that instructions be issued to the 2d Judge late on Circuit in the Northern Division to direct the release of the

the prisoner Inorkola Appuhi should he be still in confinement.—

Ordered accordingly, that Extract from these Proceedings be sent to J. Kay Esqre. 2d. Judge in the Provincial Court of Circuit in the Northern Division for his information and guidance by precept returnable within 10 days from and after its receipt.—

(Sent following Precept No. 1302)

Read letter dated the 25th. October 1839 from the Acting 2d. Judge of the Provincial Court of Circuit in the Centre Division, forwarding with reference to the final sentence of the Fiscal Edalut in Case No. 13 Cuddapah Calendar 2d. Session of 1838. copy of a letter from the Acting Criminal Judge of Cuddapah and recommending that the Prisoner Voreddy Reddy Condah Reddy be restored to the charge of his friends or relations on their producing sufficient security for his good conduct for three years.—

(Here enter F. L. No. 1783 of 1839)

Mr Bird and Mr Campbell.

1. In the letter of the Medical officer in charge of the Jail at Cuddapah, bearing date the 5th. October 1839, which accompanied the letter of the Acting 2d. Judge above recorded, it is stated "that the prisoner appears to be quiet and orderly and apparently free from insanity," but adds the Medical officer, "he has not been sufficiently long under my care to enable me to give a decided opinion whether or not he is

is subject to fits of derangement and there is no record in this hospital to shew whether he has had any such since the 30th. of June 1838."—

2. Under these circumstances the Court of Foujdaree Udalut do not deem it advisable to accede to the recommendation of the Acting 2d. Judge.—

3. They are of opinion that the prisoner should be detained in confinement until he has remained a sufficient time under the care of the European Medical officer to allow of that Sanation arising giving a decided opinion as to the propriety of his release.—

4. They accordingly resolve to direct that the prisoner Voreddy Reddy Condah Reddy be detained in the Jail Hospital under the care of the Medical officer for a further period of three months, at the close of which the Criminal Judge will be pleased to submit the opinion of the European Medical officer whether the individual in question may be released without danger to the community.—

Ordered, that Extract from these proceedings be sent to the Acting 2d. Judge of the Provincial Court of Circuit in the Centre Division for his information and guidance by precept returnable in 5 days from and after its receipt.—

(Sent following Precept No. 1303)

Read Return dated the 21st. instant from the

the Provincial Court of Circuit in the Centre Division to the Precept of the Court of Conjdaree dated at date the 19th of September 1839 - directing them to call for and submit translations of the proceedings of the Criminal Court of Cuddapah in the case noticed in the concluding part of paragraph 9 of the Bland's letter to the Chief Secretary to Government under date the 22d July 1839 - reporting the result of the enquiries made by him during his tour through the District of Cuddapah relative to the alleged prevalence of perjury &c &c &c in which reference to paragraph 13 of the same letter, to call upon Mr. Newbery to submit any explanation he may have to offer in regard to the grounds on which he was led to doubt "whether the gross and palpable cases of Perjury lately forwarded to him by the Magistrate of Cuddapah will in fact meet with punishment".—

(Here enter S.R. No. 1759 of 1839)

1.

With the Return now received the Provincial Court send a copies of Returns from Mr. Newbery and Levie - the late and present Acting Criminal Judges of Cuddapah - together with translations of the proceedings held before the Criminal Court in the cases of Perjury abovementioned.—

2.

In order to determine on the propriety of the order of the Judge on Circuit dated 10th August 1839, for

S.R.

4th November 1839.

for the discharge from the bar without trial of the prisoners in Case No. 57 of the Cuddapah Calendar of the second Sessions of 1839 - as well as to decide on the regularity or irregularity of the proceedings of the Zillah Court of Cuddapah in Original Suit No. 160 of 1839 - the Court of Conjdaree Adawlut require to have before them a translation of all the proceedings held in that suit, which the Provincial Court will accordingly be pleased to obtain and forward with the least possible delay.—

3. The Provincial Court will likewise be pleased to call upon Mr. Newbery to specify the instances he has "adduced" to the Magistrate of Cuddapah "in which parties guilty of the most barefaced perjury have escaped punishment" - and the "Cases" - or some of them which he has "selected as sufficiently clearly proved for Criminal prosecution" but which "have invariably - he believes - terminated in the release of the Prisoners".—

Ordered, that Extract from these proceedings be sent to the Provincial Court of Circuit in the Centre Division by Precept returnable within twelve days from and after its receipt.—

(Sent following Precept No 1304)

Enc. R.J.

Read Return dated the 21st ultimo from the Provincial Court of Circuit in the Centre Division to the Precept

4th November 1839.

of the Court of Tondiarre dated under date the 11th October 1839.
directing them to send up copies of the proceedings held by Lt.
Casamajor and Lt. Davis in the matter of Nootkoocawmygaree Veerummah
and his wife Leetummah petitioners to the Court of Tondiarre dated
(Here enter C. L. No. 1766 of 1839)

Also read again Miscellaneous Petition presented
on the 23d September last by Nootkoocawmygaree Veerummah and
Leetummah of the Zillah of Chittoor.—

(Here enter C. L. No. 117 of 1839)

1. The Provincial Court forward a copy of Lt.
Casamajor's proceedings dated 10th April last and state "that
"Mr. Davis held no proceedings in the case but merely referred
"the Petitioners to the Magistrate in the first instance"

2. It appears by Lt. Casamajor's proceedings
that the case of the Petitioners was "fully investigated and
"disposed of by the Head Assistant Magistrate by a decision
"dated 13th August 1836" and under the explanation afforded
on the matter by the Magistrate, Lt. Casamajor approved
that officer's proceedings, and rejected the Petition, presented
to him by the parties before this Court.—

3. The Court of Tondiarre did not see no
sufficient reason for reversing a decision passed more than
three years ago.—

4. The Petitioners, if aggrieved, ought to have
complained to the Court of Circuit in 1836.—

5. The Court see no ground to interfere
further

4th November 1839.

further in this matter.—

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

Ent. J

L. A. C.

W. H.

F. 16.

At a Court of the Foujdaree Adalut

Present,

Thomas, Alexr. Oakes Esqre. Actg. 1st Puisne Judge

Tuesday 3d November 1829. William Rudlestone Esqre. 2d Puisne Judge

Alexr. Duncan Campbell Esqre. 3d Puisne Judge

F.T.O.

Read the Criminal Reports of the Zillah Court of Madura for the Month of September, submitted by the Acting Criminal Judge -

/Mere under F. 16. dd. 17/43./

Supplemental Report Case No. 76.-

The Court of Foujdaree Adalut consider it necessary to direct the Provincial Court of Circuit in the Southern Division to look into the proceedings held on this case, and to pass such orders thereon as they may deem proper with reference to the provisions of Section XXIII Regulation X of 1816, proper to bring the result to this Court.-

Ordered, that Extract from these proceedings be sent to the Acting Criminal Judge of Madura for his information.-

/Sent in No 1305/

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

information and guidance, by Precept returnable within twenty five days, from and after its receipt.-

/Sent following Precept No. 1306/

Read the following Letter dated 25th ultimo from the Acting Joint Magestrate in charge of the District of Malabar.

/Here enter F. Mo. No. 1795 of 1839/

1. The Acting Joint Magistrate reports with reference to the letter from the Tondaree Udalut of the 18th ultimo, that "the names of none of the Principals or accessaries in the murder of Mydroos Achumee and Vyatomi are known, and he is therefore unable to comply with the directions contained in the third paragh. of the said letter.-

2. The Acting Joint Magistrate has transmitted a copy of the proceedings of the First Judge on Circuit in the Western Division called for in the fourth parah. of the letter from this Court.-

3. The Court of Tondaree Udalut observe that it is only on receiving an application, specifying by name any supposed accessaries, to whom for the reasons stated in Section XX Regulation VIII of 1802 it may be deemed advisable to tender a conditional pardon, that such tender can be authorized by the Tondaree Udalut.-

4. The Court therefore are unable to sanction

sanction the application made in the late Acting Magistrate's letter of the 3rd instno.-

5. Under the order of the First Judge on Circuit dated 20th September 1839, the Magistrate should have applied to the Tondaree Udalut for permission to offer the reward proposed.-

6. The Court resolve now to authorize the offer of a reward of five hundred /500/ Rupees for the principal and one hundred /100/ for each of the inferiour offenders, in this case.-

Ordered, that an Extract from these proceedings be sent to the Acting Joint Magistrate in charge of Malabar for his information and guidance.-

/Sent in No. 1307/

Read returns dated the 8th Ultimo from the Acting Criminal Judge of Madura, to the precept of the Court of Foujdaree Udalut dated the 30th of September 1839, conveying their observations and orders on the Madura Criminal Reports for the Month of August last.-

/Here enter F. Mo. No. 1673 of 1839/

1. The Acting Criminal Judge with reference to the 5th and 6th Parahs. of the Proceedings of the Foujdaree Udalut of the 30th September last, states in the above return that "the Prisoners "in Cases Nos. 115 and 116 were originally arraigned "in Cases Nos. 33 and 60 of 1836 respectively for having

5th November 1839.

"having been found in possession of part of the
"Jewels, mentioned Vide in Criminal case No 32.
"knowing the same to have been stolen, and that
"finding from the amount the cases taken out of
"his hands" he "committed the prisoners for further
"trial in Nos 16 and 20 of the 2nd Sessions of 1839.
"but the cases were returned by the Acting 1st Judge
"on Circuit" to be disposed of by the Criminal Court.

2. The Acting Criminal Judge adds
"that from the above instructions and from the view
"taken of the cases by the Acting First Judge on
"Circuit the Acting Criminal Judge felt authorized
"to dispose of the cases in the manner he has done.
"and he trusts that the Judges of the Court of
"three Adalut will consider the above explanations
"sufficient in justification of his disposal of case
"No 116."

3. The above explanation afforded by the Acting Criminal Judge regarding the disposal by him of case No 116 appears to the Court of Fouzdaree Adalut satisfactory and they resolve to inform that Officer, that in their Proceedings of the 29th Ultimo they have pointed out to the Acting 1st Judge on Circuit his error in returning the prisoners in cases Nos 16 and 20 on the Madura Calendar to be disposed of by the Criminal Court.

Ordered, that Extract from these proceedings be sent to the Acting Criminal Judge

D

3 f 16

5th November, 1839.

of Madura for his information and guidance.

/Sent in No 1305/

Read letter dated the 25th ultimo from the 2nd Judge of the Provincial Court in the Western Division, submitting the Warrant for execution of the Sentence of death passed by the Court of Fouzdaree Adalut on the Prisoner in Case No 1 on the Additional Calendar for the 3rd Quarterly Sessions of 1839.

/Here enter No 1798/

Read letter dated the 25th ultimo from the 3rd Judge of the Provincial Court in the Western Division, proceeding at the 4th Quarterly Sessions reporting his having received and Additional Calendar containing one Case of Murder and one Prisoner, and also annexing the copies of the Memoranda shewing that on the absence of the first, the only eye witness to the commission of the crimes, it had been considered advisable to defer entering upon the trial for the present.

/Here enter No 1799./

Read letter dated the 28th ultimo from the Acting 1st Judge on Circuit in the Southern Division, reporting his intention to open the Second Sessions of 1839 at Coimbatore on the 19th Instant.

/Here enter No 1800./

Read

Read returns, dated the 29th ultimo from the Criminal Judge of Chittoor, to the 4th precept of the Fouzdaree Adalut dated the 25th October 1839, conveying their remarks and orders on the Criminal Reports for the Month of September 1839.-

(Here enter No. 1802.)

Read Statement dated the 5th ultimo. from the Acting Criminal Judge of Salem, shewing the Amount realized by the labor of the Prisoners in the 3rd Quarter of 1839.-

(Here enter No. 1809.)

Read letter dated the 28th ultimo. from the 3rd Judge on Circuit in the Northern Division, reporting that a Proclamation has been sent to the Criminal Judge of Chicacole, notifying that the Court of Sessions of 1839 will be holden at his Station on the 18th November next.-

(Here enter No. 1810.)

Read return dated the 30th ultimo from the Provincial Court of Circuit in the Southern Division, to the precept of the Fouzdaree Adalut of the 14th August last, directing them to call upon the several Criminal Courts within their Division for reports as to the probable expence which the adoption of those Courts Suggestion to pay the expences of all prosecutors and witnesses appearing before the Courts of Circuit without reference

reference to the restriction contained in ~~the~~ Section XXXIII Regulation X of 1816, would entail upon the State.-

(Here enter No. 1811.)

Read Supplemental return dated the 28th ultimo. from the Provincial Court of Circuit in the Southern Division, to the 4th precept of the Fouzdaree Adalut of the 30th August 1839, directing them to call for the preceedings in Criminal Case No. 95 of 1839 of the file of the Zillah Court of Salem and pass such orders thereon as they may deem proper.-

(Here enter No. 1813.)

Read return, dated the 2nd instant from the Criminal Judge of Chingleput, to the precept of the Fouzdaree Adalut dated the 31st October 1839, directing him to forward any explanation which the Magistrate may have given in regard to the alleged ill-treatment of the 1st Prisoner by the Peon in Case No. 87 of the Criminal Report V for September last, or to furnish the Magistrate with a copy of the above proceedings and require him to submit his report on the subject direct to the Fouzdaree Adalut.-

(Here enter No. 1817.)

Read letter dated the 26th ultimo from the 3rd Judge of the Provincial Court in

in the Western Division, presiding at the 4th Quarterly Sessions of 1839. reporting his having received a 2nd Additional Calendar containing one Case of Arson and one Prisoner.

(Here enter No. 1821.)

Read letter dated the 30th ultimo from the Provincial Court in the Western Division, forwarding the Statements received from the Subordinate Courts shewing the amount realized by the labor of Prisoners in the 3rd Quarter of 1839.

(Here enter No. 1822.)

Read letter dated the 31st ultimo from the 3rd Judge of the Provincial Court in the Western Division, presiding at the 4th Quarterly Sessions of 1839. reporting his having received the Third Additional Calendar containing one Case of Wounding and one Prisoner.

(Here enter No. 1823.)

L.N.C.

Eq. L.

J.C.

J.D.

J.M.

J.C.

J.D.

J.M.

J.C.

J.D.

J.M

2. The Prisoner was required to find security for his future good behaviour for three years.—

3. The following are the recorded grounds of the concurrence of the Third Judge Presiding, in the Futwa of Acquittal delivered by the Mohummudan Law Officer of the Court:— "in this case although there is much reason to believe that the deceased was murdered by the Prisoner, yet it is impossible to convict him on the evidence produced at the trial, which is neither to the commission nor confession of the crime by the Prisoner who pleaded not Guilty before all the tribunals—The deceased's daughter who appears from the proceedings to have been present at her death, and who verbally before this Court gave a very fair statement of what occurred at her Mother's murder by the Prisoner, is only six years old and totally ignorant of the nature of an oath and the consequence of Perjury."—

It

4. It appears to the Court of Foujdaree Udalut that in this case there has been a failure of justice from neglect of the obvious course of causing the child to be duly instructed in the nature of an oath and the consequences of Perjury before the Sessions; and that the Presiding Judge should have postponed the completion of the Trial until this had been done.—

5. The examination of the child without oath was in direct violation of this Court's Circular Order of the 15th April 1819, and the Criminal Judge whose attention the Third Judge will be pleased to call to this point, is highly censurable for neglecting to observe the course of proceeding laid down in the Circular Order of the 12th July 1825.—

6. The Court of Foujdaree Udalut consider the present to be a fitting opportunity for apprizing the Third Judge that this Court are far from satisfied with the manner in which his duties

as

as a Judge of Circuit are ordinarily performed.-

7. The Court have had frequent occasion to observe the carelessness, (especially in regard to the Tuitwas) disregard of orders circulated for general guidance and acquittals upon insufficient grounds- whether arising from a defective appreciation of native evidence or from Indolence- which his proceedings as a Circuit Judge have exhibited: and the unfavorable impression thus created, has been by no means diminished by the results of his late Circuit in the Centre Division.-

29th Octr 1835.
13th May 1836.
10 July 1837.
18 July 1837.
13 June 1839.
30th March 1839.
} FM. Proc.

8. The Court of Foujdaree Udalut deem it necessary to warn Mr. Davis that any future instance of misconduct on his part will form the subject of a grave representation to Government.-

Second Supplt. Calendar Case No. 1.

9. The prisoner in this case was charged "with having at eight o'clock on the morning of the 28th September 1839- thrown red pepper into the eyes of the Prosecutrix Lutchmee Ummaul while she was in the backyard of her house

house and cut off part of her right ear with a knife- and robbed from her ear a gold ornament valued at twenty eight Rupees."-

10. The prisoner is convicted but in consideration of his youth, and as this is the first offence he had committed, and as it may be inferred from the evidence adduced in the case, wherein she proves that he bore a good character and that no previous enmity existed between him and the Prosecutrix, that he was in a state of Intoxication at the time he committed the crime in question", the Third Judge recommends that the punishment prescribed for the offence by the Regulations, be mitigated to five Years' imprisonment with hard labour in Irons.

11. The Court of Foujdaree Udalut do not consider this to be a fit case for any mitigation of the prescribed punishment: and the Law must be allowed to take its course.-

Ordered, that Extract from these

6th November 1839.

these proceedings be sent to the Third Judge of the Provincial Court of Circuit in the Centre Division for his information and guidance.—

(Sent in No. 1310)

Read the Criminal Reports submitted, by the Acting Criminal Judge of Salem, for the month of September.

(Here enter No. 1745.)

Suppl. Report Case 129

1. The Prisoner in this Case, whose apprehension took place on the 7th of July, and who arrived at the Criminal Court on the 25th of the same month, is stated in the report to be still under examination.—

2. The Court of Sirdarree Adalut with reference to the time that has elapsed, desire to be informed for what reasons the case has not been disposed of.—

Ordered, that Extract from these proceedings be sent to the Acting Criminal Judge of Salem for his information and guidance by precept returnable within five days, from and after its receipt.—

(Sent following precept No. 1311) Read

6th November 1839.

Read return dated the 28th Ultimo from the First Judge on Circuit in the Western Division, to the Precept of the Sirdarree Adalut of the 21st Ultimo, conveying their observations and orders on the Malabar and Cochin Calendars for the 2d Sessions of 1839.

(Here enter No. 1825.)

Read return dated the 2d Instant from the Second Judge late on Circuit in the Northern Division to the precept of the Sirdarree Adalut dated the 29th October 1839, directing that Dundapoo Sawmygandoo the 1st Witness for the defence in Case No. 10 of the Tiruppatam Calendar for the 1st Sessions of 1839, be committed to take his trial for Perjury.—

(Here enter No. 1832.)

L.T.O.

E.T.J.

F. 06

At a Court of the Foujdaree Udalut

Present

Thomas Alexr Oakes Esqr Agt 1st Puisne Judge

Thursday Williams Rudleston Esqr 2d Puisne Judge

7th November 1839. Alexr Duncan Campbell Esqr 3d Puisne Judge

F.R.O. Read letter dated the 21st

Ultimo from the Acting Judge on Circuit

in the Centre Division, forwarding the

Cuddapah and Cuttack Calendars for

the Second Sessions of 1839.

(Here enter F.R. No. 1780 of 1839.)

Cuddapah Calr. No. 4. 1. In this Case three Prisoners

were charged with having, at night, in

Company with some others in a Gang -

with lighted torches, gone forth to the

house of the Prosecutrix, entered it by

removing the bolt of the door, burnt the

Sixth witness - a Female - with a lighted

torch, beaten her, and robbed her of Pro-

perty valued at Rupees 73-8-0.

2. The first Prisoner was convicted

The

3. The second and third prisoners were sentenced "under Clause third, Section IV Regulation XV of 1803" to fourteen years' imprisonment with hard labour in Irons: but the Acting Judge recommends a mitigation of the prescribed penalty in their behalf "as the evidence to the prisoners having used torches or having been accompanied by others is not trustworthy: a simple Burglary seems to be all that was committed."—

4. The Court of Sunglaree Udalut observe that the Prisoners Convicted of Robbery and if that accompanied with "Burglary" only was proved, the trial must be referred to this Court.—

5. But if the Acting Judge be of opinion that the Offence of Gang Robbery is brought home to the Prisoners, the Court of Sunglaree Udalut authorize him in that case to issue his warrant to the Acting Criminal Judge for the imprisonment of the said Prisoners for eight years.—

The

6. The Court cannot sanction a greater reduction of the prescribed penalty being of opinion that the principle upon which the Regulations are framed requires that the punishment for Robbery shall be more severe than that for Theft without Burglary.—

Case No 5

7. For the same reason, the Court of Sunglaree Udalut authorize the Acting Judge of Circuit to issue his warrant to the Acting Criminal Judge for the imprisonment of

Codee Yerrar Byreddy

the 1st Prisoner in Case No 5, with hard labour in Irons for Eight Years.—

Cases Nos 7-9-10 and 16.

8. These are Cases of Robbery.—

9. The Acting Judge has erred in considering the finding of Zun-i-ghalib by the Futwa of the Mahummadan Law Officer of the Court of Circuit, tantamount to an acquittal. Clause Sixth, Section II. Regulation XV of 1803, expressly excludes convictions on Zun-i-ghalib: as the Acting Judge will find

finds on perusing the words immediately
preceding those he has quoted in his
Remarks on Case No. 1.

10. These Cases must, so far as
they regard the Prisoners acquitted under
the misdemeanor now above stated, be referred
for the final Judgment of the Sudder
Adawlut: and the Acting Judge will be
pleased to issue immediate instructions
to the proper officer for the re-apprehension
of such of the said Prisoners as may have
been released from confinement.

Cases Nos. 18. and 41.

11. In Case No. 18 the Prisoner
is charged with having entered, at night,
a room in the house of the Prosecutor, by
taking off the lock of the door, and
stolen therefrom property of the value
of Rupees 1404-6-3.—

12. The Prisoner is convicted, but
"no aggravation of the offence is shown"
the Acting Judge recommends that the
punishment to which he is liable under
Section XXI Regulation VII of 1802, be
reduced to four years' imprisonment.

For

13. For the same reason, the Acting
Judge recommends a mitigation of the
prescribed penalty to three years' im-
prisonment with hard labour in Irons
on behalf of the first Prisoner in
Case No. 41. who is convicted of having,
with others, broken into the Prosecutor's
house, and stolen therefrom property
of the value of Rupees 312-11-0.—

14. The Court of Sudder Adawlut,
having duly considered all the circumstances
of these cases, resolve to accede to the
recommendation of the Acting Judge, and
under the provisions of Clause third,
Section III Regulation I of 1835, authorize
that Officer to issue his warrant to the
Acting Criminal Judge for the imprison-
ment of the Prisoners with hard labour
in Irons:— the Prisoner

Case No. 18. Dugsha Mookha Raghavendrarow.

for four years: and the Prisoner

Case No. 41. Ty. Doo Shaingandoo

for three years.—

Case No. 30 15. The Prisoner in this Case was
charged

charged with having, at night, in company with some others, gone to the house of the Prosecutor, entered it by scaling the wall, seized the Prosecutor, struck him with a stone on the head, and stolen from the house, property of the value of Rupees 30-7-0.

16. In the Extract from the Proceedings of the Court of Circuit under date the 19th August 1839 it is remarked that "in this Case there is no Evidence whatever beyond the Statement of the Prosecutor and the alleged Police confession that more than one Prisoner was concerned in the Robbery and on that Prisoner only were any Property found which could be identified as belonging to Prosecutor. The amount stolen does not exceed thirty Rupees - Under these circumstances the Case appears to come under the cognizance of the Criminal Judge to whom it is returned and to be disposed of under the provisions of the General Regulations."

17. The Court of Faujdaree Adalut consider

consider this to have been an erroneous order

18. The Act as proved, appears to be one of Robbery, and therefore beyond the Jurisdiction of the Criminal Court.

19. But if the Prisoner has suffered any part of a consequent sentence by the Criminal Judge, the Court of Faujdaree Adalut will not order his recommitment for trial before the Court of Circuit, the Court having ruled that a Prisoner, having been once tried and punished though by an authority not legally competent thereto, cannot be again tried and punished for the same offence.

Cadets Nos 33. & 38. 20. The Court of Faujdaree Adalut deem it necessary to call for English translations of all the proceedings held in Case No 33 and in the charge of Murder respecting which the Prisoner in No 33 and the Prisoners in the five following Cases, are said to have committed Perjury and the Acting Judge will be pleased to obtain and forward the same to this Court at his earliest convenience.—

In

Cases Nos 44 and 47.

21. In each of these cases the prisoner has been required by the Acting Judge of Circuit to find Security for his future good behaviour, on the ground of his voluntary confessions before the Police Officer.-

22. The Court of Fanjidaree Adalut observe that a bare uncorroborated confession before a Police Officer does not warrant the requisition of Security.-

23. The Acting Judge will be pleased to issue orders for the cancellation of the Bail bonds, and for the immediate discharge of the Prisoners, should they be still in confinement in default of finding the required Security.-

Cumbum Calr. Case No 5.

24. The first Prisoner in this Case is convicted of Gang Robbery by open violence; but as the evidence does not establish any acts of cruelty or enormity" the Acting Judge recommends that the prescribed penalty be reduced to seven years imprisonment with hard labour in Irons.-

The

25. The Court of Fanjidaree Adalut observe that there is evidence to cruelty and enormity in the examinations before the Criminal Court: and the Court requires to be informed whether that evidence was retracted before the Court of Circuit.

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

(Sent following Precept No 1313)

Read letter dated the 25th Ultimo from the Acting Second Judge of the Provincial Court of Circuit in the Centre Division, transmitting a copy of the Sheristah Calendar of the Third Quarter Sessions of 1839.-

(Here Enter F.C. No 1779 of 1839.)

Cases Nos 6 8 11

1. In Case No 6 the Prisoner was convicted of Housebreaking and Theft

2. In Cases Nos 8 and 11, the Prisoners were convicted of Highway Robbery.-

In

7th November 1839.

3. In each case the Acting Second Judge recommends a mitigation of the prescribed penalty, as the offence was effected without any circumstances of aggravation: and in Nos 8 and 11 the value of the property plundered was very trifling.

4. The Court of Sunjdarce Wadalut agree to the mitigation recommended in each case, and under the provisions of Clause third, Section III. Regulation I of 1825, authorize the Acting Second Judge to issue his warrants to the Criminal Judge for their imprisonment with hard labour in irons, of the Prisoner

Case No 6. Nuraniah,

for three years of the prisoners

1st Ganady Poolleegandoo

Case No. 8 3d Ikla Moothoologandoo

4th Ikla Vencatastagandoo

5th Ikla Moothadoo

6th Ikla Poolleegandoo

and of the prisoner

Case No 11 Nullavandoo

for eight years respectively.-

7th November 1839.

Case No 7

5. The prisoner in this case was convicted of Robbery and sentenced to fourteen years imprisonment, the Futwa of the Mohummudan Law Officer having declared him convicted of the crime charged on strong presumptive proof and liable to Mootubut:-

6. The Court of Sunjdarce Wadalut observe that a second Futwa should have been taken under Clause third, Section II. Regulation XV of 1803, and this must now be done, because, without a Futwa awarding Hud of two limbs, the sentence is illegal.-

Case No 10 7. The Court of Sunjdarce Wadalut observe that if there be any legal doubt as to "whether the act of the prisoner" amounted to robbery - it should be solved by the Mohummudan Law Officer.-

8. The Criminal Judge should be warned to pay strict attention to the orders respecting the instructing children of tender age in the nature of an oath.-

Ordered, that Extract from these

7th November 1839.

these Proceedings be sent to the Acting 2nd Judge of the Provincial Court of Circuit in the Centre Division for his information and guidance.-

(Sentence No. 1314)

Read letter dated the 26th Ultimo from the Acting Joint Criminal Judge of Masulipatam, submitting for the orders of the Court of Sirgidaree Udalut a copy of a warrant issued by the Second Judge of the Provincial Court of Circuit in the Northern Division for the imprisonment of the prisoners in Case No. 1 of the Masulipatam First Supplemental Calendar of the Third Quarter Sessions of 1838- for fourteen years in banishment from that District, under the provisions of Clause third, Section IV. and Clause third Section VIII Regulation XV of 1816.-

(Here Enter F.C. No. 796 of 1839.)

The Court of Sirgidaree Udalut direct that the Sentence of Imprisonment in Banishment be carried into effect in the District of Chingleput.-

The Acting Joint Criminal Judge will accordingly be pleased to make over the prisoners in question to the custody of the Criminal Judge of that Zillah.-

Ordered, that Extract from these Proceedings be sent to the Acting Joint Criminal Judge of Masulipatam for his information and guidance.-

(Sentence No. 1315)

Eg. L.

L.A.C.

1839

At a Court of the Zillah Judges Udalut

Present

Thomas Alex.r Oakes Esq.re 4th Puisne Judge

Saturday, 9th November 1839.

William Hudleston Esq.re 2nd Puisne Judge

Alex.r Duncan Campbell Esq.re 3rd Puisne Judge

Y.P.O.

Read Return dated 21st Ultimo from the Provincial Court of Circuit in the Northern Division to the Register of the Court of Zillah Udalut under date the 19th September 1839, directing them to look into the proceedings in Case No 58 of the Criminal Return of the Zillah Court of Nellore for the month of July last with reference to the provisions of Section XXIII. Regulation X of 1816 and report the result to this Court.

(Here enter T. Rec.d No 1804 of 1839.)

1. The Provincial Court have not copies of the opinions recorded on this case by the First and Second Judges, as to differ from each other in their view of the evidence.

Evidence.—

2. The Court of Tongdarree Udalut concur with the Second Judge of the Provincial Court as to the evidence in this case.—

3. But a late opinion of the Mohummadan Law Officers of this Court, of which the Court direct that an translation be forwarded to the Provincial Court, shows that the act of the Prisoner was not Robbery but Theft; and therefore cognizable by the Criminal Court.—

4. The Court therefore will not disturb the order passed by the Criminal Judge of Nellore for the requisition of security from the Prisoner.—

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

(Sent in No. 1316)

Read return dated the 1st Instant from the First Judge on Circuit in the Western Division, to the precept of the Tongdarree Udalut of the 25th September last,

directing him to look into the proceedings in Case No. 122 Canara Criminal Report for the month of August 1839, and pass such orders thereon as he may deem proper with reference to the provisions of Section XXIII Regulation X of 1816. reporting the result to the higher Court.—

(Here enter No. 1836.)

Read letter dated the 2d Instant from the First Judge on Circuit in the Western Division, reporting his intention to open the 2d Session of 1839 at Honore on the 25th Instant.—

L. R. O.

(Here enter No. 1837.)

At a Court of Vice Admiralty

Present,

Monday
11th November, 1839. Thomas Alexr. Baker Esqre. ——— Acting 1st Puisne Judge,

William Hudleston Esqre. ——— 2d Puisne Judge,

D.F.C. Alexr. Duncan Campbell Esqre. 3d Puisne Judge,

Read Miscellaneous Petitions presented on the 29th July and 12th August last by Eidasph of the Zillah of Chittoor.—

(Here enter Nos. 89 and 90 of 1839)

1. The Petitioner represents himself to be the Writer of Jemadar and Krishnen, the two persons whose commitment for Perjury was ordered under date the 19th July 1839. by the Acting Second Judge Presiding at the Third Quarter Sessions of 1839 at Chittoor: and he prays that an order may be issued for their release.—

2. The interference of the Court of Vice Admiralty in the present stage of the proceedings is totally out of the question, and does not appear to be in any way called for.—

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

Read

Read again Letter dated 29th July 1839 from the late Acting Third Judge of the Provincial Court of Circuit in the Southern Division, submitting copies of the 5th 6th and 7th Supplemental Calendars of the Auxiliary Court of Trincomalee for the Second Quarter Sessions of 1839.—

(Here enter S.C. No. 1278 of 1839)

The Court of Enquiry Ordain direct that the Provincial Court of Circuit in the Southern Division be called upon to send up without delay a copy of the Magistrates Report promised at the conclusion of the remarks of the late Acting Third Judge on Case No. 1 of the fifth Supplemental Calendar, wherein Sunghie Marattoo Pattaton was convicted of Gang Robbery by open violence in the house of one Lachien and sentenced to imprisonment with hard labour in Irons for fourteen years.—

Ordered, that Extract from these proceedings be sent to the Provincial Court of Circuit in the Southern Division by Precept returnable within seven days from and after its receipt.—

(Sent following Precept No. 1320)

Read Miscellaneous Petition presented on the 12th August last by Inhabitants of the Village of Chittoor.—

(Here enter Mis. P. No. 98 of 1839)

The

1. The Petitioner prays for an order for the release of his Brother Kanamier who in Case No. 6 of the Criminal Calendar of the Third Quarter Sessions of 1839 was convicted of Housebreaking and Theft.—

2. The Court of Enquiry Ordain, on reference to the Calendar, are of opinion that the Prisoner in the case in question was properly convicted.—

3. But upon the recommendation of the Presiding Judge, the Court have sanctioned the reduction of the prescribed punishment to three years imprisonment with hard labour in Irons.—

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

Read Miscellaneous petition presented on the 9th September 1839 on behalf of Rajah Vyd and by Catchamee Sooty Naidoo by his Mooktiyar Vaheed Baraka Pungiah Pantoolou.—

(Here enter Mis. Pet. No. 109 of 1839)

Read also Miscellaneous petition presented on the 30th of September 1839 on behalf of Sait Ennaul by his Mooktiyar Vaheed Muhammadu Ibrahim Marikar.—

(Here enter Mis. Pet. No. 122 of 1839)

1. The Petitioner refers to the order of the Court of Enquiry Ordain dated the 12th of August 1839 relative to the removal of the property belonging to the Vaipparedy estate from

from the Agency house at Amaravaty to some other place where it will be secure from the effects of the weather, with the concurrence of Sesa Saul and Edaveeday, and in their presence. and the petitioner in Petition 120 prays that notice may be given to him also and that his Agent may be present.—

2. Petitioner in No. 122 prays that peremptory orders may be issued to the Provincial Court directing them to adopt measures for the security of the property and for the repair of the room in which the property is secured.—

3. In their Proceedings of the 21st Ultimo. the Court of Sunjarare Adalut have observed "that the Magistrate of Guntoor having reported that the building in which the property is secured has been effectually repaired and that no injury to the property is to be apprehended from the effects of the weather it cannot be necessary now to remove the property from the said building."—

4. But it will continue "they add" to be the duty of the Magistrate to take care that the property is effectually secured."—

5. To these Proceedings the Court of Sunjarare Adalut direct that the Petitioners be referred as containing an answer to their Petitions.—

Ordered, that Extract from these Proceedings be furnished to the Petitioners respectively on their application.—

Read

E.K.

11th November 1839.

Read Miscellaneous Petition presented on the 23d September 1839 by Nagoo Ammal of the Zillah of Combaconum.—

(Here enter No. 118 of 1839)

1. The Petitioner repeats the request preferred in her former petition, No. 64 of 1839, that an order may be issued, for the release of her husband, Veera pulay, Prisoner, in Case No. 55 Combaconum Calendar 2d Sessions of 1838.—

2. The Court of Sunjarare Adalut observe that this matter has been fully considered and disposed of, after an examination of the record of proceedings, by this Court's order of 6th July 1839.— which the petitioner cannot have read, or had explained to her, and they therefore direct that she be referred to the said order, and informed that the same is final, and that no further petition on this subject will be received.—

Ordered, that the prayer of the petition be rejected, and that Extract from these proceedings be furnished to the petitioner on her application.—

Read the following letter dated the 19th ultimo from the Criminal Judge of Bellarce

Bellary.—

(Here enter F.R. No. 1770 of 1839)

1. The Criminal Judge reports that two persons have been sent to the Criminal Court by the Joint Magistrate of Bellary charged with "demanding and accepting for their "own use, an unauthorized Postage on Post Free letters of Soldiers "and others of Her Majesty's 39th Regiment of Foot."—

2. The Criminal Judge observes that "the case was forwarded by the Joint Magistrate under con= =siderable doubt whether this offence in particular as also other offences specified in Sections XXXII, XXXIV, & XXXV, XXXVI and XXXVII of the Act XVII of 1837 were cognizable by him or not. The Act" observes the Criminal Judge "directs that persons convicted of the offences enumerated "shall be punished by the Magistrate, but although "the word Magistrate is used, it appears doubtful "whether in the provinces under the Madras Presidency, the "Criminal Judge is not the proper authority by whom the "offender shall be tried."—

3. The Criminal Judge then continues— "the offence with which the prisoners are charged is "that of collecting and appropriating to their own use "unauthorized Postage, and the Joint Magistrate was doubtful

"doubtful whether it came within the Provisions of Section
* for XXXV "* XXXII of the Act mentioned, supposing that the offence
"therein specified was cognizable by the Magistrate alone.
"It appears to me that the offence does come within the
"meaning of the Section quoted, for although the collecting
"of an unauthorized Postage is not specifically mentioned, yet
"there has been a fraudulent appropriation of the money
"which was not carried to the account of the Post office."—

4. The Court of Enquiry deem are of opinion that in Cases falling within the scope of the provisions of Section XXXIV, as the Magistrate has not jurisdiction in cases punishable to the extent therein provided, the Criminal Judge is the officer intended by the term Magistrate in that Section:— The prosecution being on behalf of the Government. But to bring a case under Section XXXIV, the accused must be in such employ as is described in Section XXXIII and be entrusted to receive money for Postage duty and fraudulently appropriate the same.—

5. Postage duty must mean duty authorized to be levied under the Act or some Act, and therefore the Court of Enquiry deem do not think that the collection of unauthorized postage comes within Section XXXIV, which must be construed strictly.—

St

6. It is a fraud and no doubt, punishable under Section VII Regulation X of 1816.—

7. The other point on which the Criminal Judge applies for instructions is "whether the Criminal "Judge must proceed in the examination of a case of "private injury such as calumny, abusive language, petty "assaults, in which the injured party has not either in "person or by attorney preferred any complaint before the "Magistrate, or whether he is at liberty to dismiss the case, "with liberty to the party aggrieved to make his complaint "if he thinks fit, to the Magistrate."—

8. The Court of Sudder Dewanny Adawlut observe that in such cases the injured party only can prosecute.—

9. It has been ruled by this Court that where the Magistrate may forward to the Criminal Court a prisoner punishable by himself, the Criminal Court should nevertheless dispose of the case.—

Ordered, that Extract from these proceedings be sent to the Criminal Judge of Bellary for his information.—

Ext. d.

(Sent in No. 1321)

Read Miscellaneous Petition presented on the 21st ultimo by Ramunnah of the Zillah of Salem.—

(Here enter Mis. P. No. 137 of 1839)

11th November 1839.

Also read Petition presented on the 21st ultimo by Moonyummah of the Zillah of Salem.—

(Here enter Mis. P. No. 135 of 1839)

1. As far as the Court of Sudder Dewanny Adawlut can understand the purport of the Petition No. 137 it is a complaint against a sentence of Transportation passed on Chinna Chenguloo by the Mayan authorities, over whom this Court has no controul.—

2. And the Petition in No. 135 complains of a like sentence passed apparently by the same authorities on her Husband Venkataramanah.—

3. But as reference is made in both Petitions to proceedings held by the Collector and Magistrate of Salem and his native subordinates in regard to these parties, the Court of Sudder Dewanny Adawlut direct that translations of both Petitions be sent to that Officer, with instructions to report on the allegations therein contained if the matters represented have been brought under his official cognizance.

Ordered, that Extract from these proceedings be sent to the Magistrate of Salem by Precept returnable within fifteen days from and after its receipt.

(Sent following Precept No. 1322)

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

Read

Read Miscellaneous Petition presented on the 28th October 1839, by Kuneyaden Kompie Ramunedi of the Talook of Malabar.—

(Here enter Rec. P. No. 1143 of 1839)

1. The Petitioner prays that the Court write call for the record of Case No. 1 Cochin Calendar 2d Sessions of 1839, and order the release of Paree the prisoner in that Case, who was charged with the wilful murder of one Ramen.—

2. The Court direct that the Petitioner be informed that the case in question has been referred to this Court, and finally disposed of by the sentence of Transportation for life upon the said prisoner.—

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

Read Return dated 23d and Supplemental Return dated the 28th ultimo from the Second Judge Cote on Circuit in the Southern Division, to the Precept of the Court of Zuidara Eedalut under date the 30th September 1839 - directing him to submit for the Court's consideration an English Translation of the proceedings in Case No. 2 of the Ambrenum Supplemental Calendar of the first Sessions of 1839.

(Here enter Rec. Nos. 1778 and 1814 of 1839)

1. With his supplemental Return of the 28th ultimo, the Second Judge forwards the English Translation of the Record of the Trial above mentioned.—

2. The Court of Zuidara Eedalut require to have before them the examinations taken by the Sub Police officer to which allusion is made (page 7 of the Record) in that of the Police Ameen under date 7th February 1839: and the Second Judge will be pleased to send us English Translations of the same to this Court at his earliest convenience.—

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

(Sent following Precept No. 1323)

At a Court of the Foujdaree Adalut.

Present,

Tuesday 12th November, 1839.

Thomas Alexr. Oakes Esqre. ——— Acting 1st. Puisne Judge,

William Huddleston Esqre. ——— 2d. Puisne Judge,

L.H.O. Alexr. Duncan Campbell Esqre. 3d. Puisne Judge,

Read Letters dated respectively the 7th and 9th ultimo from the Second Judge late on Circuit in the Northern Division, submitting for the final Judgment of the Court of Foujdaree Adalut, under the provisions of Act No. XXX of 1836. the Records of Cases Nos. 6-7-14-15 and 16 of the Vizagapatam Supplemental Calendar of the First Sessions of 1839.—

(Here inter Fol. Nos. 1701-1702-1703-1705 and 1706 of 1839)

1. In his letter referring Case No. 6 the Second Judge late on Circuit recommends that the Prisoner be sentenced "to imprisonment for life in the manner specified in his conditional pardon"; and at page 16. of the Record mention is made of a "deed" dated 30th June 1837, produced to the Court of Circuit.—

2. Before proceeding to Judgment in the above cases, the Court of Foujdaree Adalut deem it necessary to call upon the Second Judge to transmit to this

this Court a certified copy and translation in English of the document produced to the Court of Circuit, supposing the promise in each case to be framed in the same terms; if not, a copy of that produced in each case.—

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

(Sent following Precept No. 1324)

Read Letter dated 31st ultimo from the Third Judge on Circuit in the Northern Division, submitting Translations of the Depositions of Caile Koopsain alias Bodaka Koopsain Lately an Approver and 11th witness for the Prosecution in Case No. 2 of the Vizagapatam Supplemental Calendar of the First Sessions of 1839 - and now Prisoner in Case No. 15 on the Vizagapatam Calendar of the second Sessions of 1839. and recommending that the charge of Murder against that prisoner be cancelled, and the promise of immunity from capital punishment which was revoked under the orders of the Second Judge late on Circuit in the Northern Division on the ground that the prisoner had perjured himself in the aforesaid case No. 2 revived, and that the said prisoner be put on his trial for the

the offence prescribed by Act XXX of 1836.—

(Here enter C. D. No. 1842 of 1839)

1. The Court of Foujdaree Adawlut in their proceedings of 19th July 1839 recorded their opinion that the deposition of the Individual referred to in the letter now recorded from the Third Judge, were not "in direct and positive contradiction the one to the other as to the matter of fact deposed to".—

2. The Court entirely approve of the adoption of the course of proceeding recommended by the Third Judge on Circuit.—

3. It is totally incompetent to a Court of Circuit to cancel" the promise of mercy made to a King Approver under the instructions of the Governor General of India: and this has been explained to the Second Judge late on Circuit in the Northern Division in the proceedings of this Court under date the 2d November 1839.—

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

(Sent in No. 1325)

Read return and Supplemental Return dated the 20th of February and the 2d of August 1839 from the Provincial Court of Circuit in the Southern Division, to the precepts of

of the Court of Foujdaree Adalut under date the 29th of November 1838, directing the Provincial Court to issue instructions to the Magistrate of Ellore immediately to suspend from office Ibrahim Khan the Head Peon in his establishment and to institute a strict inquiry into his conduct respecting the conspiracy charge against him by Ram Sing as directed by the Honorable the Court of Directors and to report the result with their own opinion thereon for eventual transmission to Government.—

(Here enter S.L. Nos. 307 and 1314 of 1839)

Mr Oakes and Mr Campbell.

1. With their return of the 2d of August the Provincial Court of Circuit submit copies of the Proceedings held by the Acting Magistrate of Ellore de novo into the charges preferred by Ram Sing against Ibrahim Khan, together with a translation of the petition presented at the close of the enquiry by the complainant.—

2. These Proceedings which it is observed have been impartially and efficiently conducted by Mr. Thompson appear to the Court of Foujdaree Adalut to be still incomplete.—

3. In order to enable them to carry into effect the instructions of Government communicated in the Extract from the Minutes of Consultation under date the 30th October 1838. The Court of Foujdaree Adalut require to have before them the Urzee to the Magistrate of

of Ellore dated from the Tahsildar of Nellegyamalum dated the 19th of September 1830. quoted by Ram Sing in his petition of the 6th of April and alluded to in the 42 4/4 question of the examination of the 13. witnesses together with translations of all the proceedings held by Gooda Koopadu Khan late Tahsildar of Nellegyamalum in regard to the Prisoner Ramasamy, including his usual report to the Criminal Court showing the date of the arrest, departure &c. of that prisoner.—

4. The Provincial Court will likewise be pleased to call on Mr. Elton for an explanation of the removal from office of the 1st and 2d witnesses, Imazed Khan and Essof Khan, who depose that they were in employment when examined by Mr. Elton, but have since been dismissed.—

12th witness Mahomed Rooten son of Mahomed Rooten Cultivator and Merchant.
13th witness Ramanaik daughter of Pulla Rooten caste Idiar.
14th witness Ayanamaik daughter of Pulla Rooten caste Idiar.
15th witness Canderamaik daughter of Imurah Rooten caste Idiar of the Village of Chaulagoitoo
16th witness Ramanaik Comp Cingo Cavilgar of the Village of Eangolam
17th witness Mamaiky Son of Chinna Venkaiga Cavilgar of the village of Chaulagoitoo.

5. In the translation of Case No. 86 of 1830. submitted with the Return of the Provincial Court of Circuit for the 3d Quarter of 1834, it is observed that the 6 witnesses noted in the margin deposed before the Joint Criminal Judge of Ellore on the 8th October 1830, to certain highly reprehensible acts of Ibrahim Khan towards them when examined by the above mentioned Tahsildar, with reference to the alleged discovery of certain jewels in a Nullah on the North of Erichanatoor.—

The

6.

The Court also remark it recorded at the close of the examination of the Prisoner Ramasawmy in Case No. 87 of 1830 held before the Joint Criminal Judge on the 18th of July 1831. that six witnesses. Asseranien of Kingecondam in the Greycondam Taluk. 2 Letchmana Ayen of the same place. 3 Arnachellam Eaver of Sedalampoolam in the said Taluk. 4 Veliatayen of the same place. 5 Sunkaranarainen and 6 Sheik Inadan Police Peons attached to the Nallegamdalom Taluk – were cited by him to prove that he had been instigated by Ibrahim Khan to make the confession given before the Magistrate of Tinnevelly on the 29th November 1839, in which he criminated Ram Sing.–

7.

The Court therefore order that the case No. 86 of 1830 be sent back to the Provincial Court to be forwarded to the Magistrate of Tinnevelly, and deem it proper to direct that the evidence of the 12. witnesses above named be taken and submitted for their consideration, for which purpose the Provincial Court of Appeal are required to issue a precept to the Magistrate of Tinnevelly, desiring him to obtain the attendance of the witnesses in question, and in the presence of the accused Ibrahim Khan, and the Prosecutor Ramsing, to examine them as to the alleged instigation to the charge brought against the said Ram Sing, and as to any other facts relating to the conduct of the

the said Ibrahim Khan with reference to the charges at present under enquiry especially as to his having, in the presence of the Tahsildar Inadar Roosain Khan, procured witnesses, so as to oblige them to sign declarations which they never made – on this point the persons who wrote these depositions, and others present, as well as the deponents themselves, should be examined, allowing Ibrahim Khan to put such questions as he may think proper, and taking down any thing further that he may have to offer in his defence, annexing authenticated translations in English of these additional Proceedings, which the Provincial Court will transmit with as little delay as possible to the Court of Conjeveram Adalut.–

Ordered, that Extract from these proceedings be sent to the Provincial Court of Circuit in the Southern Division, by precept returnable within one Months, from and after it's receipt.–

(Sent following Precept No. 1326)

Circular Order

No 112.

The Court of Conjeveram Adalut have deemed it proper to direct by a Circular Order that a transcript, or if in any native language, a translation

of

12th November 1839.

of the promise made to each Prisoner approver under the instructions of the Governor General in Council, presented through the Provincial Courts of Circuit on the 12th August 1837, be entered on the record of all trials of such approvers for the offences provided for by the Act No. XXX of 1836.

Ordered that Extract from these proceedings be sent to the four Provincial Courts of Circuit for their future guidance, and with instructions to furnish Copies of the same to the Judges on Circuit and the Criminal Courts in their respective Divisions, by Precept returnable within ten days from and after its receipt.

(Vide following Circular Precept No. 1324)

Read letter dated the 12th February 1839 from the Criminal Judge of Chingleput, forwarding the exculpation required by the Court of Directors on the subject of the charges preferred by Mr. Hughes of Eminently against him.

(Here enter No. 240 of 1839)

Read return dated the 20th February 1839 from the Provincial Court of Circuit in the Southern Division to the precept of the Court of Foujdaree Adalut under date 9th February 1839 calling on them to ascertain and report what may have been done in pursuance of the order conveyed in the Proceedings of this Court of the 29th November last, regarding the immediate suspension of the Head Row in the office of the Magistrate of Eminently.

(Here enter No. 308 of 1839)

J.H.D.

J.H.C.

W.E.

No. 66.

At a Court of the Foujdaree Adalut

Present,

Friday 15th November 1839.

Thomas Alexander Oakes Esqre. Actg. 1st Puisne Judge

William Cudleston Esqre. 2nd Puisne Judge

Alexander Duncan Campbell Esqre. 3rd Puisne Judge

J.H.C.

W.E.

I think the Diary should be sent round in the same way for Approval

W.E.

Read Letter dated 4th instant from the First Judge on Circuit in the Western Division; submitting that the prisoner in Case No. XIV of the Calicut Calendar of the Second Sessions of 1839, whose re-apprehension and commitment for Trial before the Court of Circuit at the next ensuing Sessions of Jail Delivery for murder was ordered in para: 16 of the Extract from the Proceedings of the Court of Foujdaree Adalut under date the 21st Ultimo should be admitted to Bail until the next Sessions.

(Here enter F.A. No. 1850 of 1839)

Upon the recommendation of the First Judge, the Court of Foujdaree Adalut resolve to authorize the said Prisoner being admitted to Bail.

Ordered that extract from these proceedings

15th November, 1839.

proceedings be sent to the First Judge on Circuit in the Western Division for his information.—

(Sent in No. 1340.)

Read the following letter dated the 6th instant from the First Judge on Circuit in the Western Division.—

(Here enter F.16. No. 1357 of 1839.)

1. The first Judge submits an extract from the Translation of a Return from the Principal Sudr Ameen of Sirsee reporting that Ramalah to whom a pardon was authorized to be offered by the proceedings of the Foujdaree Udalut of the 19th Ultimo, has declined to give evidence against his fellow prisoners: and a copy of a letter from the Acting Magistrate of Canara on the subject of the robberies in the Northern Talooks above the Ghauts: and with reference to these communications, the First Judge suggests that he be authorized to offer a pardon to any one or two of the prisoners who may appear not to be leaders and who may be disposed to turn approvers.—

2. It has been ruled by the Foujdaree Udalut that it is only on receiving an application specifying by name any supposed accessaries

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accessaries to whom for reasons stated, the tender of a conditional pardon may be proposed, that authority for such tender can be given.—

3. But under the particular circumstances of this case and the conviction that in the instance of Mr. Vaughan there is no danger of indiscretion in the selection of the parties to whom the tender should be made, the Court of Foujdaree Udalut resolve to accede to the First Judge's recommendation, and grant the authority solicited for the purpose above mentioned.—

Ordered, that extract from these proceedings be sent to the First Judge on Circuit in the Western Division for his information.—

(Sent in No. 1341.)

Read letter dated 25th Ultimo from the Third Judge of the Provincial Court of Circuit in the Western Division, submitting a copy of the Tellicherry Primary Calendar of the fourth Quarter Sessions of 1839 with copies of the Proceedings of the Third Judge under date the 7th October 1839 on review of the Petty Calendars

15th November 1839 Calendars and of Returns and Precepts therewith connected.—

(Here enter F. Cir. N°. 1806 of 1839.)

Read also letter dated the 28th Ultimo from the same officer submitting a copy of a correspondence with the Acting Joint Criminal Judge of Malabar respecting the sixth prisoner Beedanhill Ravany Kellon in Case N°. 1 of the Primary Calendar of the Auxiliary Court at Tellicherry for the fourth Quarter Sessions of 1839.

(Here enter F. Cir. N°. 1823 of 1839.)

1. In the only case on the Calendar now submitted, eight prisoners were charged with Gang Robbery by open violence of whom the sixth alone was convicted.

2. In his favour the Third Judge recommends a reduction of the punishment prescribed by Clause third Section IX Regulation XV of 1803, to eight years imprisonment with hard labour in Irons "as it does not appear that he was implicated in the violence offered to the Prosecutrix."—

3. The Court of Foujdaree Adalut resolve to accede to the recommendation of the

15th November, 1839 the Third Judge and under the provisions of Clause third Section III Regulation I of 1825, c authorize him to issue his warrant to the Acting Joint Criminal Judge of Tellicherry for the imprisonment of the prisoner

6th Panangatil Badanil Ravany Kellon

for eight years.—

4 With reference to the Third Judge's Letter of the 28th Ultimo, the Court of Foujdaree Adalut do not object to allow this prisoner to be sent to the Magistrate in order that that Officer may ascertain whether or not the prisoner can and will furnish important information.—

5. If his disclosures should prove true and their results be considered by the Magistrate to entitle him to the mercy of Government, that Officer will be at liberty to submit through the Third Judge a representation on the subject to this Court: but it is to be understood that this Court do not authorize the offer of any conditions whatever to the prisoner upon whom the mitigated sentence now authorized will be considered as taking effect from the date of

the

15th November 1839

the Third Judge's warrant.

6.

With reference to the concluding remark in the letter of the Acting Joint Criminal Judge of the 28th Ultimo, the Court of Tanjore Udalut observe that the prisoner's evidence is admissible as a convict under Act No. XIX of 1837.

7.

Adverting to paragraph 3 of the Third Judge's Letter of the 25th Ultimo, the Court observe that under Clause Second, Section XIII. Regulation VII of 1827, it is optional with the Judge in Circuit to revise the proceedings of the subordinate authority, without Petition or not.

8.

And, with reference to the concluding remark in paragraph 7 of the Extract from the Proceedings of the Third Judge under date the 21st October 1839, the Court observe that their Circular order of the 27th August 1832, makes all cases of "error" "amissible to the Collective Court of Circuit, under the provisions of Section XXIII. Regulation X. of 1816.

9.

The Court of Tanjore Udalut adverting to the Certificate of the Acting Garrison Surgeon dated 13th September 1839, concur with the Third Judge in opinion that the case of wounding referred to was not of a "Trifling" nature, and that it should have been committed for Trial before the Court of

ember 1839 of Circuit.

Ordered, that extract from these proceedings be sent to the Third Judge of the Provincial Court of Circuit in the Western Division for his information and guidance.

(Sent in No. 1342)

Read Return dated 10th September and Supplemental Return dated 10th October 1839 from the First Judge of the Provincial Court of Circuit in the Northern Division to the Precept of the Court of Tanjore Udalut under date the 3d September 1839, communicating the orders of Government conveyed in the Extract from the Minutes of Consultation under date the 20th August 1839 No. 691 on the Extracts from the Proceedings of the Court of Tanjore Udalut under dates the 17th and 25th June 1839, as held on review of the First Judge's Circuit Report for the second Sessions of 1838.

(Reference F.D. No. 1553 and 1739 of 1839.)

Also read Letter dated 20th September 1839 from Mr. A. Freese late Collector and Magistrate of Vizagapatam submitting with reference to the extracts from the Proceedings of the Court of Tanjore Udalut under date 17th June

June and 3d September 1839 and Extract from the Minutes of Consultation under date the 20th August 1839 an explanation in regard to his alleged illegal interferance with the grain trade of Vizagapatam

(Here enter F. Uo: No. 1579 of 1839)

Also read order of Government dated the 15th October 1839 No. 826 communicating the general concurrence of Government in the opinions expressed by the Court of Foujdaree Udalut in paras: 2 and 3 of their proceedings of the 23d September 1839 No. 187.

(Here enter F. Uo: No. 1727 of 1839.)

Also read letter dated 20th April 1839 from the First Judge of the Provincial Court of Circuit in the Northern Division, transmitting translations of extra Petitions Nos. 55 and 56 presented to the First Judge on behalf of Goday Soorie Narrain Row and others inhabitants of the Town of Vizagapatam and the several Documents therewith connected.—

(Here enter F. Uo: No. 662 of 1839)

1. With his supplemental Return of the 10th Ultimo, the First Judge transmits copies of Returns viz. from the Magistrate of Vizagapatam and from Captain Vallancey the Joint Magistrate offering

offering explanations in regard to the several points noticed in the First Judge's Circuit Report and in the orders of this Court and of the Government thereon.—

2. With reference to parah: 12 of the proceedings of the Foujdaree Udalut under date 17th June 1839 it will be observed from the replies of Captain Vallancey that "the Government of India have never granted a reward for every convicted Thug" but that rewards varying from one thousand to fifty Rupees have been sanctioned for the seizure of those Thugs" for whose apprehension it is thought advisable a reward should be offered."—

Suppl. Return parah 2. 3. The Court of Foujdaree Udalut observe that although as remarked by the first Judge "the approvers' trade of giving information against others is made a means of enriching their families," this is a result which, it is presumed, cannot be prevented. It is a part of the system which the Government of India have deemed necessary for putting down Thuggee: and is quite a different thing from rewarding Approvers for giving evidence on the trial of Thugs.—

The

Suffr. Return parah 3. and Magr. Return 7th Octr. 1839 with Accompts. 3-9-10-11-

4. The Court of Foujdaree Udalut observe that the "Summonses" issued by Mr. Mason (accompts. 9 and 11) were utterly illegal as not accordant with Section VII Regulation III of 1802 made applicable to the Magistrate by Section II Regulation I of 1824.

5. If the attendance of the Banians referred to in parah: 5 of the Magistrate's letter, was required as witnesses, they ought to have been summoned in the manner described in that provision.

6. The orders of Mr. Mason to the Jemadar (accompts. 9 and 10) were also illegal.

Suffr. Return parah: 7 and Magr. Return parah: 7.

7. The proceedings here referred to form Appendix H to the First Judge's Circuit Report, and have already been before the Foujdaree Udalut and the Government and been fully considered. The Court will only observe that they concur in the remarks of the First Judge in parah: 4 of his Supplemental Return. It now appears that Mr. Mason's Orders were even more illegal than was at first supposed.

8. After fully considering the observations and explanations offered in the Magistrate's Return, the Court of Foujdaree Udalut continue

continue of the opinion recorded in parahs 14 and 15 of their proceedings under date the 25th June 1839.

9. He is however satisfactory to learn from parah 3 of his Return that the Magistrate "immediately brought to Mr. Mason's notice the irregular manner in which his Summonses were issued and served, and requested he would be more careful in future".

10. In parah 6 of his Supplemental Return the First Judge referring to the remarks of the Magistrate in parah: 15 of his Return respecting the complaint preferred to the First Judge charging Mr. Mason with an Assault, observes "that he did not consider he was at liberty to refer the complaint to the Magistrate for disposal generally as he believed that the Magistrate was not vested with authority to investigate complaints against covenanted civil Servants: and in this opinion the Court of Foujdaree Udalut concur.

11. The Court of Foujdaree Udalut cannot admit what is urged by the Magistrate in parah 16 of his Return "that all original complaints though against his subordinates

subordinates should in the first instance, be preferred to the Magistrate, and that it is impossible otherwise that he can be held responsible for any irregularities that may be brought to light." The Regulations do not contemplate any such course of proceedings and parties are at full liberty to petition the Judge on Circuit.

12. With reference to the explanations offered by Captain Vallancey in his letter to the Magistrate under date the 27th September 1839 (Accompt. No. 7.) the Court of Tondaree Udalut deem it sufficient to refer to parah. 20 of their proceedings of the 17th June 1839 wherein they observed that "the proceedings of the parties designated as "Kaidadars," if objected to by the Merchants or others in Vizagapatam as injuring their market, formed a matter for the exclusive determination of the Civil Courts: but the Joint Magistrate had no power, by Law, to issue the orders" he did: and the Court continue to be of opinion that Captain Vallancey had no legal authority to interfere in any way.

13. In his letter to this Court of the 20th September last Mr. Freese adverts to the proceedings

proceedings of "a body of Grain brokers"; which led him to "desire it to be publicly intimated that any person might bring his grain to market and sell it according to his own pleasure": but he adds "no order either to compel persons to sell their grain or in any way interfering with the price was at any time issued by me; on the contrary the records of the Vizagapatam office will show how often I have refused such interference when requested to exercise it."

14. The Court of Tondaree Udalut observe that the public "intimation" above adverted to, was no doubt correct and unobjectionable: but it appears to the Court that Mr. Freese's order, dated 8th October 1837 was an order prohibiting "forestalling" and directly interfering with the Merchants in order to prevent that rise in the price of grain which is the natural consequence of scarcity and tends to prevent it from becoming famine. The said order was a violation of the order

J

of Government on the subject and is, in the opinion of the Court, properly open to the censures which have been passed upon it.

15. As observed in the Minutes of Consultation dated 20th August 1839 the orders of Government forbid "all interference on the part of the public officers with the supply of grain or the regulation of prices."

16. The Petitions forwarded with the letter from the First Judge of the 20th April 1839 above recorded and adverted to in para. 10 of the Magistrate's Return dated 7th September 1839 "have reference to a road which the party named in them, Goday Sooria Pracasha Row has enclosed, he having made a new road parallel to the old one somewhat more to the North of it. Goday Sooria Pracasha Row presented a Counter Petition to the Petitions Nos. 55 and 56" and the object of the First Judge in laying the Papers before the Foujdaree Adalut is to obtain the instructions of this Court in the matter, he "being doubtful of the authority of a Magistrate to shut

shut up roads in Towns and to open new ones when such a measure may not be agreeable to the inhabitants in the vicinity; and also whether cognizance of complaints of this description properly falls within the province of a Judge on Circuit."

17. It appears to the Court of Foujdaree Adalut that "the Magistrate" professes no such authority. The proceeding of Mr. Gardiner which forms the subject of the letter (para 15) dated 9th February 1830 was in his capacity of "Collector" and was obviously unconnected altogether with his powers as a Magistrate.

18. It is needless to remark that with acts of a "Collector", as such, the Court of Circuit has no concern whatever.

Ordered, that extract from these proceedings with copies of the First Judge's Returns now recorded & of the enclosures of his Supplemental Return and of the letter from Mr. Frease, be sent to the Chief Secretary to Government for the purpose

of

15th November 1839

of being laid before Government.—

(Sent in No. 1343)

Read the Criminal Report

dated the 14th Instant from the Acting Joint

Criminal Judge at Masulipatam for the

Month of October 1839.—

P.A.O.

(Here enter No. 1920)

Ex. P.J.

WS

JHD

Ex. H

In a Court of the Foujdaree Adawlut.

Present.

Monday,

18th November,

1839.

Thomas Alexr. Oakes Esqre. Acting 1st Puisne Judge,

William Hudleston Esqr. 2d Puisne Judge,

Alexr. Duncan Campbell Esqr. 3d Puisne Judge.

Read Miscellaneous Petition presented

on the 28th October 1839, by Mooneyammal of the Zillah of

Chittoor.—

WS

(Here enter No. P. No. 139 of 1839)

LAO.

1. The Petitioner prays the Court of Foujdaree

Adawlut to call up the record in Case No. 181 on the Criminal

File, of the Zillah Court of Chittoor and pass orders thereon

for the release of her Husband Veerasawmy Moniagy, the

Prisoner in that Case.—

2. The Court of Foujdaree Adawlut, direct

that the petitioner be informed that all petitions against

the Proceedings of the Criminal Judge must be addressed

to the Court of Circuit.—

Ordered that the prayer of the petition

be rejected and that Extract from these proceedings be

furnished to the petitioner on her application.—

Read Return dated 22d ultimo: and

Supplemental

Supplemental Return dated 4th instant from Mr. G. L. Hooper late Acting Third Judge late on Circuit in the Southern Division, to the Precept of the Court of Enquiry dated under date the 30th September 1839, calling upon him, and through him upon Mr. Phillips late acting Joint Criminal Judge of Eimeuelly, to offer any statement to show why their conduct should not be reported to Government, in neglecting to conform to the Circular Order of the 31st January 1820 - in Case No. 3 of the Eimeuelly Calendar of the First Sessions of 1838.-

(Here enter C.L. Nos. 1772 and 1844 of 1839)

The Court of Enquiry dated will not press this matter any further, being satisfied that both Mr. Hooper and Mr. Phillips will be careful in future to avoid an irregularity so frequent and so injurious to the administration of Criminal Justice - Mr. Phillips especially has given satisfactory reasons for his oversight.-

Ordered, that Extract from these proceedings be sent to Mr. Hooper and to Mr. Phillips for their information respectively.-

(Sent in No. 1319)

Read Letter dated 8th instant from the Third Judge of the Provincial Court of Circuit in the Western Division, submitting copies of the Records and Third Additional Calendars of the Acceiab Court of Appeal for

for the Fourth Quarter Sessions of 1839.-

(Here enter C.L. No. 1879 of 1839)

Third Addl. Calendar.

The Court of Enquiry dated see no objection to the sentence passed by the Third Judge in the Case on the Third Additional Calendar.-

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

(Sent in No. 1350)

Read the Criminal Reports of the Zillah Court of Rajahmundry for the Month of October.-

(Here enter C.L. No. 1857 of 1839)

Report V
Case No. 103.

1. The prisoners in this case of whom the first was charged with Housebreaking and Theft and the second with Knowingly receiving the stolen property were convicted and sentenced to imprisonment for two years, under Clause fourth, Section III Regulation VI of 1822.-

2. The Court of Enquiry dated deem it proper to direct the Provincial Court of Circuit in the Northern Division to call for the proceedings in this case and report their opinion as to the sufficiency of the evidence for conviction.-

The

3. The evidence against the first prisoner, as it appears in the Report, seems to the Court to be weak.—

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

(Sent in No 1351)

Read Return dated 6th instant from the Second Judge Circuit in the Northern Division, to the Precept of the Court of Oyer dated under date the 2d November 1839— calling upon him to explain the circumstance of his having declared the pardon conditionally granted to the Chief approver Sheikh Hoosain alias Bodrekah Hoosain— the witness for the prosecution in Case No 2 of the Zillah Tanjore Supplemental Calendar of the last Sessions of 1839— forfeited, as stated in a letter addressed by Captain Vallancey to the Joint Criminal Judge of Negapatam dated 21st June last.—

(Here enter Ct. Ltr. No 1868 of 1839.)

1. The Second Judge forwards copies of Extracts from his proceedings dated the 18th and 27th June last, relative to this matter; and submits "that "in declaring the conditional pardon granted to the said

"said approver to be forfeited, and ordering him to be "brought to trial, he acted in strict conformity to the "instructions of the Governor General referred to in the "Letter Extract and the Circular Order of the Sudder Adawlut Court of the 3d April 1828."—

2. The Court of Oyer Sudder Adawlut observe that the Second Judge was correct in applying the Circular Order of the 3d April 1828 to the Case of a Chief approver.—

3. The promise of money to these persons is totally different from the tender of a conditional or pardon to a supposed accomplice under the provisions of Section XX Regulation VIII of 1802; and as already declared by this Court, it is not competent to a Judge of Circuit to declare the promise cancelled.—

4. The case of the individual Chief referred to formed the subject of a state reference from the Third Judge on Circuit in the Northern Division, and the error of the second Judge in ordering the commitment of the capital crimes, has been rectified by order of the Sudder Adawlut.—

5. There is nothing in the instructions of the Governor General which warrants the proceeding adopted

18th November 1839.

adopted by the second Judge to the contrary.—

Ordered, that Extract from those proceedings be sent to the Second Judge late on Circuit in the Northern Division for his information and future guidance.—

(Sent in No. 1352)

End. W.

L.A.O.

L.A.O.

L.A.O.

F. No.

At a Court of the Tongdaree Adalut.

Present,

Thomas Alex.r Oakes Esq.re. Acting 1st Puisne Judge.

Wednesday Williain Studdeston Esq.re 2nd Puisne Judge,

20th November, 1839. Alex.r Duncan Campbell Esq.re 3d Puisne Judge

Read letter dated 28th ultimo from the Acting Judge on Circuit in the Centre Division, submitting for the final Judgment of the Court of Tongdaree Adalut the Record of Case No. 6 of the Cuddapah Calendar of the Second Sessions of 1839.—

L.A.O.

(Here enter F. No. 1816 of 1839.)

1. Before passing a final Judgment in this case, the Court of Tongdaree Adalut deem it necessary to call for English Translations of the Sentence passed in the first instance by Mr. Elmer the Head Assistant Magistrate referred to in the letter from the Magistrate to the Criminal Judge dated 12th January 1839: of the Nazee of the Tahseeldar of Dowsor referred to in the same communication and of the letter referred to by Putla Nursoo the fifth witness for the Prosecution before the Court of Circuit, as having been written by himself to the Amildar.—

p. 65 of the Record.

2. The Acting Judge of Circuit, on submitting these papers, will be pleased to explain whether the Mahzurnamah alluded to in the defence of the second prisoner is the same as that of which a translation is entered at page 12 of the Records and if it be a different one, he will submit an English Translation of it likewise.-

Ordered, that Extract from these proceedings be sent to the Acting Judge on Circuit in the Centre Division, by precept returnable within twenty days, from and after it's receipt.-

/ Sent following Precept No. 1254 /

Read Supplemental Return dated the 25th ultimo from the Third Judge late on Circuit in the Centre Division, to the Precept of the Court of Foujdaree Udalut under date the 13th June 1839, directing him to submit an English and Persian Translation of the Record of Case No. 52 of the Bellaree Calendar of the First Sessions of 1839, for the final Judgment of the Court.-

/ Vide under Letter No. 1782 of 1839 /

The Court of Foujdaree Udalut observe that it is not clear from the terms of the deceased's declaration / page 6 / that the dagger

dagger was drawn when he made a thrust with it, or when it was taken from him.-

2. But the 1st prisoner's examination / page 13 / shows that the dagger was not taken when that examination took place.-

3. The Court of Foujdaree Udalut require to be informed where the Scabbard, produced at the trial was found: and the Criminal Judge will, if necessary, take evidence to that point.-

4. The Court observing that the first prisoner in his defence before the Court of Circuit alleges that the seventeenth witness for the prosecution knew that the dagger produced in Court was his / Prisoner's / property, deem it proper to direct that the said seventeenth witness be examined on oath in the presence of the prisoner on that point.-

5 The Criminal Judge will permit the prisoner to cross examine the Witnesses and to offer any thing further in his defence, should he wish it, at the close of the examinations.-

6. The Third Judge of Circuit will submit an English translation of the evidence taken under these instructions for the consideration and final Judgment of the Foujdaree Udalut.-

7. It is observed that the 15th, 16th

and

and 17 witnesses for the prosecution before the Court of Circuit deposes that the prisoners in their case were flogged with Tamarind switches by order of the Reddy and Curmums of the Village of Kummanamant.-

8. The Court of Fouzdaree Udalut deem it necessary that an investigation should be made into this matter: and the Third Judge will accordingly be pleased to transmit to the Magistrate Copies of the depositions of these 3 witnesses and to instruct him to institute a personal enquiry into the truth or otherwise of the allegation: and will submit that Officer's report on the Subject for the consideration of the Court.-

9. The Third Judge will be pleased to state whether, upon being directed to refer this Trial "for the consideration and final Judgment of the Fouzdaree Udalut," he recalls the sentence originally passed upon the 1st prisoner, and, if not, he will do so without delay.-

Ordered, that Extract from these proceedings be sent to the Third Judge on Circuit in the Carnatic Division, by precept returnable within twenty five days from and after its receipt.

(Sent following Precept No. 1360)

Read letter dated the 5th instant from the Acting Magistrate of Bellary, submitting the explanation called for in the Proceedings

of

No.

20th November 1839.

of the Fouzdaree Udalut under date the 12th September 1839. relative to certain cases in the Bellary Criminal reports for the Month of July 1839.-

(Here enter No. 1873.)

Read letter dated the 7th instant from the Acting Joint Criminal Judge at Cochin, transmitting the Criminal Report for the Month of October 1839.-

(Here enter No. 1875.)

Read letter dated the 7th instant from the 3rd Judge on Circuit in the Northern Division, regarding the instructions of the Fouzdaree Udalut as to where the Dacoity Cases should be tried.-

(Here enter No. 1885.)

Read the Criminal Reports dated the 31st ultimo from the Acting Joint Criminal Judge of Coimbatore for the Month of October 1839.-

(Here enter No. 1902.)

Read the Criminal Reports dated the 31st ultimo from the Acting Joint Criminal Judge of Tellicherry for the Month of October 1839.-

(Here enter No. 1904.)

Read the Criminal Reports dated the 1st instant from the Officiating Joint Criminal

Criminal Judge of Tinnevelly for the Month of October 1839.-

/Here enter No. 1905./

Read letter dated the 15th instant from the Criminal Judge of Chittoor, transmitting the Criminal Reports for the Month of October 1839.-

/Here enter No. 1908./

Read return dated the 11th instant from the Criminal Judge of Chicacole, to the precept of the Foujdaree Adalut of the 2d Instant, conveying their observations and Orders on the Criminal Reports for the Month of September 1839.-

/Here enter No. 1911./

Read letter dated the 14th instant from the Criminal Judge of Salem, forwarding the Criminal Reports for October 1839.-

/Here enter No. 1916./

Read letter dated the 13th instant from the Criminal Judge of Bellary, transmitting the Criminal Reports for the Month of October 1839.-

/Here enter No. 1917./

Read letter dated the 13th instant from the Acting Joint Criminal Judge at Cuddalore, forwarding the Criminal Report for October last.-

/Here enter No. 1919./

F. No.

At a Court of the Foujdaree Adalut.-

Present.-

Thomas Alexr. Oakes Esqre. Actg. 1st Puisne Judge.

Thursday, 21st November, 1839. William Rudlestone Esqre. 2nd Puisne Judge.

Alexr. Duncan Campbell Esqre. 3d Puisne Judge.

Read letter dated 11th instant from the Register of the Provincial Court of Circuit in the Centre Division, submitting the opinions of the Acting Second Judge and the Third Judge of that Court in Case No. 237 of the Criminal Reports of the Tellah Court of Cuddapah for the Month of August last referred to in the proceedings of the Court of Foujdaree Adalut under date 11th October 1839.-

/Here enter F. No. No. 1891 of 1839./

Also Read Return dated the 13th instant, from the Provincial Court of Circuit in the Centre Division, to the Precept of the Court of Foujdaree Adalut under date the 11th October 1839 directing them to look into the proceedings in Case No. 237 of the Cuddapah Criminal Report for August, and pass thereon such orders as they may deem proper with reference to the provisions of Section XXIII Regulation X of 1816.-

/Here enter F. No. No. 1910 of 1839./

1. The Court of Fouzdaree Udalut concur in the opinion recorded in this case by the Acting Second Judge of the Provincial Court.-

2. The Provincial Court will accordingly be pleased to issue the requisite instructions to the Acting Criminal Judge for the commitment of the prisoner in the case in question for Trial before the Court of Circuit, at the next ensuing Sessions of Jail Delivery.-

3. The opinions of the Judges of the Provincial Court should have been submitted with the Return; and not with a Diary letter.-

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 No. 1364/.-

Read Return dated the 6th instant from the Provincial Court of Circuit in the Western Division, to the precept of the Fouzdaree Udalut dated the 14th August 1839, directing them to call upon the several Criminal Courts within their Division for reports as to the probable expence which the adoption of this Courts suggestions to pay the expences of all prosecutors and witnesses appearing before the Courts of Circuit, without reference to the restrictions contained in Section XXXIII Regulation X of 1816,

would entail upon the State.-

/Here enter No. 1876./

Read return dated the 6th instant from the Provincial Court of Circuit in the Western Division, to the precept of the Fouzdaree Udalut of the 21st Ultimo, directing them to look at the proceedings in Case No. 68 in the Report V of the Joint Criminal Court of Malabar for September last, and to pass orders thereon such orders as they may deem proper with reference to the provisions of Section XXIII Regulation X of 1816, reporting the result to the higher Court.-

/Here enter No. 1877./

Read return dated the 12th instant from the Acting Second Judge of the Provincial Court of Circuit in the Centre Division, to the precept of the Fouzdaree Udalut of the 4th Instant, directing that the prisoner Pondy Pedda Conda reddy be detained in the Jail Hospital under the care of the Medical Officer for a further period of 3 Months.-

/Here enter No. 1880./

Read letter dated the 7th instant from the Criminal Judge of Canara, transmitting the Criminal Reports for the Month of October 1839.-

/Here enter No. 1882./

Read.

Read return dated the 6th instant from the Acting Joint Criminal Judge of Vizagapatam, to the precept of the Foujdaree Adalut dated the 31st October 1839, conveying their observations and orders on the Criminal Reports for the Month of September last.-

(Here enter No. 1886.)

Read letter dated the 12th instant from the Joint Criminal Judge of Guntoor transmitting the Criminal Reports for the Month of October 1839, with the Exception of the Reports Nos. 3 and 9.-

(Here enter No. 1894.)

Read letter dated the 8th instant from the Principal Sudr Ameen of Honore forwarding the Criminal Reports &c. for the Month of October 1839.-

(Here enter No. 1896.)

Ent'd.

D.A.D.

Ent'd.

D.A.D.

F. No.

At a Court of the Foujdaree Adalut.

Present

Friday, 22nd November, 1839

Thomas Alexr. Oakes Esqre. Officiating Puisne Judge

William Hudleston Esqre. 2nd Puisne Judge

Alexr. Duncan Campbell Esqre. 3rd Puisne Judge

Read Return dated 11th instant from the Acting Criminal Judge of Cuddapah to the Precept of the Court of Foujdaree Adalut under date the 2nd November 1839, conveying their observations and orders on the Criminal Reports of the Zillah Court for the Month of September.-

(Here enter F. No. No. 1892 of 1839.)

Supplemental Report 1. The Sentence upon the first prisoner in this case must be reduced to Six Months imprisonment.-

Case No. 184.

2. The Acting Criminal Judge has submitted with this Return, English Translations of the Proceedings of the Head Assistant Magistrate in Case No. 260 of the Report V for August, called for in para. 9 of the proceedings of the Foujdaree Adalut of the 2nd instant.-

3. The Court of Foujdaree Adalut observe that the proceeding of the Assistant Magistrate

Magistrate in sending the prisoner in that case to the Criminal Court on a charge of forgery and endeavouring "to extort money by means of a forged document" was totally irregular.-

4. No such charge appears to have been preferred on oath to the Assistant Magistrate, and the Court do not understand under what provisions of the Regulations the prisoner was apprehended.-

5. The remark that the man is "known to be one of the most deeply implicated in the manufacture of false bonds" is irregular and improper. A Magistrate is not warranted in thus recording his fact, matter before him, and the Assistant Magistrate ought not to infer the truth of charges, of which he admits that there is not evidence sufficient for legal proof. If the charge is well founded, evidence such as the law requires should be sought for; nothing can more encourage crime, than immature proceedings unsupported by evidence which inevitably lead to acquittal.-

Ordered that Extract from these proceedings be sent to the Acting Criminal Judge of Cuddapah, by Draught returnable within three days from and after its receipt.-

/ Sent in following Precipt No. 1365 /.-

Ordered also that Extract from these

proceedings be sent to the Magistrate of Cuddapah for his information and that of his Assistant.-

/ Sent in No. 1366 /.

Read Statement dated the 28th ultimo from the Acting 2nd Judge of the Provincial Court of Circuit in the Centre Division of Batta paid to the Prosecutors and witnesses during the 3rd quarterly Sessions of 1839 at Chittoor.-

/ Here enter No. 1858 /

Read Statement dated the 8th instant from the Acting 2nd Judge of the Provincial Court of Circuit in the Centre Division of referible cases required by the Circular Order No. 4 of 1834.-

/ Here enter No. 1859 /

Read Statement dated the 9th instant from the 3rd Judge late on Circuit in the Centre Division, of referible cases required by Circular Order No. 4 of 1834.

/ Here enter No. 1860 /

Read return dated the 4th instant from the 3rd Judge on Circuit in the Northern Division to the precept of the Singapore Adalut of the 25th October 1839 conveying their remarks upon the Rajahmundry Calendar for the 2nd Sessions of 1839.-

/ Here enter No. 1862 /

Read

Read Supplemental return dated the 8th instant from the Provincial Court of Circuit in the Southern Division to the precept of the Tongdarre Adalut dated the 30th August 1839, regarding Cases Nos. 68 and 72 of the Criminal Report V for the Month of July last.-

(Here enter No. 1866.)

Read letter dated the 1st instant from the 1st Judge in Circuit in the Western Division, transmitting the Death Warrant in Case No. 3 Malabar Calendar 2nd Sessions of 1839.-

(Here enter No. 1868.)

Read return dated the 1st instant from the Acting Criminal Judge of Salem to the precept of the Tongdarre Adalut of the 6th instant, consigning their observations and orders on the Criminal Reports for the Month of September 1839.-

(Here enter No. 1869.)

Read letter dated the 1st instant from the Acting Joint Criminal Judge of Vizagapatam, informing the Judges of the Tongdarre Adalut that the 3rd Judge on Circuit has officially intimated his intention of holding the Sessions in the new Court.-

(Here enter No. 1872.)

L.R.O.

Cert. [illegible]

[illegible]

E. G.

At a Court of the Tongdarre Adalut.

Present,

Saturday, 23d. November, 1839. Thomas Alexr. Oakes Esqre. Acting 1st. Puisne Judge,

William Hudleston Esqr. 2d. Puisne Judge,

Alexr. Duncan Campbell Esqre. 3d. Puisne Judge,

L.R.O.

Read the Criminal Reports of the Auxiliary Court at Trichinopoly for the Month of October.-

(Here enter S.A. No. 1956 of 1839.)

Case No. 127. In this case, the prisoner

Cursapillay

was charged "with having beaten the Prosecutors Bullock "valued at Rupees 8.- on its leg, while it was grazing in "his (Prisoners) Cumboo Field, by which it fell down and "died the fourth day" and was sentenced to imprisonment for three months "under Section VIII. Regulation XIII of 1832 "and Section VII Regulation X of 1816."-

2. From the notice of the case and abstract of evidence in the Report the Court of Tongdarre Adalut are led to believe that the conduct of the prisoner was not prompted by malice: and they resolve to direct his immediate and unconditional release.-

Ordered, that a Extract from these proceedings

proceedings be sent to the Joint Criminal Judge at Erichimpoly by precept returnable within three days from and after its receipt.—

(Sent following Precept No. 1368)

Read Letter dated 14th. instant from the Criminal Judge of Chingleput submitting the Criminal Reports for the Months of October—

(Here enter Cir. No. 1895 of 1839)

Report V
Cases Nos. 60 and 68.

1. The prisoners in these cases were charged with Housebreaking and Theft, and were sentenced under "Clause fourth, Section III Regulation VII of 1822 to im= prisonment with hard labour in Irons— the prisoner in No. 60 for six Months— the prisoner in No. 68 for one year—

2. The Court of Sudder Adalut require to be informed whether or not the Breaking was proved. If it was, the provision cited is inapplicable.—

Ordered, that Extract from these pro= ceedings be sent to the Criminal Judge of Chingleput by Precept returnable within three days from and after its receipt.—

(Sent following Precept No. 1369)

Read Letter dated the 8th. instant from the

the Criminal Judge of Chicacole submitting the Criminal Report for the Months of October—

(Here enter Cir. No. 1907 of 1839)

Report V
Case No. 98.

1. The prisoners in this case were charged "with Having, at 12 o'clock in the night of the 13th August "1839, lifted up the door of the prosecutor's house, entered "in, and stolen therefrom gold articles to the value of "73 Rupees"—

2. The first and second prisoners are convicted and sentenced by the Criminal Judge, under Clause Seventh, Section II Regulation VI of 1822 the first to two years imprisonment with hard labour in Irons, and 150 Lashes, and the 2d to two years hard labour in the Jail: the Criminal Judge observing that he is "perfectly satisfied both from the evidence produced and "from the Statement of the 1st and 2d prisoners that they "either are the actual thieves themselves or have become "possessed of stolen gold ornaments and other property "which was robbed from the House of the prosecutor— "knowing that it was such."—

3. The grounds of the sentence as above recorded— is unsatisfactory: and the Court of Sudder Adalut deem it necessary to direct the Provincial Court

of

of Circuit to look into the proceedings and submit their opinion on the case for the consideration of this Court.—

4. In the mean while. the Criminal Judge will suspend the sentence.—

Ordered, that Extract from these proceedings be sent to the Criminal Judge of Chicacole for his information and guidance.—

(Sent in No. 1370)

Ordered also that Extract from these proceedings be sent to the Provincial Court of Circuit in the Northern Division by Precept returnable within 25 days from and after its receipt.—

(Sent following Precept No. 1371)

Read Letter dated 29th ultimo from the Acting First Judge on Circuit in the Southern Division, submitting a copy of the Combaconum Calendar of the second Sessions of 1839.—

(Here enter F.C. No. 1874 of 1839)

Also read Letter dated the 15th instant from the same officer, stating that he has fallen into an error in sentencing the prisoner in Case No. 4 of the Combaconum Calendar of the 2nd Sessions

23d November 1839.

Sessions of 1839 to fourteen years imprisonment for Highway Robbery under Clause third Section IV Regulation XV of 1803, and requesting authority to take a second Futwa from the Mahommedan Law officer of the Court of Circuit, and then pass a fresh sentence in accordance with the Regulations on that Head.—

(Here enter F.C. No. 1921 of 1839)

Case No. 4. 1. In this case the prisoner Caliany was convicted of Highway Robbery: but as the Prosecutrix states that the Prisoner did not in any way abuse or ill-treat her and that he was without a stick—" the Acting First Judge of Circuit recommends that the punishment to which the prisoner has rendered himself liable, be reduced to seven years imprisonment with hard labour in Irons.—

2. As observed in the Acting First Judge's letter of the 15th instant—a second Futwa must be taken under Clause fourth, Section III Regulation XV of 1803, when Death or two Limbs will be declared.—

3. In that event the Court of Circuit is declared, under the provisions of Clause third, Section III Regulation I of 1825, authorize the Acting First Judge to issue his Warrant to the Criminal Judge for the imprisonment of the said prisoner for eight years.—

The

4. The Court cannot sanction a shorter period of Imprisonment, being of opinion that the principle upon which the Regulations are framed requires that the punishment of Robbery should always exceed that of Simple Theft.—

Case No. 19. 5. The Court of Eoy d'are Dedatut do not disapprove the order passed in this case by the Acting First Judge.—

Cases Nos. 21 and 24. 6. In these cases of Gang Robbery by open violence the Acting First Judge recommends that the prescribed penalty be reduced in favor of the first and third prisoners in Case No. 21 to imprisonment for seven years, and in favor of the third, fifth, sixth, eighth, ninth and eleventh prisoners in Case No. 24 to imprisonment for five years, on the ground that "they are not professional "robbers and but for sudden excitement, there is no "reason to suppose that these robberies, perpetrated without "premeditation, would have been committed."—

7. For the reason above stated, the Court of Eoy d'are Dedatut object to a sentence of less than eight years: but they authorize the Acting First Judge to issue his mandat to the Criminal Judge for the imprisonment of the prisoners

1st

Case No. 21.

1st Cavoocandoo alias Carichaly Nevoody

and

3d Nevoody

and

Case No 24. 3d Aboobacker

5th Yaradavoo alias Chinnatumby

6th Thaisik Mahommed

8th Chinnapiel

9th Coomaboo

and

11th Cyama Yaradavoo

for that period.—

Case No 11 8. The prisoners in this case were charged with having in breach of the peace, riotously assembled in a mob, proceeded to the grain floor at Cadergam, assaulted and beaten the first, second and third witnesses with sticks, and forcibly carried away a quantity of Paddy.—

9. The Acting First Judge returned the Case to be disposed of by the Criminal Court, for the reasons recorded in the Extract from his proceedings under date the 3d October 1839.—

10. The Court of Eoy d'are Dedatut deem it

it proper to direct the Provincial Court of Circuit for the Southern Division to call for the proceedings from the Criminal Court, and submit a report on the case for the consideration of this Court.—

Ordered, that extract from these proceedings be sent to the Acting First Judge on Circuit in the Southern Division, for his information and guidance.—

(Sent in No 1372)

Ordered also that Extract from these proceedings (Sparks 8 & 10) be sent to the Provincial Court of Circuit in the Southern Division by Precept returnable within twenty five days from and after its reception.—

L. H. C.

(Sent following Precept No 1373)

W. H.

At a Court of the Fouydaree Udalut

Present,

Monday 25th November 1839.

Thomas Alexander Oakes Esqre 1st Puisne Judge.

William Cruddeston Esqre 2nd Puisne Judge.

L. H. C.

Alexander Duncan Campbell Esqre 3d Puisne Judge.

Read Miscellaneous Petition presented on the 28th Ultimo by Appa Dullay of the Zillah of Combaconum.—

(Reccorder No. P. No. 142 of 1839.)

1. The Petitioner prays for an order for the release of his brother Arroomacholla Dullay. the first prisoner in Case No. 11 of the Combaconum Calendar of the Second Sessions of 1839. which case was sent back by the Acting First Judge on Circuit in the Southern Division to the Criminal Court to be disposed of.—

2. The Petitioner states that the prisoner in question has been sentenced by the Criminal Court to three Months imprisonment and to pay a fine of twenty Rupees commutable if not paid for imprisonment for the further period of three Months.—

3. Petitions against proceedings of the

the Criminal Judge should be addressed to the Court of Circuit.

4 The Court of Foujdaree Udalut do not expect a report upon this case from the Provincial Court, but the Petitioner is recommended to return to his village, as his presence here cannot benefit his brother.

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

Read Miscellaneous Petition presented on the 11th instant by Ringien of the Zillah of Malabar.

(Here enter M. P. No. 144 of 1839.)

1 The Petitioner with reference to the circumstances mentioned in his petition No. 733 of 1839 and to the order passed thereon by this Court under date 4th November 1839, prays the Court of Foujdaree Udalut to order the report made by the Acting Joint Ciminal Judge of Cochin to the Magistrate of Malabar concerning the petitioner's character, to be cancelled.

2 He further prays that all the original documents submitted with this and his

his former petition be returned to him.

3 The Court of Foujdaree Udalut direct that the documents in question be returned to the petitioner, and that he be informed that the other prayer of his petition is inadmissible.

Ordered, that the prayer of the petition be rejected, and that extract from these proceedings be furnished to the petitioner on his application.

Read Miscellaneous Petition presented on the 11th instant by Mootoosaneegaree Tonkamnah and Seetammah of the Zillah of Chittoor.

(Here enter M. P. No. 145 of 1839.)

The Petitioners repeat the prayer of their former petition, No. 117 of 1839.

2. The Court of Foujdaree Udalut direct that the petitioners be referred to their order of the 4th November 1839, and informed that the same is final.

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

Read

Read Miscellaneous Petition presented on the 11th instant by Lutchmannah of the Zillah of Chittoor.-

(Here enter M. P. No. 146 of 1839.)

1. The Petitioner states that upon her presenting petition No. 76 of 1839, the Court of Foujdaree Udalut called upon the lower Court by precept, for an explanation of certain circumstances mentioned therein, and prays to be made acquainted with the return made to it.-

2. The Court of Foujdaree Udalut direct that the petitioner be informed that upon the receipt of the precept aforesaid, the Provincial Court called upon the Magistrate to take evidence as to the truth or falsity of the petitioner's assertion, that she was detained in confinement by the Head of Police of Cauvery Pauk, for six days, without food; The Magistrate in reply stated that Lutchmanna Ammal appeared to have proceeded to Madras and had not yet returned, and that the Head of Police had been called upon to report her arrival at Wallajahnuggur, in order that her complaint might be investigated.-

Ordered, that extract from these proceedings

S. Uc.

25th November, 1839.

proceedings be furnished to the Petitioner on her application.-

Read Miscellaneous Petition presented on the 11th instant by Yemmabeday.-

(Here enter M. P. No. 148 of 1839.)

The Petitioner prays for an order for the release of her husband Ghoolam Moideen first prisoner in Case No. 5 of the Chittoor Calendar of the Second Quarter Sessions of 1839. who was convicted of Forgery and sentenced by the Court of Quarter Sessions to four years imprisonment with hard labour in Irons.-

There is no appeal from the sentence of a Court of Circuit.-

The case in question is under the consideration of the Foujdaree Udalut and the Petitioner is recommended to return to her home, as her staying here can do no good to her husband.-

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

Read Miscellaneous Petition presented on the 11th instant by Ramanah

J

of the Zillah of Salem.—

(Here enter M.P. No. 1149 of 1839.)

The Petitioner repeats the purport of his petition No. 137 of 1839, complaining against the sentence of transportation passed upon Chinna Chengalroy.—

The Court direct that the petitioner be informed that explanation on the subject has been called for from the Magistrate of Salem.—

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

Read Supplemental Return dated the 2nd instant from the Third Judge late on Circuit in the Centre Division, to the Precept of the Court of Foujdaree Udalut under date the 3rd September 1839. calling for an English and Persian Translation of the Record of Case No. 7 on the Cuddalore Calendar of the first Sessions of 1839.—

(Here enter F. U. No. 1833 of 1839.)

Mr. Rudleston and Mr. Campbell.

The Court of Foujdaree Udalut having maturely considered the proceedings held before the Judge on Circuit, the futwa of the Provincial Law Officer; and the futwa of the Cazee-ul-Cozat and Mooftees of the Foujdaree Udalut, confirm the said futwa

futwa of the Cazee-ul-Cozat and Mooftees aforesaid, & acquitting the prisoner

Narrainapadiache—

and they do acquit him accordingly; but considering that strong suspicion, tho' not amounting to conviction attaches to him, the Court direct under the provisions of Clause sixth Section II Regulation XV of 1803, that he be required to find two sureties in fifty rupees each surety for his good behaviour and appearance, when required within two years, or in default thereof, that he be detained for two years in confinement.—

The Court of Foujdaree Udalut are not of opinion that the evidence in this case is sufficient to warrant more than strong suspicion against the accused.—

2. The Indigo said to have been found in the backyard of the house is not produced: nor is there any evidence that the baskets contained Indigo belonging to the prosecutor.

Ordered, that extract from these proceedings be sent to the 3rd Judge late on Circuit in the Centre Division for his information.—

(Sent following letter No. 1375.)

Read

25th November 1839

Read letter dated the 31st Ultimo, from the Acting Judge on Circuit in the Centre Division, submitting the Record of Case No. 19 of the Cuddapah Calendar 2nd Sessions 1839 for the final decision of the Tsnjdarce Udalut.

(Here enter F. Ho. No. 1839 of 1839)

Mr. Hudleston and Mr. Campbell

The Court of Tsnjdarce 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

Hussun Sahib

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 1813, convict him thereof, and under the provision of Section X Regulation VIII of 1802. sentence him to suffer death by being hanged at the usual time and place of execution.

(Sent following letter No. 1376)

Read again letter dated 25th July last from the Acting Second Judge of the Provincial Court of Circuit in the Centre Division, submitting a copy of the Chittoor Calendar of the Second Quarter Sessions of 1839.

(Here enter F. Ho. No. 1231 of 1839)

The

F. Ho.

25th November 1839

The Court of Tsnjdarce Udalut finding it necessary to refer to the Record of case No. 5 of the Calendar abovementioned, resolve to direct the Acting Second Judge to submit an English Translation of the same for their consideration.

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

(Sent following Precept No. 1377)

Read Extract from the Minutes of Consultation under date the 11th November 1839 P. 905 desiring the Court of Tsnjdarce Udalut to communicate to Mr. Mason and to the Magistrate of Vizagapatam for his information and guidance, the substance of the extract from their proceedings under date the 15th October 1839 wherein they submitted their opinion that with reference to the provisions of Section XV Regulation IX of 1816 Mr. Mason may be allowed to appear by Vakeel in the investigation into the charge of Assault ordered to be conducted at Vizagapatam.

(Here enter F. Ho. No. 1893 of 1839)

Ordered

25th November 1839.

Ordered, that a copy of the extract from the proceedings of the Court of the 16th Ultimo be sent to Mr. Mason for his information.—

(Sent in No. 1378)

Ordered also, that the First Judge of the Provincial Court of Circuit in the Northern Division to whom a copy of the said proceedings were forwarded on the 16th Ultimo be instructed to furnish a transcript of the same to the Magistrate of Vizagapatam for his information and guidance.—

(Sent in No. 1379)

Read Letter dated 12th instant from the Acting Criminal Judge of Cuddapah, forwarding the Criminal Reports for the Month of October.—

(Here enter F. Co. No. 1915 of 1839.)

Cases No. 188 @ 196 inclusive of Report V for July
Case No. 230 of Report V for August
Case No. 282 " " V October

The Court of Faujdaree Adaulut deem it proper to direct the Provincial Court of Circuit in the Centre Division to look into the proceedings in these cases with reference to the Provisions of Section XXIII. Regulation X. of 1816 and report their opinion thereon to this Court.—

Ordered, that extract from these proceedings be sent to the Provincial Court of Circuit in the Centre Division, by Precept returnable

within one Month, from and after its receipt.—

(Sent following Precept No. 1380)

Read return, dated the 29th Ultimo, from the 3d Judge late on Circuit in the Centre Division to the precept of the Faujdaree Adaulut dated the 25th October 1839, conveying their observations and orders on the Case No. 12 of the Cuddalore Calendar for the 1st Sessions of 1839.

(Here enter No. 1801.)

F. Ua.

At a Court of the Foujdaree Udalut

Present,

Thomas Alexr. Oakes Esqr. Actg 1st Puisne Judge

Tuesday 5 / 26th November 1839 — William Rudleston Esqr. 2d Puisne Judge

Alexr. Duncan Campbell Esqr. 3d Puisne Judge

Read letter dated 11th Instant from the Criminal Judge of Malabar forwarding the Criminal Reports for the Month of October.—

L.F.O. 425

(Here enter F. Ua. No 1903 of 1839)

Report V. Case No 182.

1. In this case the prisoner Madathil Chiappen alias Andy. was charged "with having in the day-time of the 17th September 1839 struck his Son Achoo then a boy about 12 years age with his hands, which caused his death" and was ordered to find two securities in fifty Rupees each for one year.—

2. The Court of Foujdaree Udalut direct that a copy of the remarks of the Criminal Court on this case be sent to the Provincial

F.Ua.

At a Court of the Foujdaree Udalut

Present,

Thomas Alexr Oakes Esqre Actg 1st Puisne Judge

Tuesday 26th November 1839 — William Rudleston Esqre 2d Puisne Judge

Alexr Duncan Campbell Esqre 3d Puisne Judge

Read letter dated 11th Instant from the Criminal Judge of Malabar forwarding the Criminal Reports for the month of October.—

L.F.O.

125

(Here enter F.Ua. No 1903 of 1839.)

Report V. Case No 182.

1. In this case the Prisoner Madathil Chiruppen alias Andy. was charged with having in the day-time of the 17th September 1839 struck his son Achuthen a boy about 12 years age with his hands, which caused his death. and was ordered to find two securities in fifty Rupees each for one year.—

2. The Court of Foujdaree Udalut direct that a copy of the remarks of the Criminal Court on this case be sent to the Provincial

Provincial Court of Circuit in the Western Division, with instructions to call for the proceedings and pass such orders thereon as they may deem proper, with reference to the Provisions of Section XXIII Regulation X of 1816 reporting the result to this Court.—

3. The Provincial Court will likewise be pleased to call upon the Magistrate to report on the charge against the Sabandar, and submit a copy of his Report with their opinion thereon, for the consideration of this Court.—

Ordered, that Extract from these proceedings be sent to the Provincial Court of Circuit in the Western Division by Precept returnable within twenty five days from and after its receipt.—

(Sent following Precept No 1386)

Ordered also, that Extract from these proceedings be sent to the Criminal Judge of Malabar for his information.—

(Sent in No 1387)

Read return dated the 18th Instant from

from the Provincial Court of Circuit in the Western Division, to the precept of the Tanjore Adalut of the 29th Ultimo, directing them to look at the proceedings in Case No 169 in the Report V of the Criminal Court of Malabar for September last and pass such orders thereon as they may deem proper, with reference to the provisions of Section XXIII Regulation X of 1816; reporting the result to the higher Court.—

(Here Enter No 1923.)

Read letter dated the 15th Instant from the Acting First Judge on Circuit in the Southern Division, submitting a Statement of Batta paid to Prosecutors and Witnesses by the Acting Criminal Judge of Salem during the 2d Sessions of 1839.—

(Here Enter No 1934.)

Read letter dated the 19th Instant from the Third Judge of the Provincial Court of Circuit in the Southern Division, submitting copy of the Trichinopoly First

26th November 1839

First Supplemental Calendar of the 4th Quarterly Sessions of 1839.-

(Here enter No. 1941.)

Read letter dated the 19th Instant from the Acting First Judge on Circuit in the Southern Division, submitting the Original Death warrant in Case No. 1 Timmerally Calendar for the 2d Sessions of 1839.-

(Here enter No. 1942.)

Read letter dated the 15th Instant from the Provincial Court of Circuit in the Western Division, transmitting translations of the Sirasee Criminal Reports for October 1839.-

(Here enter No. 1945.)

Read the Criminal Reports dated the 31st Ultimo from the Acting Joint Criminal Judge of Vizagapatam for October 1839

(Here enter No. 1946.)

Read letter dated the 22d Instant from the Criminal Judge of Guntoor, forwarding a Statement shewing the amount realized by the labor of Prisoners during the 3d Quarter of 1839

(Here enter No. 1950.)

L.N.C.

W.

Ex. L.

F. 16.

At a Court of the Foujdaree Udalut

Present,

Thomas Alexr Oakes Esqre Acg 1st Puisne Judge

Wednesday William Hudleston Esqre 2d Puisne Judge

27th November 1839 Alexr Duncan Campbell Esqre 3d Puisne Judge

Read letter dated the 26th

L.N.C. Ultimo from the First Judge on Circuit in the Western Division, transmitting the record in Case No. 8 on the Canara Calendar for the 2d Sessions of 1839.-

W. (Here enter No. 1805.)

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

Patratoddy Sunnuppa

of rebellion and awarding Do Roobut: and

under

under the provisions of Section III Regulation I of 1834, sentence the said prisoner to be transported to such place or places beyond Sea, as the Governor in Council shall appoint, there to be imprisoned and kept to hard labour in Irons on the public roads or other public works for, and during the period of his natural life.—

The Court of Foujdaree Udalut direct that their sentence in the Trial No 8 of the Canara Calendar of the Second Sessions of 1839 together with the whole of the proceedings held in the case, be transmitted to the Chief Secretary to Government, for the purpose of being laid before the Right Honorable the Governor in Council, to the intent that the Court may in conformity with the provisions of Section V Regulation XX of 1802 receive the orders of Government before they direct their sentence to be carried into execution.—

(Sentence No 1388)

Read letter dated the 31st Ultimo from the Second Judge late on Circuit in the Northern Division, transmitting the Record in Case No 8 on the Chicacole Calendar for the 1st Sessions of 1839.—

(Here enter No 1835.)

Mr Huddleston and Mr Campbell.

The Court of Foujdaree Udalut having maturely considered the proceedings held before the Judge on Circuit, the futwa of the Provincial Law Officer, and the futwa of the Cazee-ool-Coozat and Mooftee of the Foujdaree Udalut, confirm the said futwa of the Cazee-ool-Coozat and Mooftees aforesaid, convicting the prisoner Gollah Junnalah Gouree of the crime of aiding and abetting murder, and awarding Dus Roobat, and under the provisions of Section XVII Regulation VIII of 1802, sentence her to be transported to such place or places beyond Sea, as the Governor in Council shall appoint, there to be imprisoned and kept to labour in irons, for and during the period of her natural life.—

(Sent following letter No 1839)

Read Extract from the Minutes of

of Consultation in the Judicial Department under date the 24th October 1839 communicating with the orders of Government thereon, an Extract from a General Letter from the Honorable the Court of Directors dated 17th July 1839 - No. 8 -

(Here enter J. Con. No. 1290 of 1839.)

Ordered, that a copy of Paras. 12 of the Honorable Court's General Letter and of Paras 4 of the Extract from the Minutes of Consultation now recorded be sent to each of the Four Provincial Courts of Circuit, to be furnished to the several Criminal Courts within their respective Divisions for their information and that of the Sudr Ameens, with instructions to include in their half-yearly Reports of the administration of Criminal Justice, a report upon the manner in which the Sudr Ameens attached to their respective Courts exercise the Criminal Jurisdiction vested in them by Section II Regulation III of 1833 -

(Sent in No. 1399.)

Ordered

Ordered also, that an copy of Para. 28 of the Honorable Court's General Letter be sent to Mr. Lasselles for his information -

(Sent in No. 1391)

Ordered also, that a copy of para. 31 of the Honorable Court's General Letter be furnished to Mr. Douglas on his return to the Presidency -

(Sent in No. 1392)

Read Extract from the Minutes of Consultation in the Judicial Department under date the 8th October 1839 - No. 801 - communicating with the orders of Government thereon, an Extract from a General Letter from the Honorable the Court of Directors dated 2nd July 1839 - No. 5 -

(Here enter J. Con. No. 1675 of 1839.)

Ordered, that a copy of Para. 16 of the Honorable Court's General Letter be sent to the Magistrate of Singhpore for his information, with reference to the orders of Government dated 30th May

and

and 27th June 1836 Nos. 169 and 511 of which the Court of Tanjore Udalut direct that copies be at the same time furnished to that Officer.—

(Sent in No. 1393)

Ordered also, that a copy of Parah: 10 of the Extract from the Minutes of Consultation now recorded be sent to the Provincial Court of Circuit in the Southern Division by Precept returnable within one Month from and after its receipt, with instructions to call upon the Officer Commanding the Kittyfurries and the Magistrate of Coimbatore to submit their opinions respectively as to the expediency or otherwise of having the work on the Hills heretofore executed by convicts, hereafter performed by hired labourers: and in submitting their opinions, those Officers will furnish the Court with an accurate comparative Statement of the Cost of Convict and Free Labour, on the Hills.—

(Sent following Precept No. 1394)

Ordered also, that a copy of Parah: 21

Parah: 21 of the Honorable Courts General Letter be sent by Precept returnable within ten days from and after its receipt, to each of the Four Provincial Courts of Circuit for their information and guidance, and to that of the several Officers in charge of Jails subject to their respective Control with reference to the Circular Letter from the Court of Tanjore Udalut dated 20th June 1838.—

(Sent following Precept No. 1395)

Ordered also, that a copy of Parah: 22 of the Honorable Courts General Letter be sent to the Provincial Court of Circuit for the Western Division with reference to the letter from the Tanjore Udalut of the 16th September 1836. with instructions to furnish a copy of the same to the Acting Joint Criminal Judge of Malabar for his information.—

(Sent in No. 1396)

Read order of Government dated the 23d Instant, approving of the instructions issued by the Court of Tanjore Udalut

...ember 1839.

Udalut for the trial of the Prisoner Hakeem
Nizam Khan at the 1st Sessions of 1840
at Cuddapah.

(Here enter No. 195 J.)

L.P.Q.

Engd.

W.S.

H.P.Q.

J. No.

At a Court of the Sunjdaree Udalut

Present,

Thursday
28th November, 1839.

Thomas Alexander Oakes Esqre. Acting 1st Puisne Judge
William Rudleston Esqre. 2nd Puisne Judge
Alexander Duncan Campbell Esqre. 3rd Puisne Judge

L.P.Q.

W.S.

Read letter dated the 7th Instant from the Acting Judge on Circuit in the Centre Division, submitting the Record of Case No. 29 of the Cuddapah Calendar 2nd Sessions 1839 for the final decision of the Sunjdaree Udalut.

(Here enter J. No. 1388 of 1839.)

Mr. Rudleston
and
Mr. Campbell

The Court of Sunjdaree Udalut having maturely considered the proceedings held before the Judge on Circuit, the futwa of the Provincial Law Officer and the futwa of the Cazee-ool-Cozat and Mooftees of the Sunjdaree Udalut, confirm the said futwa of the Cazee-ool-Cozat and Mooftees aforesaid convicting the prisoner

Woobberapoo Boospadoo

of the crime charged on strong presumptive proof and awarding Obhookut, and under the provisions of Section X. Regulation VIII. of 1802, sentence him to suffer death by being hanged at the usual

time

28th November 1839

time and place of execution.

(Sent following letter No. 1398)

Read Letter dated the 16th instant from the Criminal Judge of Combaconum, submitting the Criminal Report for the Month of October 1839.

(Here enter J. Do. No. 1935 of 1839.)

Report V

Case No. 150

1.

The first and second prisoners in this case were charged with House breaking and theft and sentenced to twelve Months' imprisonment with labour in Irons "under Clause fourth Section III Regulation VI of 1822."

2.

The Criminal Judge will be pleased to report whether or no the breaking was proved. If it was, the provision cited is inapplicable.

3.

The letter forwarding the Report is dated the 16th and was received by the Court of Foujdaree Adalut on the 22nd instant.

4.

The attention of the Criminal Judge is required to the Circular order of the Foujdaree Adalut No. 40 dated 18th April 1838 which provides that the Criminal Reports shall be dispatched so as to arrive at Madras by the fifteenth day of the Month succeeding that for which the said Reports are furnished.

Ordered, that extract from these proceedings be sent to the Criminal Judge of

28th November 1839

Combaconum by Precept returnable within five days from and after its receipt.

(Sent following Precept No. 1399)

Sent

L.A.G.

F. 46.

At a Court of the Tonjdaree Udalut

Present,

Friday 29th November 1839.

Thomas Alexander Oakes Esqr. Actg. 1st Puisne Judge

William Rudleston Esqr. 2nd Puisne Judge

Alexander Duncan Campbell Esqr. 3d Puisne Judge

L.N.O.

Read again letter dated the 4th September last from the 1st Judge on Circuit in the Western Division, submitting for the final orders of the Tonjdaree Udalut, the record of case No. 22 on the Malabar Calendar 2nd Sessions of 1839.

(Here enter F. Ue. No. 1517. of 1839.)

Read also return dated the 31st Ultimo from the First Judge on Circuit in the Western Division, to the Precept of the Tonjdaree Udalut of the 30th September last, returning for further evidence the record of the trial in case No. 22 Malabar Calendar 2nd Sessions of 1839.

(Here enter F. Ue. No. 1826 of 1839.)

Mr. Oakes and Mr. Campbell.

The Court of Tonjdaree Udalut having maturely considered the proceedings held before the Judge on Circuit, the futwa of the Provincial Law Officer and the futwa of the Cazee-ool-Cozat and Mooftees of the Tonjdaree Udalut, confirm the said futwa of the Cazee-ool-Cozat and Mooftees aforesaid

aforesaid, so far as it convicts the prisoners

1st Tottyil Govinen Nair

and

2nd Do. Tappa

of wilful murder and sends the provisions of Sec. XVII Regulation VIII of 1802, sentence each of them 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, 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. 1140)

Read the Criminal Reports for the Zillah Court of Salem for the Month of October.

(Here enter T. Ltr. No. 1937 of 1839)

Susp. Report Case No. 162

Section VII Regulation X of 1816 and 2nd Clause first Section XII Regulation X of 1822 should have been cited in support of the sentence in this case.

Ordered, that extract from these proceedings be sent to the Acting Criminal Judge of Salem for his information.

(Sent in No. 1140)

Read Letter dated 22nd instant from

from the Acting Head Assistant Magistrate in charge of the District of Masulipatam, reporting the result of his enquiry into the alleged ill treatment by the Native Police Officers of the Prisoners in Case No. 78 of the Criminal Report of the Auxiliary Court of Masulipatam for the Month of July last, ordered in para. 11 of the Proceedings of the Court of Foujdaree Udalut under date the 7th September 1839.

(Here enter T. Ltr. No. 1959 of 1839)

The Acting Head Assistant Magistrate having recited the substance of the evidence in this case, observes that "there can be no doubt that the wrists of these persons must have been severely tied with ligatures"... and that "the Duffadar Canja Chelmiah and Peon Nic. Kaumappa have therefore been discharged, and strict orders circulated to all the Police Officers that they may take warning by this example to avoid a like offence."

2. The Court of Foujdaree Udalut deem it proper to direct that the two persons above mentioned be sent to the Criminal Court with the evidence in order to their being brought to trial before the Court of Quarter Sessions.

Ordered

Ordered, that extract from these proceedings be sent to the Magistrate of Masulipatam by Precept returnable within seven days, from and after its receipt.—

(Sent following Precept No. 1405)

Read Return dated the 15th instant from the Acting First Judge of Circuit in the Southern Division, to the Precept of the Court of Foujdaree Udalut under date the 29th October 1839 conveying their observations and order on the Madura Calendar for the Second Sessions of 1839.

Thereupon F. Cs. No. 1922 of 1839.

1. The Acting First Judge adverting to the remarks of the Court of Foujdaree Udalut in their proceedings of the 29th Ultimo in regard to the necessity of committing for Trial before the Court of Circuit persons charged with receiving property acquired in the perpetration of a Theft or Robbery wherein the amount or value of the property stolen exceeded that specified in the Regulations as taking the case out of the Jurisdiction of the Criminal Court submits "that the Criminal Judge ought not to commit for Trial before the Court of Circuit, receivers and purchasers in such cases, unless there is proof or at least strong grounds for supposing that the receiver or purchaser knew the body procured by

breakage or Theft to exceed 100 and 300 Rupees respectively

yes yes.—

2. To justify committal by the Criminal Judge under the provisions of Clause second, Section IV Regulation VI of 1822 it is sufficient that it appears to him that the accused knew that the property had been obtained under the circumstances of aggravation stated.—

3. If the Judge of Circuit after considering the preliminary proceedings held, shall find no evidence of such knowledge, it would be competent to him, in the opinion of the Court of Foujdaree Udalut, to send back the case to be disposed of by the Criminal Judge.—

4. But the order of the Acting First Judge to this effect in the cases noticed in their Courts proceedings of the 29th October 1839 does not purport to be based on this ground.—

5. In cases, when on the trial by the Court of Circuit, the prisoner may not be found to have received the property with the knowledge that it was obtained under any of the said circumstances of aggravation, the Court of Foujdaree Udalut consider that it would be proper for the Judge of Circuit in exercise of the

29th November 1839

the discretion vested in him in such cases, to restrict his sentence to that awardable by the Criminal Judge.

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

Sent in No. 11406

Read return, dated the 27th instant from the Criminal Judge of Chingleput, to the Precept of the Foujdaree Udalut dated 25th November 1839 conveying the Court's observations on the Criminal reports for the Month of October 1839.

L.P.C.

(Here enter F.U. No. 1976 of 1839)

4th Dec.

W.B.

W.B.

F.U.

At a Court of the Foujdaree Udalut

Present,

Saturday 30th November 1839. Thomas Aleaxr. Oakes Esqre. 1st Puisne Judge
William Rudleston Esquire 2d Puisne Judge
Aleaxr. Duncan Campbell Esqre. 3d Puisne Judge

L.P.C.

W.B.

Read the Criminal Reports of the Tillak Court of Madura for the month of October 1839.

(Here enter F.U. No. 1936 of 1839.)

Report 5.

Case No. 125.

1. The Court of Foujdaree Udalut deem it necessary to direct the Provincial Court of Circuit in the Southern Division to look into the proceedings in this case, and pass such orders thereon as they may deem proper, with reference to the provisions of Section XXIII Regulation X of 1816, reporting the result to this Court.

2. The Acting Criminal Judge must take measures for ensuring conformity to the Circular Order of the Foujdaree Udalut No. 40. The Reports did not reach the Court until the 22d Instant or seven days beyond the prescribed period.

Ordered, that Extract from these proceedings (para. 1.) be sent to the Provl. Court of Circuit in the Southern Division, by Precept returnable in

written

within twenty days from and after it's receipt.—

/ Sent following Precept No. 1142 /

Ordered also that Extract from these proceedings be sent to the Acting Criminal Judge of Madura, for his information and future guidance.—

/ Sent in No. 1143.—/

Read letter dated the 22nd Instant, from the Acting 2nd Judge of the Court of Circuit in the Centre Division, stating with reference to the Tonjadaree Udalutes letter of the 20th Instant, that he has notified to the Criminal Judge of Cuddapah that the 1st Sessions of 1840 will open at that station on the 6th January next.—

/ Here enter No. 1951. /

Read letter dated the 22nd Instant, from the 3rd Judge of the Provincial Court in the Western Division, presiding at the 4th Quarterly Sessions of 1839, reporting his having received the Fourth Additional Calendar containing One Case of Murder and one Dacoity.

/ Here enter No. 1980. /

Read letter dated the 26th Instant, from the Acting 1st Judge on Circuit in the Southern Division, reporting that he visited the Jail at Coimbatore on the 25th, and opened the Sessions at Coimbatore on the 26th Inst.

/ Here enter No. 1988. /

Read letter dated the 23rd Instant, from the 3rd Judge on Circuit in the Northern Division, reporting

30th November 1839.

reporting that the Court of 2nd Sessions of 1839 has been closed at Vizagapatam on the 22nd Instant.—

/ Here enter No. 1991. /

Read return dated the 25th Instant from the Acting 2nd Judge late on Circuit in the Northern Division, to the precept of the Court of Tonjadaree Udalutes dated the 5th Instant, directing the release of the Petitioners Mookoollah Appiahs in Case No. 32 of the File of the Criminal Court of Chicacole for 1839.—

/ Here enter No. 1992. /

L. A. C.

1/5

No.

At a Court of the Foujdaree Udalut

Present,

Thomas Alexr. Oakes Esqre. Actg. 1st. Provincial Judge

Monday, William Hudleston Esqre. 2d. Provincial Judge

2nd December 1839. Alexr. Duncan Campbell Esqre. 3d. Provincial Judge

Read the Report dated 3d.

D.N.C. June 1839 - of the Third Judge of the

Provincial Court of Circuit in the Northern

Division - for the four the Quarter Sessions

of 1838 and First Quarter Sessions of

1839 - held at Masulipatam. -

(Here enter F.No. 920 of 1839).

Paras. 13 and 14 and Appendix B. 1. As the European Medical Officer in charge of the Jail has recorded his opinion that the causes of the Convicts Poladey Lakanathum and Choondy Govindhum do not require their removal to the District of Chicacole, the Court of Foujdaree Udalut have not deemed it necessary to sanction the recommendation of the Third Judge that those Convicts be transferred to the Jail of the latter Zillah. -

The

2. The Court of Tanjore Udalut observe that the opinion of the Medical Officer as to the temporary exemption of Convicts from labour on account of health, should be attended to: but the general exemptions, on account of old age and infirmity, can be sanctioned only by Government.—

3. The Provincial Court will be pleased to ascertain whether the ten convicts referred to in Parah: 2. of the Proceedings of the Third Judge dated 14th May 1839. have performed work: and if not, they will be pleased to obtain from the European Medical Officer and submit to this Court, a Special Report upon the case of each—

4. With reference to the remarks in the Return dated 8th April 1839, of the Acting Joint Criminal Judge, in respect to the allowance of Rice to the Convicts, the Court of Tanjore Udalut observe that in their Proceedings under date 14th August 1839. they communicated their approval of the order issued by the First Judge of the Provincial Court of Circuit directing that in compliance

compliance with the recommendation of the Medical Officer, the Convicts of the class therein referred to, should receive the full allowance of one Seer of Rice per diem.—

5. The Court having, in their proceedings under date the 13th September 1839. addressed to the First Judge of the Provincial Court, authorized the suspension of the employment of the Convicts on the Canal, during the Monsoon, now resolve to direct that the European Medical Officer be called upon, when furnishing the Report required in Parah: 3 of these Proceedings, to submit his opinion in regard to the general health of the Prisoners in the Jail at Masulipatam, and the necessity, or otherwise, on the ground of their health, of sending back any of the Convicts to the Jail from which they were originally transferred—

6. The Court observe that the nuisance noticed in Parah: 13 of the Third Judge's Proceedings under date 31st March 1839. was brought to the notice of Government: and certain improvements recommended by

by the Collective Court with the view to remedy it, were sanctioned by the order of Government dated 13th August 1839 - No. 667.

7. The Provincial Court of Circuit will be pleased to submit a copy of any proceedings which may have been held by the Third Judge and the Acting Joint Criminal Judge in regard to the complaint of the prisoner Seregaramy Lutchcoomaroo that he had been illtreated by the Jail Jemadar; and they will call upon the Acting Joint Criminal Judge for a succinct account of the matter - his so called explanation in his Return of the 8th April 1839 - being so worded as to be perfectly unintelligible - and submit a copy thereof for the information of the Foujdaree Adawlut.

Appendix A. 8. The Third Judge in his proceedings of the 18th May 1839, has properly commented upon the delay on the part of the Native Police Officers in the District of Machilipatam in disposing of the charges of Assault & abusive language &c. brought before them.

The

P.C.

2nd December 1839.

9. The Provincial Court will be pleased to submit a copy of any Explanation which the Magistrate may have furnished to the Third Judge of the delays in question: or if none have been offered, they will now call upon that Officer for it, and submit the same to this Court.

10. The Provincial Court will at the same time be pleased to instruct the Magistrate to address his Native Police Officers that it is intended by Clause third, Section IV. Regulation IV of 1821, that no person taken into custody by a Head of Police on a charge cognizable by him, shall be detained in custody more than thirty days.

11. The Provincial Court will be pleased to point out to the Magistrate that the Case No. 2 on the Calendar of Punishments "from 26th October 1838 to 31st January 1839" was not cognizable by the Magistrate but by the Collector under Regulation IX of 1832. that Case No. 4

on

on the same Calendar would appear to have been one falling within the provisions of Clause Sixth, Section II Regulation VII of 1822: and that a similar remark applies to Case No. 4 on the Calendar of Punishments from 26th July to 25th October 1838.—

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

(Vide following Precept No. 1414)

Read return, dated the 28th Ultimo from the Acting Criminal Judge of Cuddalore, to the Precept of the 22nd Ultimo dated the 22nd November 1839, conveying their observations and orders on the Criminal Reports for the month of September last.—

(Here enter No. 2005.)

Read return dated the 27th Ultimo from the Joint Criminal Judge of Pulicat to the Precept of the 22nd Ultimo dated

dated the 23rd November 1839, conveying their observations and orders on the Criminal Reports for the month of October 1839.—

(Here enter No. 2008.)

At a Court of the Foujdaree Udalut

Present:

Thomas Alexr. Oakes Esqre. Agt. 1st. Puisne Judge.

Tuesday, 3rd December 1839. William Hudleston Esqre. 2d. Puisne Judge.

Alexr. Duncan Campbell Esqre. 3d. Puisne Judge.

L.D.C.

Read the following letter dated the 13th. Ultimo from the Third Judge on Circuit in the Northern Division.

(Here enter F.U. No. 1926 of 1839.)

1. The Third Judge submits an Extract from his Proceedings under date the 12th Ultimo, and copies of communication from the Acting Joint Criminal Judge of Vizagapatam; the Assistant General Superintendant and the General Superintendant for the Suppression of Thuggee relative to Case No. 21 on the Vizagapatam Calendar of the Second Sessions of 1839.

2. The Third Judge states that the Case in question "was No. 5 on the Supplemental Calendar for the 1st. Sessions of

and

and the 2nd Judge then on Circuit ordered that the attendance of the Witnesses Bangy and Ramadoo and of two of the persons who attested the Punchayetnamah which was drawn up at the spot where the remains of the persons who were murdered by the Gang of Thugs, were discovered, whose evidence was deemed material to the issue of the trial, should be procured, and the case laid before the Court of present Sessions.

3. It is further stated that of the above witnesses only one by name Bangy attended before the Third Judge and was examined. In regard to the other witnesses the Third Judge forwards the communications above referred to from the Officers of the Thuggee Department; and it appears from Major Sleeman's letter that for the reasons therein stated "the attendance of the witnesses from Hyderabad should not be insisted; whatever may be the consequence."

4. The Third Judge concludes by requesting orders for his guidance in respect to

to the absent witnesses whose evidence is deemed material to the issue of the trial under the circumstances stated in the 2nd Judge's letter to the Sunjdaree Adaulut dated 19th June last."

*26th June last.

5. The Court of Sunjdaree Adaulut observe that the Punchayetnamah is inadmissible as proof of any thing which can be proved by witnesses and the Court are therefore of opinion that the non attendance of witnesses called merely to prove the execution of that certificate, is immaterial.

6. The facts attending the examinations of the bodies must be established by the sworn testimony of eye-witnesses but it appears to the Court of Sunjdaree Adaulut that there cannot be the least difficulty in obtaining the requisite evidence to this point in the present instance, since Captain Vallancey in Parah: 3 of his letter to the Acting Joint Criminal Judge of Vizagapatam dated 2nd November 1839 expressly states that two persons of his office - namely a Moottasuddy and an

are appraver were "present..." when the remains
of the bodies of Palanoor were found? and
the Court do not see what more evidence
can be required.—

7. With reference to Major Sleeman's
letter dated 28th September 1839, it appears
to the Court of Foujdaree Udalut that
it would not be proper to instruct upon the
attendance of the Persons residing at
Hyderabad, to which he refers for the pur-
pose of completing the evidence in any
particular Case of Thuggee, on the offence
provided for by the Act. No XXX of 1836.—

8. These Cases differ essentially
from all other Cases, in this— that the ends
of Justice are not liable to be defeated
through the failure to prove any particular
act of Thuggee; each Thug having been
concerned in several of these acts.—

9. Of Course, if a witness for which
for special reasons by the Officer of the
Thug Department be one called for the defence,
the prisoner must be acquitted.—

Ordered, that Extract from
these

F.H.

3rd December 1839.

these Proceedings be sent to the Third
Judge on Circuit in the Northern Division
for his information and guidance.—

(Sent in No. 1447)

Read Return dated the
20th Ultimo from the Provincial Court of
Circuit in the Southern Division, to the
Precept of the Court of Foujdaree Udalut
under date the 11th November 1839 directing
them to submit a copy of the Report of
the Magistrate of Trichinopoly from
at the conclusion of the Remarks of the
late Acting Third Judge on Case No 1
of the Fifth Supplemental Calendar
of the Auxiliary Court of Trichinopoly
for the Second Quarter Sessions of 1839.

(Here enter F.H. No 1953 of 1839)

1. The Court of Foujdaree Udalut
deem it necessary to direct that an English
Translation of the Record of the Case
above mentioned, be submitted for their
consideration, and that in the mean while
the execution of the Sentence passed on the
Prisoner

Prisoner Sungsir Mootoo, be suspended.—

2. In the papers now submitted the Court of Singapore Adalut do not find any explanation regarding the alleged proceeding of ofering blank warrants and they deem it proper to direct the Provincial Court to call upon the Magistrate for an explanation on that point and submit his reply to this Court. The proceeding in question, it is unnecessary to observe, is contrary to Law.—

3. The Provincial Court will be pleased to instruct the Magistrate of Trichinopoly to inform Mr. Booth, the Head of Police of Trichinopoly with reference to paragrs: 11 and 19 of his address to the Magistrate under date the 3rd August 1839 that it is improper to suppress any part of an examination held by him, which he states in this Code that he has done, in order not to "weaken the Code."

4. Garbled depositions must effectually prevent the due course of justice by

by misleading the Courts to whom they are submitted.—

5. The Magistrate must have overlooked this part of Mr. Booth's explanation.—

Ordered, that Extract from these proceedings be sent to the Provincial Court of Circuit in the Southern Division by Precept returnable within fifteen days, from and after its receipt.—

(Sent following Precept No. 145.)—

At a Court of the Zillah Zoydaree Adaulut.

Present,

Wednesday,
4th December, 1839. Thomas Alex.r Oakes Esq.re ——— Acting 1st Assistant Judge,

William Hudleston Esq.re ——— 2d Assistant Judge,

Alex.r Duncan Campbell Esq.re ——— 3d Assistant Judge.

Z.D.C.

1826

Read letter dated the 16th ultimo from the 2d Judge state on Circuit in the Northern Division, transmitting the record of trial in Case No 11 of the Criminal Calendar for the 1st Sessions of 1839.—

(Here enter No 1947 of 1839.)

Mr Hudleston,
and
Mr Campbell,

The Court of Zillah Zoydaree Adaulut, having maturely considered the proceedings held before the Judge on Circuit, the futwa of the Provincial Law Officer, and the futwa of the Cazee ool Coozat and Mooftees of the Zillah Zoydaree Adaulut, confirm the said futwa of the Cazee ool Coozat and Mooftees aforesaid, convicting the prisoner

Roodooga Apprayah

of the crime charged, on strong presumptive proof and awarding Ashoobut, and under the provisions of Section X Regulation VIII of 1802, sentence him to suffer

Death

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

(Cont following letter No 1419)

Read letter dated the 26th ultimo from the 3d Judge on Circuit in the Northern Division, reporting that the Court of 2d Sessions of 1839 has been opened at Chicoutimi on the 26th November 1839.—

(Here enter No 1998)

Read return dated the 27th ultimo from the Provincial Court of Circuit in the Northern Division, to the precept of the Cognizance Mandat dated the 12th November 1839, forwarding a Circular Order No 112 directing that a transcript, or if in any native language or translation of the promise made to each King approver under the instructions of the Governor General in Council, circulated through the Provincial Court of Circuit on the 12th August 1837, be entered on the record of all trials of such approvers for the offence provided for by the Act No XXX of 1836.—

(Here enter No 2000)

Read letter, dated the 22d ultimo from the 3d Judge of the Court of Circuit in the Centre Division, transmitting Copies of the third, fourth, fifth and sixth Supplemental Calendars for the Fourth Quarter

4th December 1839.

Quarter Sessions of 1839.—

(Here enter No 1954)

Read return, dated the 18th ultimo, from the Provincial Court of Circuit in the Western Division to the Precept of the Cognizance Mandat dated the 12th November 1839, forwarding a Circular Order No 112 directing that a transcript, or if in any native language or translation, of the promise made to each King approver under the instructions of the Governor General in Council, circulated through the Provincial Courts of Circuit on the 12th August 1837, be entered on the record of all trials of such approvers for the offence provided for by the Act No XXX of 1836.—

(Here enter No 1962)

Read return, dated the 25th ultimo from the Provincial Court of Circuit in the Centre Division, to the Precept of the Cognizance Mandat dated 12th November 1839, forwarding a Circular Order No 112, directing that a transcript, or if in any native language a translation, of the promise made to each King approver under the instructions of the Governor General in Council, circulated through the Provincial Court of Circuit on the 12th August 1837, be entered on the record of all trials of such approvers for the offence provided for

for by the Act No. XXX of 1836.—

(Here enter No. 1971)

Read letter dated the 25th ultimo from the Acting Judge on Circuit in the Centre Division, reporting his intention of opening the 2d Sessions of 1839 at Chingleput on the 2d Proximo.—

(Here enter No. 1989)

Read letter dated the 27th ultimo from the Acting 1st Judge on Circuit in the Southern Division, stating that he has received a Supplemental Calendar, consisting of one Case (Burglary and wounding) with one Prisoner.—

(Here enter No. 2002)

Read letter, dated the 25th ultimo from the 1st Judge on Circuit in the Western Division, reporting the opening of the 2d Sessions of 1839 at Honore on the 25th ultimo, and the state of the Calendar.—

(Here enter No. 2004)

Read letter, dated the 28th ultimo, from the 1st Judge of the Provincial Court of Circuit in the Northern Division, stating - with reference to the Proceedings of the Conjeeveram Adawlut of the 25th ultimo - that a copy of the Proceedings of the Conjeeveram Adawlut of the 16th October last, was transmitted to the Magistrate of Vizagapatam for his information and guidance.—

(Here enter No. 2018)

T.N.Q.

W.B.

J.H.D.

T.N.Q.

W.B.

E. 16.

At a Court of the Conjeeveram Adawlut.

Present.

Thursday 5th December, 1839. Thomas Alexr. Oakes Esqr. ——— Acting 1st Puisne Judge.
William Hudleston Esqr. ——— 2d Puisne Judge.
Alexr. Duncan Campbell Esqr. ——— 3d Puisne Judge.

J.N.D.

Read Letter dated the 15th ultimo from the First Judge on Circuit in the Western Division, submitting copies of the Calendars of the Zillah Court of Canara for the second Sessions of 1839.—

W.B.

(Here enter E. A. No. 1930 of 1839)

Criminal Calendar Case No. V

1. The Prisoners in this case, were charged with having, on the night of Saturday the 4th May 1839 gone to the Prosecutor's House, removed the Safety of the door thereof, rushed in, assaulted the inmates and plundered property valued at Rupees 15 : 3 : 40 gds reas.—

2. The prisoners are convicted: but the First Judge submits as "the case differs little from common Burglary except in restraint on the inmates" — "that a twelve months' imprisonment with hard labour in Irons to the 1st, 2d and 3d Prisoners - and less for the other two - who are juniors - would be ample under the circumstances".—

3. The Court of Conjeeveram Adawlut observe that

that it does not appear that the inmates of the House have given evidence, and the Court resolve to direct their examination in presence of the prisoners, with the view of ascertaining the degree of violence used on the occasion.

4. The First Judge will be pleased to give the requisite instructions on the subject to the Criminal Judge of Camara, and on receiving a report of the result, the Court will consider and dispose of the First Judge's suggestion.

Case No. XIV

5. The prisoners in this case were charged with having, in company with another not apprehended, on the night of Saturday the 6th July 1839 - gone to the Prosecutor's house, removed the bolt of the door from the outside, entered in, committed an assault upon the Prosecutor and others, and plundered property belonging to the Prosecutor as well as that appertaining to the Rueleyn Donasthun which had been deposited in that house for the sake of security, valued at Rupees 1848 " 1 " 23.—

6. The prisoners are convicted, and the first was sentenced by the First Judge to imprisonment with hard labour in Irons for fourteen years and corporal punishment by lashes.—

7. In regard to the others who "have uniformly confessed the offence and have delivered up considerable property worth about Rupees 729 — " the First Judge submits that "as they are ignorant others, led away apparently by the 1st prisoner and have restored so much property, the case is one in which imprisonment with hard labour in Irons for four years would be sufficient, especially after the example which he has made of this "leader."—

8. The Court of Camara Adalut are of opinion that the principle of the Regulations requires that the punishment for Robbery should always exceed that for Theft — and they therefore authorize the First Judge to give his warrant to the Criminal Judge for the imprisonment of the prisoners in question for eight years with hard labour in Irons.—

9. For the same reason, the Court authorize the First Judge to issue his warrant for the imprisonment for eight years of the prisoner in Case No. 1 of the Supplemental Calendar, who was convicted of Gang Robbery by open violence and in whose favour the First Judge recommends that the prescribed penalty be reduced to four years.—

Case No. XVI.

10. The prisoner in this case was convicted

of Wilful Perjury, under the provisions of Regulation XI of 1811.—

11. That "admitting to his plea that he was talked over by the Shanabhogue for whom he was to give security, and as the witness to support his false statement was a notorious character — sentenced for the like offence, on exposing this prisoner's falsehood" the First Judge submits that the prisoner "should be punished by imprisonment with hard labour in Irons for two years — and "within the Jail — on account of his age."—

Case No. XXIII. 12. The prisoner in this case was convicted of having forged a letter and delivered the same to the first witness — the Cahsildar of the Mangalore Talook, and received from him 24 Rupees.—

13. "In consideration of the prisoner's youth, "the extent of his offence, and his repayment of the money" the First Judge recommends that he be punished by imprisonment with hard labour in Irons for two years, "and within the Jail."—

14. The Court of Sudder Adawlut resolve to accede to the recommendation of the First Judge in regard to both these cases, and authorize him to issue his warrants to the Criminal Judge to the effect above mentioned.—

Ordered that Extract from these

proceedings be sent to the First Judge on Circuit in the Western Division, by Precept returnable within 25 days from and after its receipt.—

(Sent following Precepts dated 11th 21)

Read Letter dated the 15th ultimo from the Acting First Judge on Circuit in the Southern division, submitting a copy of the Calendar of the Zillah Court of Calicut for the Second Sessions of 1839.—

(Here enter E.L. No. 1933 of 1839)

Case No. 4. 1. Six prisoners in this case were charged with having, in the day time of the 15th May 1839 — stolen the Prosecutors thirty two Sheep grazing at Ruppee 32 — which were grazing in the field and also beaten and ill-treated the 1st, 3d, 4th, 5th and 6th witnesses.—

2. The case was returned to be disposed of by the Criminal Court for the reasons recorded in the Extract from the Proceedings of the Acting First Judge under date the 25th October 1839.—

3. The Court of Sudder Adawlut do not approve of this order. The act of the prisoners seems to have been Robbery. But the Court will not now alter the order as it is presumed that the prisoners are already undergoing the sentence of the Criminal Court.—

Case No. 18. 4. The European Medical officer having certified

of Wilful Perjury, under the provisions of Regulation VI of 1811.—

11. Post "admitting to his plea that he was tutored over by the Sham Advocate for whom he was to give security, and also the witness to support his false statement was a notorious character — sentenced for the like offence, on supporting this prisoner's falsehood". The First Judge submits that the prisoner "should be punished by imprisonment with Hard Labour in Irons for two years — and "within the Jail — on account of his age."—

Case No. XXIII. 12. The prisoner in this case was convicted of having forged a letter and delivered the same to the first witness — the Sahukar of the Mangalore Cutcherry, and received from him 24 Rupees.—

13. "In consideration of the prisoner's youth, "the extent of his offence, and his repayment of the money" the First Judge recommends that he be punished by imprisonment with Hard Labour in Irons for two years, "and within the Jail."—

14. The Court of Foujdaree Adalut resolve to accede to the recommendation of the First Judge in regard to both these cases, and authorize him to issue his warrants to the Criminal Judge to the effect above mentioned.—

Ordered, that Extract from these

4th December 1839.

proceedings be sent to the First Judge on Circuit in the Bretton Division, by Precept returnable within 25 days from and after its receipt.—

(Sent following Precept No. 11, 21)

Read Letter dated the 15th. ultimo from the Acting First Judge on Circuit in the Southern Division, submitting a copy of the Calendar of the Zillah Court of Calicut for the Second Sessions of 1839.—

(Here enter P.C. No. 1933 of 1839)

Case No. 4. 1. The prisoners in this case were charged with having, in the day time of the 15th. May 1839 — stolen the Prosecutors thirty two Sheep valued at Rupees 32 — which were grazing in the field and also Assaulted and ill-treated the 1st, 3d, 4th, 5th and 6th. witnesses.—

2. The case was returned to be disposed of by the Criminal Court for the reasons recorded in the Extract from the Proceedings of the Acting First Judge under date the 26th. October 1839.—

3. The Court of Foujdaree Adalut do not approve of this order. The act of the prisoners seems to have been Robbery. But the Court will not now disturb the order as it is presumed that the prisoners are already undergoing the sentence of the Criminal Court.—

Case No. 18. 4. The European Medical officer having certified

certifies that the prisoner in this case is "decidedly insane" and "unsafe to be trusted to his own guidance" and "a proper subject for confinement in the Lunatic Asylum" the Court of Enjedara Edaalut direct the Acting First Judge to instruct the Criminal Judge of Salem to forward the prisoner, under proper custody, to the Superintendant of Police at Madras, in order that he may be lodged in the Lunatic Hospital. The Acting Criminal Judge will take care that the Lunatic is accompanied by the Certificate of the European Medical officer on this case.—

Case No. 19.

5. In this case, the prisoner was charged with having, during the day of the 1st June 1839. stripped the Prosecutrix of her ornaments to the value of Rupees 26 and annas 10— after having thrown her down by squeezing her neck, and stuffing a cloth into her mouth.—

6. The prisoner is convicted, but as he was unarmed and with the exception of the violent action of the Prosecutrix, it does not appear that he did ought beyond taking away her ornaments— the Acting First Judge remarks that the prescribed penalty be reduced to seven years imprisonment.—

7. The Court of Enjedara Edaalut does

not perceive any reason to differ from the Acting First Judge in the sentence he has passed in this case, which appears to be proper— in accordance with the principle on which the Regulations are framed— to visit the crime of Robbery more severely than that of Theft. The Court therefore authorize the Acting First Judge to issue his warrant to the Criminal Judge of Salem for the imprisonment of the said prisoner with hard labour in Irons for eight years.—

8. The Mohammedan Law officer of the Court of Circuit is in error in regard to his Futwa in this case. The Acting First Judge will be pleased to explain to him the purport of this Court's Circular Order— No. 56.—

Ordered, that Extract from the proceedings be sent to the Acting First Judge on Circuit in the Southern Division, for his information and guidance.—

(Sent in No. 11422)

Read return dated the 29th ultimo from the Provincial Court of Circuit in the Southern Division, to the Precept of the Enjedara Edaalut dated the 12th November 1839, forwarding a Criminal Order No. 112, directing that a transcript or if in any native language, a translation of

of the promise made to each King approver under the instructions of the Governor General in Council circulated through the Provincial Court of Circuit on the 12th August 1837, be entered on the record of all Trials of such approvers for the offence provided for by the Act No. XXX of 1836.—

L.R.C.

(Here enter No. 2011.)—

Wd

At a Court of the Zillah Zillah.

Present,

Friday 6th December, 1839. Thomas Alexr. Baker Esqre. — Acting 1st Puisne Judge,

William Hudleston Esqre. ——— 2d Puisne Judge,

L.R.C. Alexr. Duncan Campbell Esqre. — 3d Puisne Judge,

Read letter dated the 29th October 1839 from the 1st Judge on Circuit in the Western Division transmitting the record in Case No. 2 on the Calendar of the 2d Sessions of 1839.—

(Here enter No. 1815 of 1839)—

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

Mahalinga

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 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.—

(Vide following letter No. 111 22d)

Read

4th Baker, and 4th Campbell,

Read again Return dated the 23d and Supplemental Return dated the 28th October 1839 - from the Second Judge Sitting on Circuit in the Southern Division, to the Precept of the Court of Conjeveram Adawlut under date the 30th September 1839, directing him to submit for the Court's consideration, an English Translation of the record of Case No. 2 of the Combaconum Supplemental Calendar of the first sessions of 1839.—

(Here enter Extracts Nos. 1778 and 1814 of 1839)

Read also Return dated the 18th instant from the same Officer to the Precept of the Court of Conjeveram Adawlut under date the 11th November 1839, directing him to submit English translation of the examinations taken before the Sub Police Officer in Case No. 2 of the Supplemental Calendar of the first Sessions of 1839.—

(Here enter Extract No. 1929 of 1839)

1. In his return of the 18th instant the 2d Judge "certifies that it does not appear from the Arzee of the Sub "Police Officer dated 23d February 1839 to the Police Ameen, that "any depositions were taken in writing before him from the "Prosecutor, but that he merely verbally stated to that "Officer that he knew the names of five of the Robbers"

and

and the second Judge submits a translation of the Arzee in question.—

2. The Court of Conjeveram Adawlut proceed to a consideration of the Record.—

3. In regard to the practicability of seeing through the broken door of the prosecutor's house all the certain of the witnesses for the prosecution declare that they saw - the Court of Conjeveram Adawlut observe that in the Mahzurnamah at page 39 of the Record, it is stated that there were four different apertures in the door which is described as "broken with an axe and the pieces of the "wood scattered here and there".—

4. The Mahzurnamah is not evidence that the witnesses who depose that they looked through the apertures can describe their size and position.—

5. The Court of Conjeveram Adawlut resolve to direct the Second Judge to instruct the Criminal Judge of Combaconum to summon the said witnesses before him and in the presence of the prisoners, who will be permitted to cross examine the witnesses and offer any thing further in their defence should they wish it, at the close of the examinations take their evidence on oath touching the point aforementioned.—

The

6. The second Judge will submit English & Translations of the evidence taken under these instructions for the consideration of the Court of Conjeveram Adalut.—

7. At page 43 of the Record is another Mahzurnamah bearing numerous signatures, charging the prisoners with leading wicked lives, having joined in several robberies, being used to carry away crops and commit petty thefts, encouraging false complaints and perjury & indiscribably desperate character. in short monsters. the terror of the country.—

8. With reference to this Document, wherein it may be observed, it is no where pretended that any of these atrocities have been brought home to the prisoners who are Land holders. the Court of Conjeveram Adalut deem it proper to direct the second Judge to call upon the Magistrate to report whether or not the prisoners have been formerly examined for crimes or been required to give security as persons of notorious bad character, which must, the Court presume, be the case, if the account given of them in the Mahzurnamah in question, approaches to truth.—

9. The Court likewise direct that the Magistrate be instructed to take evidence from respectable and unbiassed persons in regard to the characters of the first prisoner of the Praiseentor — of the Head of the Prosecutors Village, and

6. December 1839.

and of the second witness for the prosecution.—

10. And the second Judge will submit copies of the Reports of the Magistrate on these points for the consideration of the Conjeveram Adalut.—

Ordered, that Extract from these Proceedings be sent to the second Judge sitting on Circuit in the Southern Division, by Precept returnable within one Month from and after its receipt.—

(Sent following Receipt No. 11,26)

Read letter dated the 29th Ultimo from the acting Magistrate of Cuddapah, submitting the explanation called for in the Conjeveram Adalut's Proceedings dated the 3d August 1839 in regard to Cases Nos. 112–137–140–142–148 on the Cuddapah Criminal Reports and No. 24 Cumlum Criminal Report for the Month of May 1839.—

(Here enter No. 2024)

Read return dated the 2d instant from the Provincial Court of Circuit in the Southern Division to the Precept of the Conjeveram Adalut of the 5th November 1839, directing them to look into the proceedings held in Case No. 76 of 1839 of the file of the Criminal Court of Madura, and to pass such orders thereon as they may deem proper, reporting

reporting the result to the Court of Zoujdaree Udalut.—

(Here enter No. 2027)

Read return dated the 3d. instant from the Criminal Judge of Combaconum, to the precept of the Zoujdaree Udalut dated the 28th. November 1839, conveying their observations and orders on the Criminal Reports for the Months of October 1839.—

(Here enter No. 2028)

Read return dated the 29th. Ultimo, from the Provincial Court of Circuit in the Northern Division, to the Precept of the Zoujdaree Udalut of the 7th. October 1839, directing them to call upon Mr. Dowdeswell to explain his proceeding in not committing the Prisoner Ramoo who was sent up to the Criminal Court by Captain Dalrymple Assistant General Superintendant of Duggee and Joint Magistrate of Vizagapatam under the provisions of Act XXX of 1836, and further directing them to call for an explanation of the entry at the foot of Case No. 92 of the Vizagapatam Supplemental Criminal Report for the Months of June last—that the prisoner a "Thug" was released.—

L.P.C.

Ent'd W.

(Here enter No. 2033)—

W.S.

No. 46.

At a Court of the Zoujdaree Udalut.—

Present.

Thomas Nevt. Oakes Esqre. No. 1st Puisne Judge.

Monday 9th December 1839.— William Hudleston Esqre. 2nd Puisne Judge.

Alexr. Duncan Campbell Esqre. 3rd Puisne Judge.

Read Miscellaneous Petition presented on the 11th ultimo by Apsance Sa Pillay Maraccayen of the Pillah of Combaconum.—

(Here enter M. P. No. 147 of 1839.)

The Prayer of this petition is that the Court of Zoujdaree Udalut will be pleased to call for the record of Case No. 20 of the Combaconum Calendar 2nd Sessions of 1839 and order the release of the petitioner's father-in-law the 6th 3rd prisoner in that Case, who was convicted before the Court of Circuit of having taken part in a desperate affray in which many persons were severely beaten, and one was killed, and sentenced to imprisonment with hard labour Vca for Six Months and to pay a fine of 200 Rupees.—

It appears from the Calendar that the prisoner in question was the head of one of the two parties of rioters concerned in this case, and the Court of Zoujdaree Udalut see no sufficient grounds for doubting the propriety of the sentence passed upon him by the Court of Circuit

Order

Ordered, that the prayer of the petition be rejected, and that Extract from these proceedings be furnished to the petitioner on his application.-

Read Miscellaneous Petition presented on the 18th ultimo, by Kanagadeen Hoonjoo Mahommed.-

[Here enter Mo: P: c No 151 of 1839.]

The Petitioners referring to his former Petition No 145 of 1839 and to the Order of the Court of Foujdaree Udalut thereon, under date the 11th November 1839- prays a reconsideration of the Record of Case No 4 of the Cochin Calendar of the Second Sessions of 1839- wherein the prisoner Paree- charged with Wilful Murder- was sentenced by the Court of Foujdaree Udalut to transportation for Life.-

The Petitioner further prays that if the Court decline to recal their sentence, they will furnish him with attested copies on Stampt paper of the proceedings held in the case, of the Futwas of the Mooheemmudan Law Officers, the letter of reference from the First Judge on Circuit in the Western Division, and the final sentence of the Foujdaree Udalut.-

The Prayer of this Petition is totally inadmissible.-

Ordered, that the prayer of the petition be rejected, and that Extract from these proceedings be furnished to the petitioner on his application.-

Read Miscellaneous Petition presented on the 18th ultimo, by Ramasawmy Mudaly of the Zillah of Chittoor.-

[Here enter Mo: P: c No 153 of 1839.]

The Petitioner repeats the prayer contained in her former petitions Nos 97 and 105 of 1839, that an order may be issued for the release of her husband Rama Chendriah the first prisoner in Case No 2 of the Chittoor Calendar 2nd Quarter Sessions of 1839.-

The Court of Foujdaree Udalut observe that in this petition there is a fresh misstatement- viz- that the Futwa did not convict her husband.-

The Court, further, are satisfied of the propriety of the conviction in this case, and direct that the petitioner be referred to the orders of the Court of the 19th of August and of the 23rd September of the present year, and informed that the same are final.-

The Court further direct that no further petition on the same subject by the same party be received.-

Ordered, that the prayer of the petition be rejected, and that Extract from these proceedings be furnished to the petitioner on her

her application.—

Ly. Lashacharloo, Mookhtyar Vakeel of Mr. Appiahcharloo of the Zillah of Nellore, moves the Court to return the enclosures in Miscellaneous Petition No. 60 of 1839.—

Ordered accordingly.—

Read Letter dated the 28th. ultimo from the Magistrate of Chingleput, submitting a copy of a letter dated 19th. ultimo from his Head Assistant communicating the result of the inquiry made by him into the alleged ill-treatment of the first prisoner in Case No. 57 of the Criminal Report of the Zillah Court of Chingleput for the Month of September - with reference to the Extract from the Proceedings of the Court of Fouzdaree Udalut, under date the 31st. October 1839.—

/Here enter F. No. No. 1977 of 1839./

1. It appears from paragraph 4 of the Head Assistant Magistrate's letter that the Duffadar and Peon have been fined each five Rupees - and that the Peon has been removed to the Cotramaloor Talook.—

2. The Court of Fouzdaree Udalut consider the punishment very inadequate.—

3. Any thing approaching to the extortion of confessions strikes at the root of the administration of Justice: and when proved, should be visited with exemplary punishment.—

9th December 1839.—

4. The Court direct that the Duffadar and Peon be sent to the Criminal Court, with reference to Clause third Section III. Regulation III of 1819.—

Ordered, that Extract from these proceedings be sent to the Magistrate of Chingleput, by Precept returnable within five days from and after its receipt.—

/Sent following Precept No. 1434./

Read Return dated 28th. ultimo from the Acting Second Judge of the Provincial Court of Circuit in the Carnatic Division to the Precept of the Court of Fouzdaree Udalut under date the 25th. November 1839. directing him to send up an English Translation of the Record of Case No. 5. of the Chittoor Calendar of the Second Quarter Sessions of 1839.—

/Here enter F. No. No. 1993 of 1839./

1. The Court of Fouzdaree Udalut observe that they require the entire Record of the case in question: but the Provincial Court can submit it.—

2. The Court are not of opinion that there is any necessity for detaining the Acting Second Judge at Chittoor, or that the circumstance of a final decision in the Special case not being passed, will be any legal bar to his proceeding on Circuit at the time already fixed.—

Ordered

Ordered, that Extract from these Proceedings be sent to the Acting Second Judge of the Provincial Court of Circuit in the Centre Division for his information and guidance.

/Sent in No. 1435/.

Read Return dated 28th ultimo from the Acting Judge on Circuit in the Centre Division, to the Precept of the Court of Fouzdaree Udalut under date the 7th November 1839, conveying their observations and orders on the Cuttapah Calendar for the Second Sessions of 1839.

/Here enter F. C. No. 1996 of 1839/.

1. With reference to parah. 2 of this Return, the Court direct that the Acting Judge be reminded that besides Case No. 4. Cases Nos. 9, 40 and 46 are ordered to be referred for their final Judgment.

2. In Case No. 25 the prisoner is convicted of stealing from the Dwelling House, but as there are "no circumstances of aggravation", the Acting Judge recommends that the punishment to which he is liable under the provisions of Section XXI Regulation VIII of 1802. be reduced to three years imprisonment and one hundred lashes of a Cat of nine tails.

3. Under the provisions of Clause 4th third, Section III Regulation I of 1825, the Court of Fouzdaree Udalut authorize the Acting Judge to issue his warrant to the Acting Criminal Judge to

the effect above mentioned.-

4. The attention of the Acting Judge is required to the Circular Order of the 15th September 1820. which directs that the paragraphs of all letters Vma to the Fouzdaree Udalut shall be numbered.-

Ordered, that Extract from the Proceedings be sent to the Acting Judge on Circuit in the Centre Division for his information and guidance.-

/Sent in No. 1436/.-

Entd. W. L.

L. A. C.

W. B. D.

No.

At a Court of the Foujdaree Adalut

Present

Thomas Alexr. Ochterlony Esqre. Agt. 1st. Puisne Judge

Wednesday, William Hudleston Esqre. 2d. Puisne Judge

11th. December 1839. Alexr. Duncan Campbell Esqre. 3d. Puisne Judge

Z.F.C. Read letter dated the 15th.

Ultimo from the Second Judge Late on

Circuit in the Northern Division, transmitting

the record in Case No. 17 of the Vizagapatam

Primary Calendar for the 1st. Sessions of 1839

(Here Enter No. 1927.)

The Court of Foujdaree Adalut

on a deliberate consideration of all the

circumstances of the Case in evidence before

them, being of opinion, that the Proof

against the Prisoners

1st. Arawa Meenachee

and

2nd. Sheerapoo Raunoodoo

is sufficient to convict them of the crimes

charged, do, under the authority with which

they are vested by Clause first Section II

Regulation

Regulation I of 1818, convict them 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 Prisoners would have been liable under the Mohummudan Law, if they had been convicted by full legal evidence.—

Answer.

If the Prisoners above mentioned were convicted of the offences charged, on the evidence of credible witnesses, they would be liable to Dokoobut.—

Mr. Sudleston and Mr. Campbell

Under the finding of Dokoobut declared in the foregoing Futwa; and in conformity with the provisions of Clause third, Section VII Regulation XV of 1803 the Court of Zunjaree Udalut sentence the Prisoners

1st Arava Mernachee

and

2d Sheerapoo Raumroodoo

to be imprisoned and Kept to hard labour on the public roads or other public works, for

and

and during the period of Seven years the first Prisoner without Irons: the Second Prisoner in Irons.—

The Court of Zunjaree Udalut observe that the Acting Criminal Judge of Rajahmundry has infringed their Circular Order of the 12th July 1825 Vol in examining the 1st Witness for Prosecution Appadoo without oath: and they direct that the omission be brought to that Officers notice, and that he be enjoined to pay undeviating attention in future to the Court's standing orders respecting the examination of witnesses of tender age.—

Ordered, that Extract from these proceedings be sent to the 2nd Judge late on Circuit in the Northern Division, for communication to the Acting Criminal Judge of Rajahmundry.—

(Sent in No 1139)

Read letter dated the 19th Ultimo from the Third Judge on Circuit in the Northern Division, submitting English and Persian Translations of the Record

11th December 1839.

Record in Case No 9 on the Rajahmundry Calendar for the 2d Sessions of 1839.-

(Here enter No 1968.)

Mr Huddleston and Mr Campbell.

The Court of Foujdaree Udalut, having maturely considered the proceedings held before the Judge on Circuit, the Futwa of the Provincial Law Officer and the Futwa of the Cazee-ool-Coozat and Mooftee of the Foujdaree Udalut, confirm the said Futwa of the Cazee-ool-Coozat and Mooftee aforesaid, convicting the prisoner Chintagunjah Noordimloo of the crime charged, on strong presumptive proof and awarding to Koorbut: and under the provisions of Section X Regulation VIII of 1802- sentence the said Prisoner to suffer death by being hanged at the usual time and place of execution.-

(Sent following letter No 1940)

Circular Order No 113.

Read Extract from the Minute of Consultation under date the 28th November 1839- No 941- communicating the opinion of Government that all handcuffs and fetters should be as light and easy as is consistent with

with security.-

(Here enter F. Cs. No 2010 of 1839.)

Ordered, that a copy of the Extract from the Minutes of Consultation now recorded be sent to each of the four Provincial Courts of Circuit, with instructions to furnish transcripts of the same to the several Magistrates within their respective Divisions, for their information and guidance and that of their Native Police Officers.-

(Sent in No 1941)

Read letter dated the 5th Instant from the Third Judge of the Provincial Court of Circuit in the Southern Division, reporting his intention to open the 1st Sessions of 1840 at Madura on the 6th Proximo.-

(Here enter No 2037.)

Read letter dated the 7th Instant from the Second Judge of the Provincial Court of Circuit in the Central Division, reporting the death of the insane prisoner Ravanapah in Cell No 1

11th December 1839.

Record in Case No 9 on the Rajahmundry Calendar for the 2d Sessions of 1839.-

(Here enter No 1968.)

Mr Huddleston and Mr Campbell

The Court of Sunjarce 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 Sunjarce Udalut, confirm the said Futwa of the Cazee-ool-Cozzat and Mooftee aforesaid, convicting the prisoner

Chintagunjah Noordimlo.

of the crime charged, on strong presumptive proof and awarding Setroobut: and under the provisions of Section X. Regulation VIII of 1802. sentence the said prisoner to suffer death, by being hanged at the usual time and place of execution.-

(Sent following letter No 1040)

Circular Order No 113.

Read Extract from the Minutes of Consultation under date the 28th November 1839. No 941. communicating the opinion of Government that "all handcuffs and fetters should be as light and easy as is consistent with

2.

11th December 1839.

with security."

(Here enter F. Vol. No 2010 of 1839.)

Ordered, that a copy of the Extract from the Minutes of Consultation now recorded be sent to each of the four Provincial Courts of Circuit, with instructions to furnish transcripts of the same to the several Magistrates within their respective Divisions, for their information and guidance and that of their Native Police Officers.-

(Sent in No 1041)

Read letter dated the 5th Instant from the Third Judge of the Provincial Court of Circuit in the Southern Division, reporting his intention to open the 1st Sessions of 1840 at Madura on the 6th Proximo.-

(Here enter No 2037)

Read letter dated the 7th Instant from the Second Judge of the Provincial Court of Circuit in the Centre Division, reporting the death of the insane prisoner Ravanapah in Case No 1

No 4 of the Schittor Calendar 2d Quarter Sessions 1839 on the 4th Instant with reference to the Fowjdaree Udalut's proceedings of the 16th September last.—

(Here enter No 2042.)

Read letter dated the 4th Instant from the Second Judge late on Circuit in the Northern Division, transmitting the Statement required by Circular Order No 4.—

(Here Enter No 2043.)

Read letter dated the 5th Instant from the Second Judge of the Provincial Court of Circuit in the Northern Division, transmitting copy of the Magistrates Calendar for the 4th Quarterly Sessions of 1839.—

(Here Enter No 2044.)

Read return, dated the 4th Instant, from the Provincial Court of Circuit in the Western Division, to the Receipt of the Fowjdaree Udalut of the 27th Ultimo, transmitting copy of para: 21 from a General Letter from the Honorable the Court of Directors dated

dated the 2nd July 1839 on the subject of providing for Female Orphans of the Children of deceased Prisoners.—

(Here enter No 2045.)

Read letter dated the 3rd Instant from the Third Judge of the Provincial Court of Circuit in the Western Division, presiding at the 4th Quarterly Sessions of 1839 reporting his having received the Fifth Additional Calendar containing one Case of House breaking and Robbery, and two Prisoners.—

(Here enter No 2046.)—

L.N.C.

WD.

No. 4 of the Chittoor Calendar 2d Quarter Sessions 1839 on the 4th Instant with reference to the Tongdance Udalut's proceedings of the 16th September last.—

(Here enter No. 2042.)

Read letter dated the 4th Instant from the Second Judge late on Circuit in the Northern Division, transmitting the Statement required by Circular Order No. 4.—

(Here Enter No. 2043.)

Read letter dated the 5th Instant from the Second Judge of the Provincial Court of Circuit in the Northern Division, transmitting copy of the Masulipatam Calendar for the 4th Quarterly Sessions of 1839.—

(Here Enter No. 2044.)

Read return, dated the 4th Instant from the Provincial Court of Circuit in the Western Division, to the Precept of the Tongdance Udalut of the 27th Ultimo, transmitting copy of para. 21 from a General Letter from the Honorable the Court of Directors

dated the 2d July 1839 on the subject of providing for Female Orphans & the Children of deceased Prisoners.—

(Here Enter No. 2045.)

Read letter dated the 3d Instant from the Third Judge of the Provincial Court of Circuit in the Western Division, presiding at the 4th Quarterly Sessions of 1839 reporting his having received the Fifth Additional Calendar containing one Case of House breaking and Robbery, and two Prisoners.—

L.P.C.

(Here Enter No. 2046.)—

WD

F. 116.

At a Court of the Fouzdaree Udalut

Present,

Thomas Alex.r Oakes Esq.re 1st. Puisne Judge

Friday, 13th. December 1839. William Hudleston Esq.re 2d. Puisne Judge

Alex.r Duncan Campbell Esq.re 3d. Puisne Judge

L.H.C.

Read again letter dated the 26th. October 1839, from the First Judge on Circuit in the Western Division, transmitting the record in Case No. 8 on the Canara Calendar for the 2nd. Sessions of 1839.-

(Here enter No. 1805.)

Read also Extract from the Minutes of Consultation dated the 6th. Instant, commuting the sentence of transportation for life awarded to the prisoner Patrato Dey Sunnapa in Case No. 8 of the Canara Calendar of the 2nd. Sessions of 1839, to ten years' imprisonment with hard labor in irons.-

(Here enter No. 2051.)

Under the authority of the Right Honorable the Governor in Council the Court do accordingly direct that the

the Prisoner

Patraloddy Sunnuppa.

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

The Court likewise direct that Extract from their proceedings under date the 27th November 1839 on Cases No. 8, be sent for the information and guidance of the 1st Judge on Circuit in the Western Division.

(Sent in No. 1141 to 1)

Read again letters dated the 7th and 9th October 1839, from the Second Judge late on Circuit in the Northern Division, transmitting the Records in Cases Nos. 6. 7. 14. 15 and 16 of the Vizagapatam Supplemental Calendar for the 1st Sessions of 1839.

(Here enter Nos. 1701. 1702. 1703. 1705. and 1706.)

Read also return dated the 2nd Instant from the Second Judge late on Circuit in the Northern Division, to the precept of the Foujdaree Udalut dated the 12th November 1839, directing him to transmit a certified copy and translation in English of

of the promise of pardon made to the King Approver Prisoners in Cases Nos. 6. 7. 14. 15 and 16 of the Vizagapatam Supplemental Calendar for the 1st Sessions of 1839.

(Here enter No. 2032.)

The Court of Foujdaree Udalut

Case No. 6.
Mr. Huddleston.

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

Hoossain Khan alias Hoossanee

is sufficient to convict him of the crime of having belonged to a Gang of Thugs, do convict him thereof; and under the provisions of Clause first Section V Regulation VIII of 1831 and Section 1. Act XXIV of 1836 sentence him to be imprisoned and kept to hard labor in irons, on the public roads or other public works for and during the period of his natural life.

The Court of Foujdaree Udalut,

Case No. 7.
Mr. Huddleston.

on a deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the proof against

13th December
1836.-

against the prisoner

Shaik Daaday

is sufficient to convict him of the crime of having belonged to a Gang of Thugs, do convict him thereof, and under the provisions of Clause first Section V Regulation VIII of 1831 and Section I Act XXX of 1836 sentence him to be imprisoned and kept to hard labor in irons, on the public roads or other public works, for, and during the period of his natural life.-

Case No. 14.
Mr. Campbell.

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

Barek row Hussun Khaun

is sufficient to convict him of the crime of having belonged to a Gang of Thugs, do convict him thereof, and under the provisions of Clause first Section V Regulation VIII of 1831 and Section I Act XXX of 1836 sentence him to be imprisoned and kept to hard labor in irons, on the public roads or

13th December 1836.

or other public works, for, and during the period of his natural life.-

Case No. 15.
Mr. Campbell.

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

Meyah Sahebdins Hoolka Meyah

is sufficient to convict him of the crime of having belonged to a Gang of Thugs, do convict him thereof, and under the provisions of Clause first Section V Regulation VIII of 1831 and Section I Act XXX of 1836 sentence him to be imprisoned and kept to hard labor in irons, on the public roads or other public works, for, and during the period of his natural life.-

Case No. 16.
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

Emaum Sahib Chafadyah

is sufficient to convict him of the crime

of having belonged to a Gang of Thugs, do convict him thereof, and under the provisions of Clause first Section V Regulation VIII of 1831 and Section I Act XXX of 1836 Sentence him to be imprisoned and kept to hard labor in irons, on the public roads or other public works, for, and during the period of his natural life.—

(Sent following letter No. 1145)

Read letter dated 21st Ultimo, from the 2nd Judge late on Circuit in the Northern Division, submitting the record in Case No. 3 Chittagong Calendar 1st Sessions of 1839, for the final Judgment of the Tongdance Udalut.—

(Here enter F.Rs. No. 1967 of 1839)

Mr. Huddleston and Mr. Campbell

The Court of Tongdance Udalut having maturely considered the proceedings held before the Judge on Circuit, the futwa of the Provincial Law Officer, and the futwa of the Cazee-ool-Coozat and Mooftee of the Tongdance Udalut, confirm the said futwa of the Cazee-ool-Coozat and Mooftee aforesaid, convicting the prisoner Gaidala Pawree

of the crimes charged on strong presumptive proof, and awarding to Abetment, and under the provisions of Section X Regulation VIII of 1802. Sentence her to suffer death by being hanged at the usual time and place of execution.—

The Court of Tongdance Udalut concur with the Judge of Circuit as to the conviction of the Prisoner, but they do not understand upon what principle mitigation of punishment is proposed in a case of deliberate murder of an infant for the sake of plunder.—

According to law capital punishment alone is the penalty for this crime, and the Court therefore do adjudge the Prisoner to suffer death.—

Ordered, that Extract from these proceedings be sent to the 2nd Judge late on Circuit in the Northern Division, for his information.—

(Sent following letter No. 1146)

Read Extract from the Minutes of Consultation under date the 3rd December

13th December 1839.

3rd December 1839 - No. 1095 - transmitting to the Court of Sudr Udalut an Extract from a General Letter from the Honorable the Court of Directors dated 4th September 1839 - No 53 - communicating the opinion of the Honorable Court that the Peons in charge of the Convicts who escaped from the Jail at Chicacole on the 2d July 1836 seem to have failed to totally in their duty that the Assistant Judge ought to have brought them to a severer punishment for their misconduct, than mere dismissal from their situations.-

(Here enter F. Cs. No. 2050 of 1839.)

Ordered, that a copy of para. 26 of the Honorable Court's General Letter be sent to the Criminal Judge (late) of Chicacole - now of Vizagapatam for the information of the Assistant Criminal Judge Mr. Storey with reference to the letter from Mr. A. Crawley late Criminal Judge of Chicacole dated 4th July 1836, and the subsequent correspondence on the same subject.

(Sent in No. 11417)

F.C.

Saturday, 14th December 1839.

L.A.C.

F.C.

At a Court of the Foujdaree Udalut

Present,

Thomas Alexr. Oakes Esqr. Actg 1st Puisne Judge

William Huddleston Esqr. 2d Puisne Judge

Alexr. Duncan Campbell Esqr. 3d Puisne Judge

Read again Return dated the 21st October last from the Provincial Court of Circuit in the Centre Division, to the Precept of the Court of Foujdaree Udalut under date the 19th September 1839, directing them to call for and submit translations of the proceedings of the Criminal Court of Cuddapah in the case noticed in the concluding part of parah: 9 of Mr. Blane's letter to the Chief Secretary to Government under date the 22d July 1839 - reporting the result of the inquiries made by him during his tour through the District of Cuddapah relative to the alleged prevalence of forgery &c. &c. therein, with reference to parah: 13 of the same letter, to call upon Mr. Newberry to

to submit any explanation he may have to offer in regard to the grounds on which he was led to doubt "whether the gross and "palpable cases of Forgery lately forwarded "to him by the Magistrate of Cuddapah "will, in the end, meet with punishment."—

(Here enter F.No. 1769 of 1839.)

Also read Supplemental Return dated 22d Ultimo to the same Precept.—

(Here enter F.No. 1961 of 1839.)

Also read Return dated 19th and Supplemental Return dated 27th Ultimo, from the Provincial Court of Circuit in the Centre Division, to the Precept of the Court of Foujdaree Udalut dated 6th November 1839, directing them, in order to enable the Foujdaree Udalut to determine on the propriety of the order of the Judge on Circuit dated 10th August 1839, for the discharge from the bar without trial of the Prisoners in Case No. 51 of the Cuddapah Calendar of the Second Session of 1839.— as well as to decide on the regularity or irregularity of the proceedings of the

Zillah Court of Cuddapah in Original Suit No. 160 of 1839.— to send up a transla=tion of all the proceedings held in that suit; and to call upon Mr. Newbery to Specify the instances he has "adduced" in the "Magistrate of Cuddapah" in which "parties guilty of the most barefaced "perjury have escaped punishment"— and the "cases" or some of them which he has "selected as sufficiently clearly proved "for Criminal prosecution" but which "have invariably— he believes— terminated "in the release of the Prisoners."—

(Here enter F.No. 1963 and 2001 of 1839.)

1. With their Supplemental Return of the 22d Ultimo the Provincial Court send up copies of the explanations required from Mr. Stronham the late Judge of Cuddapah, and from Mr. Blane, in paras. 3 and 5 of the proceedings of the Foujdaree Udalut of the 19th September 1839, with copy of a Minute recorded on the subject of Mr. Blane's Report, by Mr. M. Lewin the

the Acting Second Judge of the Provincial Court.-

2. With their Return of the 19th Ultimo, the Provincial Court submit translations of the Proceedings held in Original Suit No. 160 of 1839 on the file of the Zillah Court of Cuddapah: and with their Supplemental Return of the 27th Ultimo a copy of Mr. Newberry's explanation - both called for in the proceedings of the Tongilanee Cutcherry of the 4th November last.-

3. It appears that in the Original Suit No. 160 of 1839 on the file of the Zillah Court of Cuddapah, two witnesses were produced by the Plaintiff, with a Motion bearing the same date as that of the petition of plaint (15th March 1839) setting forth that the Defendants had commenced the removal of their property from the jurisdiction of the Zilla Court. The depositions of the said witnesses to that effect were filed on the same day as the said Suit, viz. 27th March 1839 - and on the following day was issued "a process to the Nazir of the Court for

"for the apprehension of the Defendants"

4. By Clause first Section IV Regulation II of 1811 it is provided, that the Judge "shall be satisfied, by sufficient "proof, that there is reason to believe the "defendant intends to abscond, and withdraw "himself from the jurisdiction, he may, "either on the institution of the suit, or at "any time while the suit is depending in "the Zillah Court, issue process against the "defendant, requiring him to give security for "his appearance, as prescribed on the issue "of Summons by Section V Regulation III, 1802 "under penalty of being committed to close "custody, until such security be given" &c.-

5. And Clause Second Section IV Regulation II of 1811 contains particular directions as to the security bond "and the "extent of the security to be required."-

6. The foregoing provisions were violated by the issue of the process to the Nazir abovementioned, under date 28th March 1839, "for the apprehension of the defendants"

The

7. The 2nd defendant was apprehended in virtue of the said process - the 1st defendant was not found. The said defendant, however, was not put "in Jail" because the plaintiff failed to pay batta or deposit funds in the Court treasury.-

8. Then follows a "process to the "defendants - directing them to appear before "the Court and plead objections, if they "have any to make, to their being placed in "Jail until they furnish security required."-

9. This proceeding was altogether at variance with the course prescribed in Section V Regulation III of 1802, which requires the requisition of the security to be made by the Officer of the Court charged with the execution of the process, and of course at the defendant's place of abode, where he will have the best opportunity of furnishing the requisite security: whereas in this case the 2nd defendant is first brought from his home to the Court in custody and afterwards (at the Court where he may be a perfect stranger) called upon to show cause

why he should not be placed in jail until he "furnish security required."-

10. The proceedings go to show, that there is ground for Mr. Blane's remark (noticed in para. 6 of this Court's proceedings of 19th September 1839) regarding the "hasty" issue of "Hal warrants" by the Zilla Court of Cuddapah.-

11. By the departure from the provisions of the Regulations on this subject above pointed out, it is evident that means are afforded to a plaintiff to annoy the defendant, and disgrace him by a summary and illegal apprehension.-

12. But adverting to the general nature of Mr. Blane's remarks, the Court of Foujdaree Udalut resolve to direct the Provincial Court of Circuit to call for a report from the Zilla Court of the names and places of abode of all witnesses, produced during the last three years to the Zilla Court of Cuddapah by Plaintiffs, to prove a defendant's intention to abscond, or remove property from the juris dictional

jurisdiction of the Court; and submit a copy of the same to this Court.-

13. With reference to Mr. Stromboni's Statement in his Return of the 25th October last, submitted with the Supplemental Return of the Provincial Court of the 22d Ultimo - that he has always adhered to the provisions of Section IV - Regulation II of 1811, the Court of Sinjdaree Adalut resolve to direct the Provincial Court to send to Mr. Stromboni the enclosures of their Return of the 19th Ultimo (which are herewith transmitted for that purpose) with a copy of the preceding remarks of this Court in the proceedings in No. 160 of 1839, and require him to submit for the consideration of the Sinjdaree Adalut any further explanation that he may wish to offer on the subject.-

14. With reference to the remarks of Mr. Newberry in his Return of the 19th Ultimo in regard to the acquittal of the prisoner in Case No. 12 of the Guntoor Calendar of the First Sessions of 1838 the Court of Sinjdaree

Sinjdaree Adalut observe that the Futwa of their Law Officers in that case is good Mohummudan Law: and the Court direct that a copy of their proceedings under date the 19th March 1838 - in which are recorded the grounds of the prisoner's acquittal of the charge of Perjury, be sent to the Provincial Court of Circuit in the Centre Division with instructions to furnish a copy of the same to Mr. Newberry for his information.

15. Many Cases like the above are suppposed by the committing Officer to be Perjury, which do not prove to be so.-

Ordered, that Extracts from these proceedings be sent to the Provincial Court of Circuit in the Centre Division by Precept returnable within twenty days, from and after its receipt.-

(Sent following Precept No. 1123)

Read Second Supplemental Return dated 27th Ultimo from the First Judge of the Court of Circuit in the Northern

Northern Division to the Precept of the Court of Tanjanore Adalut under date the 3rd September 1839 communicating the orders of Government conveyed in the Extract from the Minutes of Consultation under date 20th August 1839 - No. 691 on the Extracts from the Proceedings of the Court of Tanjanore Adalut under dates the 17th and 25th June 1839 held on review of the First Judge's Circuit Report for the Seconds Sessions of 1838.-

(Here enter F.M. No. 2017 of 1839.)

1. With the Supplemental Return now recorded, the First Judge submits copies of a Return dated the 20th Ultimo from the Magistrate of Vizagapatam and of its accompaniments, communicating the result of the investigation made by that Officer into the charge of Assault preferred against Mr. Maston the Head Assistant Magistrate by Rayavarapoo Gungiah.-

2. The First Judge likewise submits a translation of an Original Abziee

addressed by the complainant to the Magistrate of Vizagapatam, and of the Indorsement made thereon.-

3. In that Petition, the complainant prayed the Magistrate to summon and examine certain witnesses as he name he specifies, five in number.-

4. The indorsement states that "at the Motion day had an opportunity to state, at the time he gave his deposition upon oath, all the circumstances he was to inform, and as he was also ordered at that time to do so, there appears no reason for receiving this motion."-

5. The Court of Tanjanore Adalut are of opinion that all the Complainants witnesses should be examined, and they resolve to direct the Circuit Court to issue instructions to this effect to the Magistrate who will submit, through that Court, English Translations of the Evidence which may be taken from the parties above referred to.-

The

14th December 1839.

6.

The Court observe that the Complainant does not appear to have stated the circumstances referred to in the Endorsement in his deposition dated 13th November 1839 marked page 2. and to have quoted 2 of the witnesses now named thereto.—

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

(Sent following Precept No. 1154)

Read letter dated 2d Instant from the Third Judge of the Provincial Court of Circuit in the Centre Division submitting a reply to the enquiries contained in the Extract from the Proceedings of the Court of Tanjore Adalut under date the 6th November 1839. on their review of the Chittoor Primary and First and Second Supplemental Calendars of the Fourth Quarter Sessions of 1839.—

(Here enter F.C. No. 2022 of 1839)

The

No.

14th December 1839

The Court of Tanjore Adalut resolve to call for an English Translation of the Record of Case No. 1 of the Primary Calendar, which the Third Judge will be pleased accordingly to submit at his earliest convenience.—

Ordered, that Extract from these Proceedings be sent to the Third Judge of the Provincial Court of Circuit in the Centre Division, by Precept returnable within twelve days from and after its receipt.—

(Sent following Precept No. 1155)

Read return and Supplemental return dated the 4th and 11th Instant from the Provincial Court of Circuit in the Centre Division, to the precept of the Tanjore Adalut of the 2d Ultimo, directing them to look into the Cases Nos. 210 and 221 of the Cuddapah Criminal Report for July 1839, and pass such orders thereon as they may deem proper, reporting the result to the higher Court.—

(Here enter Nos. 2040 and 2069)

14th December 1839

Read return dated the 10th Instant from the Magistrate of Chingleput to the precept of the Fouzdaree Adalut of the 9th December 1839 directing him forthwith to commit the Duffadar and Peon who had illtreated the 1st Prisoner in Case No 57 of the Criminal Report for the month of September last, to the Criminal Court, with reference to Clause third, Section III Regulation III of 1819.

(Here enter No 2061.)

Read letter dated the 6th Instant from the Criminal Judge of Canara, transmitting the Criminal Reports for the month of November 1839.

(Here enter No 2062.)

Read letter dated the 6th Instant from the Acting Joint Criminal Judge of Cochin, transmitting the Criminal Reports for the month of November 1839.

(Here enter No 2063.)

L.P.C.

No 16.

In a Court of the Fouzdaree Adalut

Present,

Thomas Alexr Oakes Esqr — 1st Puisne Judge

William Hudleston Esqr — 2d Puisne Judge

Alexr Duncan Campbell Esqr — 3d Puisne Judge

Monday 16th December 1839.

Read Miscellaneous Petition presented on the 28th of October 1839 by Yegnaramiah of the Zillah of Combaconum.

(Here enter F.C. No 2 Pr 1161 of 1839)

The Honble Mr Bird and Mr Campbell

This is in effect merely a repetition of the former Petitions which have been presented by the same party and which have been answered. The Court refer the Petitioner to their former orders of the 26th November 1838 and 18th March 1839 and direct her to abstain from troubling the Court further on this subject.

Ordered, that the Petition be rejected, and that a copy of these Proceedings be furnished to the Petitioner on her application.

Read Miscellaneous Petition presented

presented on the 2nd Instant by Affra Pillay
of the Zillah of Combaconum.—

(Here enter M.P. No. 156 of 1839.)

1. The Petitioner repeats the prayer
of his former petition, No. 142 of 1839, that
the Court will be pleased to order the
release of his brother Arumachella Pillay,
first prisoner in Case No. 11, Combaconum
Calendar, 2d Sessions of 1839.—

2. The Court directs that the
petitioner be referred to their order of the
25th November 1839, and informed that the
same is final.—

Ordered, that the prayer of
the petition be rejected, and that Extract
from these proceedings be furnished to the
petitioner on his application.—

Read Miscellaneous Petition
presented on the 2nd Instant by Krishnien
of the Zillah of Chittoor.—

(Here enter M.P. No. 157 of 1839.)

1. The Petitioner repeats the prayer
of his former petition No. 98 of 1839 for
the release of his brother Karuppien prisoner
in

in Case No. 6 Chittoor Calendar 3rd Quarter
Sessions of 1839.—

2. The Court of Foujdaree Udalut
direct that the petitioner be referred to
their order of the 11th November 1839, and
informed that the same is final.—

Ordered, that the prayer of
the petition be rejected, and that Extract
from these proceedings be furnished to the
petitioner on his application.—

Cognizance of the Zillah
of Combaconum, moves the Court to return
the Enclosures in their Miscellaneous Petition
No. 141 of 1839.—

Ordered accordingly.—

Read letter dated 10th Instant
from the Chief Secretary to Government,
calling the attention of the Court of Foujdaree
Udalut to the order of Government dated
6th August last No. 612 and requesting
that the Report required therein of the
probable expence which will be entailed
on the State by the adoption of the
proposed measure of defraying the expences
of

of prosecutors and witnesses before the Courts of Circuit without reference to the restriction in Section XXXIII Regulation X of 1816 may be submitted without delay.—

(Here enter S.C. No. 2065 of 1839)

The Reports upon this subject having been received from the Courts in the Provinces respecting only those from the Provincial Court of Circuit for the Centre Division—the Court of Sudder Adawlut resolve to call upon that Court to make a Supplemental Return to this Court's Precept of the 14th August 1839 and submit therewith the Reports of the several Judicial Officers subordinate to their control.—

Ordered that Extracts from these proceedings be sent to the Provincial Court of Circuit in the Centre Division, by Precept returnable within three days from and after its receipt.—

(Sent following Precept No. 1461)

Ordered also, that Extract from these Proceedings be sent to the Chief Secretary to Government, for the information of Government.—

(Sent in No. 1462)

Read

Read letter dated 20th Ultimo from the Second Judge late on Circuit in the Northern Division, submitting for the Final judgment of the Court of Foujdaree Udalut the Record of Case No. 9 of the Chicacole Calendar of the first Sessions of 1839.—

(Here enter S.C. No. 1955 of 1839)

1. The Court of Foujdaree Udalut observe that the declaration of the Prisoner, under date 3rd March 1839, purports to have been delivered before "Davvadoory" "Nursiah Sub Officer."—

2. By the Circular Order dated 10th March 1834, the Magistrates were directed to designate the Officers "mentioned "in Section III Regulation IV of 1821" Sub Officers of district Police.—

3. The Judge of Circuit in the margin of Para. 2 of the letter referring this trial, states that "no Subordinate "Police Officers have been authorized by "the Magistrate of Vizagapatam to

Perform

"perform the Police duties of Tahseeldars
"under Section III Regulation IV of 1821."

4. The declarations of the Prisoner in this case, mentioned above, is very material, and the Judge of Circuit has taken evidence to its delivery, as if valid thereon, on the supposition that the Officer who took it was not appointed under the above Provision, his Proceedings were illegal, and the declarations inadmissible as not taken by any competent authority.

5. It is necessary before this trial can be disposed of, to call upon the Magistrate to certify whether, or not "Dawoolooy Nursiah" was appointed under the Provisions of Section III Regulation IV of 1821: and the Second Judge will be pleased to obtain this information and submit the same to the Foujdaree Udalut.

6. The Court further deem it necessary to direct that the Magistrate be called upon to report as to the alleged omission to appoint any Sub Officers of district Police under that provision.

Ordered

16th December 1839.

Ordered, that Extract from these Proceedings be sent to the Second Judge late on Circuit in the Northern Division by Precept returnable within seven days, from and after its receipt.

(Sent following precept No. 1163)

L.A.Q.

W.L.

165

F.No

At a Court of the Foujdaree Udalut

Present.

Thomas Alexr Oakes Esqr Offg 1st Puisne Judge

Tuesday
17th December 1839.

William Hudleston Esqr 2d Puisne Judge

Alexr Duncan Campbell Esqr 3d Puisne Judge

Read the Criminal Reports
of the (late) Auxiliary Court at Vizagapatam
for the month of November.

(Here enter F.No 2064 of 1839)

S.P.C.

Case No 129.

Suppl. Report
forthcoming against this Prisoner who
has been in custody five months, having
been apprehended on the 13th July 1839
the Court of Foujdaree Udalut direct
that he be forthwith discharged out of
custody.—

Report V.

Case No 714.

2. The Prisoner in this case is
charged with wilful and corrupt Perjury
under the Provisions of Regulation VI
of 1811.—

3. The Indictment must be
amended. It is not drawn up according

to

to the Circular Orders of the Foujdaree Udalut on that point. The Counter averment is all wrong.—

Case No. 177. 4. The Prisoner in this case was charged with stealing from the Prosecutor's stall, two Bullocks, and was sentenced to twelve months' imprisonment.—

5. It is stated in the Report that two witnesses "saw the Prisoner taking away the Bullocks:" that the "Prisoner and Prosecutor are brothers:" and "there appears to have been a dispute of a Civil nature between them."—

6. The Prisoner pleaded not guilty and denied his alleged confession before the Head of Police.—

7. The Court of Foujdaree Udalut deem it necessary to direct the Third Judge on Circuit in the Northern Division to look into the proceedings in this case, and submit his opinion as to the propriety or otherwise of the conviction.—

Ordered, that Extract from these

these proceedings be sent to the Crimin... Judge of Vizzagapatam, by Precept ret... able within five days, from and after its receipt.—

(Sent following Precept No. 1466)

Ordered also, that Extract fr... these proceedings (paras 4 & 7.) be sent to the Third Judge on Circuit in the Northern Division, by Precept return... within seven days, from and after its receipt.—

(Sent following Precept No. 1467)

Read return, dated the 9th Instant, from the Provincial Court of Circuit in the Western Division, to the precept of the Foujdaree Udalut of the 26th Ultimo, directing them to look into the proceedings held in Case No. 182 on the Report V of the Zilla Court of Masulipatam for October last, and to pass such orders as they may deem proper, with refere... to the provisions of Section XXIII Regul... tion X of 1816. reporting the result to the

17th December 1839.

higher Court and also to call upon the Magistrate of Malabar to report on the charge against the Tahseeldar and submit a copy of his report with their opinion thereon for the consideration of the Court of Foujdaree Udalut.—

(Here enter No. 2074.)

Read return, dated the 14th Instant, from the Provincial Court of Circuit in the Centre Division, to the precept of the Foujdaree Udalut of the 27th November 1839, transmitting copy of para: 21 of a General letter from the Honorable the Court of Directors dated the 2nd July 1839, on the subject of providing for Female Orphans the children of deceased prisoners.—

(Here enter No. 2076.)

Read the Criminal Report dated the 30th Ultimo from the Acting Joint Criminal Judge of Coimbatore, for November 1839.—

(Here enter No. 2080.)—

J.A.D.

1839

F. 46

At a Court of the Foujdaree Udalut.

Present,

Friday, 20th December, 1839.

Thos. Alexander Oakes Esqre. 1st Puisne Judge
William Huddleston Esquire — 2nd Puisne Judge
Alexr. Duncan Campbell Esqre. — 3rd Puisne Judge

Read letter dated 7th Instant from the Acting First Judge on Circuit in the Southern Division, submitting copies of the Calendars of the Auxiliary Court at Coimbatore for the Second Sessions of 1839.

(Here enter F.U. No. 2067 of 1839)

Primary Calendar Case No. 1.

1. The Court of Foujdaree Udalut observe that the Bars to Bond in this case were properly recorded, but they ought to have been stated in the Calendar— and the same remark applies to case No. 2.—

Case No. 2.

2. The prisoner in this case was convicted of the Theft of some grain valued at Rupees 2. 4: and in consideration of the absence of all aggravating circumstances, the Acting First Judge recommends that the punishment to which he has rendered himself liable under Section XXI. Regulation VII. of 1802, be reduced to three years imprisonment with hard labor in Irons.—

3. The Court of Foujdaree Udalut, having duly considered all the circumstances of the case, resolve, under the provisions of Clause third, Section III. Regulation I. of 1825, to authorize the Acting First Judge to issue his warrant to the Joint Criminal Judge

17th December 1839

higher Court and also to call upon the Magistrate of Malabar to report on the charge against the Tahseeldar and submit a copy of his report with their opinion thereon for the consideration of the Court of Foujdaree Udalut.

(Here enter No. 2074.)

Read return, dated the 14th Instant from the Provincial Court of Circuit in the Centre Division, to the precept of the Foujdaree Udalut of the 27th November 1839, transmitting copy of para: 21 Bombay General letter from the Honorable the Court of Directors dated the 2nd July 1839, on the subject of providing for Female Orphans the Children of deceased prisoners.-

(Here enter No. 2076.)

Read the Criminal Reports dated the 30th Ultimo from the Acting Joint Criminal Judge of Coimbatore, for November 1839.-

(Here enter No. 2080.)

F.H.O.

J.R.D.

F. 16

At a Court of the Foujdaree Udalut.

Present,

Friday, 20th December, 1839.

Thos. Alexander Oakes Esqre. 1st Puisne Judge
William Rudleston Esquire 2nd Puisne Judge
Alexr. Duncan Campbell Esqre. 3rd Puisne Judge

Read letter dated 7th Instant from the Acting First Judge on Circuit in the Southern Division, submitting copies of the Calendars of the Auxiliary Court at Coimbatore for the Second Sessions of 1839.

(Here enter F.H. No. 2067 of 1839)

Primary Calendar Case No. 1.

1. The Court of Foujdaree Udalut observe that the Bonds to Bind in this case were properly recorded, but they ought to have been dated in the Calendar - and the same remark applies to case No. 2.-

Case No. 2.

2. The prisoner in this case was convicted of the Theft of some grain valued at Rupees 2. 4. - and in consideration of the absence of all aggravating circumstances, the Acting First Judge recommends that the punishment to which he has rendered himself liable under Section XXI. Regulation VII. of 1802, be reduced to three years imprisonment with hard labor in Irons.-

3. The Court of Foujdaree Udalut, on having duly considered all the circumstances of the case resolve, under the provisions of Clause third, Section III. Regulation I. of 1825, to authorize the Acting First Judge to issue his warrant to the Joint Criminal Judge of

of Taken for the imprisonment of the prisoner

Comara Thalaton

for the term aforementioned—

Ordered, that Extract from these proceedings be Sent to the Acting First Judge on Circuit in the Southern Division, for his information and guidance—

/ Sent in No. 1469 /

Read letter dated the 9th Instant, from the 2d Judge of the Provincial Court of Circuit in the Western Division, reporting his intention to open the 1st Sessions of 1840 on the 4th January next at Calicut.

/ Here enter No. 2070 /

Read letter dated the 11th Instant, from the 2d Judge of the Provincial Court of Circuit in the Western Division, reporting the receipt of the 6th additional Calendar containing a case of Theft, and one Prisoner—

/ Here enter No. 2075 /

Read Criminal Reports dated the 30th Ultimo, from the Acting Criminal Judge of Madura, for the Months of November 1839.—

/ Here enter No. 2089 /

Read Criminal Reports dated the 5th Instant, from the Acting Joint Criminal Judge of Masulipatam for the Month of November 1839.—

/ Here enter No.

L.P.O.

W.S.

At a Court of the Foujdaree Adalut.

Present,

Saturday, 21st December 1839.

Thos. Alexander Oakes Esqre 1st Puisne Judge
William Hudleston Esquire— 2nd Puisne Judge
Alexr. Duncan Campbell Esqre 3rd Puisne Judge

Read again Return dated the 20th and Supplemental Return dated 25th ultimo from the Provincial Court of Circuit in the Northern Division, to the Precept of the Court of Foujdaree Adalut under date 24th October 1839 directing them to Submit translations of all the proceedings held in Case No. 26 of the Criminal File of the Auxiliary Court of Masulipatam for 1839.—

/ Here enter J. A. Nos. 1972 and 1979 /

Sir Oakes and Sir Campbell

1. With their Supplemental Return of the 25th ultimo the Provincial Court Submit translations of the Proceedings in the Case in question, and a copy of a Return dated 22d ultimo from the Acting Joint Criminal Judge of Masulipatam.

2. Upon a mature consideration of the proceedings, the Court of Foujdaree Adalut are of opinion that the Evidence forthcoming holds out a reasonable prospect of conviction before the Court of Circuit, and they prefrain therefore from ordering any further steps to be taken in regard to this Case.

The

of Labun for the imprisonment of the prisoner
Comara Thalason
for the term aforementioned.-

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

/ Sent in No. 1469.-

Read letter dated the 9th Instant, from the 2d Judge of the Provincial Court of Circuit in the Western Division, reporting his intention to open the 1st Sessions of 1840 on the 4th January next at Caliaut.

/ Here enter No. 2070. /

Read letter dated the 11th Instant, from the 2d Judge of the Provincial Court of Circuit in the Western Division, reporting the receipt of the 6th additional Calendar containing a case of Theft, and one Prisoner.-

/ Here enter No. 2075. /

Read Criminal Reports dated the 30th Ultimo, from the Acting Criminal Judge of Madura for the Month of November 1839.-

/ Here enter No. 2089. /

Read Criminal Reports dated the 13th Instant, from the Acting Joint Criminal Judge of Maslipatam for the Month of November 1839.-

/ Here enter No. 2093. /

T. & C.

W.D.

T. No.

At a Court of the Foujdaree Udalut.

Present,

Saturday, 21st December 1839.

Tho.s Alexander Oakes Esqre 1st Puisne Judge
William Hudleston Esquire 2nd Puisne Judge,
Alex.r Duncan Campbell Esqre 3rd Puisne Judge

Read again Return dated the 20th and Supplemental Return dated 25th ultimo from the Provincial Court of Circuit in the Northern Division, to the Precept of the Court of Foujdaree Udalut under date 24th October 1839- directing them to submit translations of all the proceedings held in Case No. 26 of the Criminal File of the Auxiliary Court of Maslipatam for 1839.-

T. & C.

/ Here enter T. No.s 1972 and 1977. /

Sir Oakes and Sir Campbell

1. With their Supplemental Return of the 25th ultimo the Provincial Court submit translations of the Proceedings in the Case in question, and a copy of a Return dated 22d ultimo from the Acting Joint Criminal Judge of Maslipatam.-

2. Upon a mature consideration of the proceedings, the Court of Foujdaree Udalut are of opinion that the evidence forthcoming holds out a reasonable prospect of conviction before the Court of Circuit, and they refrain therefore from ordering any further steps to be taken in regard to this Case.-

The

3. The Court, however, deem it proper to observe that the notion of the acting Joint Criminal Judge, expressed in his Return of the 22nd ultimo - that it would be "unfair" to make use of the prisoner's Statement respecting the stains of blood on his Jacket, against the prisoner - is totally erroneous. It is provided that a prisoner shall be "examined" - and all that he admits on such Examination is properly evidence against him -

4. This is clearly laid down in the books on the English Law of Evidence, and the point has likewise been so ruled by the Court of Foujdaree Adalut -

Ordered that Extract from these Proceedings be sent to the Provincial Court of Circuit in the Northern Division for their information and that of the acting Joint Criminal Judge of Machulipatam -

/ Sent in No. 1475 /

Read letter dated the 10th Instant, from the Acting 1st Judge on Circuit in the Southern Division, submitting Copy of a Statement of Batta paid to Prosecutors and Witnesses who attended before the Court of Circuit during the 2d Sessions of 1839, transmitted by the Acting Joint Criminal Judge of Coimbatore -

/ Here enter No. 2095 /

VAD

E. C.

At a Court of the Foujdaree Adalut

Present,

Monday, 23d December 1839. Thomas Alex. Oakes Esq. — acting 1st Judge,

William Rudderton Esq. — 2d Circuit Judge,

J.P.S. Alex. Duncan Campbell Esq. — 3d Circuit Judge.

Read again Miscellaneous Petition presented on the 30th September last by Joya Naidoo and Moneacaroy Petty of the Zillah of Chingleput -

(Here enter No. 8 of 121 of 1839.)

Also read Miscellaneous Petition presented on the 18th ultimo by the same parties -

(Here enter No. 8 of 150 of 1839)

Also read Return dated 11th ultimo and Supplemental Return dated 5th instant from the Provincial Court of Circuit in the Centre Division, to the Precept of the Court of Foujdaree Adalut under date the 28th October 1839 - directing them to obtain and send up a copy of the sentence of the Magistrate of Chingleput, under which, as appears in the Petition No. 121, the Punishment of the Petitioner Moneacaroy Petty - was attached, as a punishment for a Breach of the Rule

(Here enter Cl. No. 1890 and 2041 of 1839)

1. In their Petition No. 150 - the Petitioners pray the Court - with reference to their proceedings under date the 28th October

Petition last - to call for certain documents bearing on their case, and reiterate the prayer of their former Petitions that the fine imposed by the Magistrate may be remitted, and the attachment of the Mannium removed -

2. On perusal of the proceedings under date 28th October last - the Court of Conjeveram Zillah observed that they saw "no ground for remitting the fine -

3. The order on that point is final -

4. With their Supplemental Return of the 8th instant, the Provincial Court have submitted copies of two Returns from the Magistrate of Chingleput dated respectively the 14th and 26th ultimo - in the latter of which it is certified that "from an enquiry instituted on the subject, it appears "that the Mannium alluded to, is an service connected with "the Ekambareswarey Pagoda, and was attached in consequence of "the non-performance of the duties by the Petitioner, and "not under any Magisterial sentence" -

5. It thus appears that the Petitioners' statement on the subject of the attachment of the Mannium, is false -

6. The Court of Conjeveram Zillah are also finally to reject the prayer of the Petition No. 121 - and direct that the Petitioners be warned against again intruding upon the Court with factitious complaints - their conduct in the present instance has rendered them liable to be fined -

Ordered,

23d December 1839.

Ordered, that the Prayer of the Petitions No. 121 and 150 be rejected, and that Extract from these proceedings be furnished to the Petitioners upon their application -

Read again Miscellaneous Petitions presented on the 27th October last by Ramunnah and Moorgy = nah of the Zillah of Salem - praying "that an order "may be issued for the release of Thomas Chinguttoo and "Ramunnah -

(Here enter G. O. No. 436 and 437 of 1839)

Also read Return dated 4th instant from the Magistrate of Salem to the Precept of the Court of Conjeveram Zillah under date the 11th November 1839 - directing him to report on the allegations contained in Miscellaneous Petitions No. 135 and 137 -

(Here enter G. O. No. 2049 of 1839)

1. It appears by the Return of the Magistrate of Salem - that the parties for whose release the petitioners pray, have been sentenced by the authorities of Mysore over whom this Court has no control -

2. The Court of Conjeveram Zillah consider the explanation furnished by the Magistrate satisfactory -

3. The Court see no cause for further proceedings

proceedings in the matter of the Petitions Nos 135 and 137 of 1839.—

Ordered, that Extract from these proceedings be sent to the Magistrate of Salem for his information.—

(Sent in No 1485)

Ordered also, that the prayer of the Petitions be rejected, and that Extract from these proceedings be furnished to the Petitioners upon their application.—

Read Miscellaneous petition presented on the 20th of December 1839 by Veeranarday annual of the Jillah of Combaconum.—

(Here enter Tr. & Mr. Cl. Ps. No 1674 of 1839)

1. The Petitioner again seeks a modification of the Court's former orders refusing to remit the sentence passed on the Petitioner in Case No 110 of the Combaconum Calendar for the 1st Sessions of 1837.—

2. In their Proceedings of the 6th of July last the Court of Conjeveram declared intimated to the Petitioner that no further petitions on this subject would be received from her.—

3. It is accordingly ordered that this Petition be returned to the Petitioner.—

4. The Court likewise direct that no further Petition from the same party on this subject be received, and that their resolution on this point be communicated

to.

F. R.

to the Petitioner.—

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

Read Miscellaneous Petition presented on the 25th instant by Gracemaller Jaggharnadhum of Vizagapatam.—

(Here enter Mr. Cs. No 156 of 1839)

1. The Petitioner states that he applied to the Joint Criminal Judge of Vizagapatam for an authenticated copy of the sentence passed by that Court in Case No 108 of the Criminal Sile for the month of Novembier 1837— wherein the petitioner was the 11th Defendant and was acquitted of the charge; but that Officer refused compliance with his request: and he prays the Court of Conjeveram to instruct the Criminal Court by Precept to furnish him with an attested copy of the sentence, as he purposes to bring an action against the individuals who brought the false charge against him.—

2. The Court of Conjeveram declare that cannot pass an order on this Petition without first perusing the

the order of the Joint Criminal Judge refusing a copy of the sentence, which the Petitioner must procure.

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

Read order of Government dated 14th December 1839 - No 990 - transmitting to the Court of Sudder Adawlut a letter dated 5th instant from the Officiating Resident at Hyderabad, reporting that the witnesses cited in the approaching Trial of Rukun Nizam Khan were dispatched from that City on the 25th ultimo - with directions to wait on the Magistrate at Cuddapah on their arrival at that place.

(Here enter S.C. No. 2084 of 1839)

Ordered, that the same be communicated to the Acting Second Judge of the Provincial Court of Circuit for the Centre Division, and to the Acting Criminal Judge of Cuddapah, for their information respectively - with reference to the letter from this Court dated 20th November 1839.

(Entd in Nos 1484 & 1485)

Read Letter dated the 22d ultimo from the Third Judge on Circuit in the Northern Division, forwarding copies of the Summary and Supplementary Calendars of

of the late Proceedings Court of Vizagapatam for the Sessions of 1839 -

(Here enter S.C. No. 1497 of 1839)

Paras 1 & 3. 1. It will be the duty of the Criminal Judge of Vizagapatam to see that the Calendars are henceforward prepared in accordance with the Circular orders on the subject -

Paras 4 & 6. 2. The conduct of Mr. Stoy in omitting to examine witnesses for the Defence is highly censurable and the Court of Sudder Adawlut direct that he be warned that any further instance of neglect of duty on his part will be most gravely noticed -

3. Mr. Stoy's proceedings exhibit either great negligence or incapacity -

Paras 8 & 10. 4. The Court of Sudder Adawlut direct from the omission of the Third Judge to examine the witnesses for the prosecution in Cases Nos 22 - 23 - 24 - 27 and 28. their evidence ought to have been taken, and the Third Judge will be pleased to bear this in mind in future. But the omission does not vitiate the conviction -

5. With reference to the concluding remarks of paras 8 - that the said Prisoners' declarations are

considered to be so true that they are admitted as evidence against Prisoners in other Cases" the Court of Enjidaree Kolahut observe that "as evidence" their statements must be on oath.—

Parahs: 2 & 7.

6. The Court of Enjidaree Kolahut resolve to direct the Third Judge to furnish the Magistrate with a copy of the Report of Case No. 32 on the Calendar, and of the Parahs: of his letter noted in the margin, and instruct that Officer to submit a Report on the alleged misconduct of the Head of Police of Goorsewadah, and the character of the first prisoner, which the Third Judge will be pleased to lay before this Court.—

Ordered, that Extract from these proceedings be sent to the Third Judge on Circuit in the Northern Division by Precept returnable within fifteen days from and after its receipt.—

(Sent following Precept No. 1186

Read the following Letter dated 25th ultimo from the Provincial Court of Circuit in the Western Division.—

(Vide inter Ltrs. Rec. No. 2003 of 1839)

1. The Provincial Court submit for the consideration

consideration of the Court of Enjidaree Kolahut, a Copy of a letter and the papers which accompanied it from the Acting Magistrate of Matalar — who refers the question of "whether under Clause CVII of the 53rd George III "Cap: 155 and Section XX Regulation VII of 1832, he is "competent, as Magistrate, to take cognizance of Complaints "against Officers in charge of the Military Police".—

2. The Court of Enjidaree Kolahut observe that Section 107 of the 53rd Geo: III Cap: 155 was repealed by the Act No. XI of 1836.—

3. Even when unrepealed, it respected the Courts — not the Magistrates.—

4. The Case referred to in the papers under consideration is not, in the opinion of the Court of Enjidaree Kolahut, that description of assault and trespass contemplated in Clause CV of the 53rd Geo: III — but an act done by Captain Moore in his official Capacity, for which as clearly explained in the latter part of Section XX Regulation VII of 1832 he might be liable to an action for damages in the

the Civil Courts for any assault or personal Injury, Captain Moore would, in the opinion of the Court of Enjidaree Udalutt, be subject to the Jurisdiction of the Magistrate as Justice of Peace.—

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

(Sent in No. 1487

Read Letter, dated the 1st December 1839 from the 2d Judge Cutch on Circuit in the Northern Division, submitting the record of the proceedings held in Case No. 8 Tragapatam Calendar 1st Sessions of 1839.—

(Here enter No. 1527 of 1839)

The Court of Enjidaree Udalutt, not being satisfied of the correctness of the translation of the declaration delivered by Adapal Cumaiah, the 9th prisoner in this case, before the Head Assistant Magistrate on the 22d November 1838, desire that the 2d Judge will obtain and transmit the original declaration, or duly certified copy of the same being retained in the Criminal Court.—

Ordered, that Extract from these proceedings be sent to the 2d Judge Circuit Court on Circuit in the Northern Division by precept returnable within 8 days from and after its receipt.—

(Sent following Precept No. 1488.—

F.No.

At a Court of the Foujdaree Udalut

Present

Thomas Alexr. Oakes Esqre. 1st Puisne Judge

Tuesday

William Rudleston Esqre. 2d Puisne Judge

24th December 1839.

Alexr. Duncan Campbell Esqre. 3d Puisne Judge

L.J.C.

Read Extract from the Minutes of Consultation in the Judicial Department under date the 5th December 1839 No. 958 communicating the observations of Government on the Extract from the Proceedings of the Court of Foujdaree Udalut under date the 15th November 1839 submitting further Papers having reference to the Circuit Report of the First Judge of the Provincial Court of Circuit in the Northern Division for the Second Sessions of 1838.—

(Here enter F.No. 2053 of 1839)

Ordered, that a copy of this Courts proceedings of the 15th November 1839 and of the Extract from the Minutes of Consultation now recorded, be sent to Mr. Pogose for his information.—

(Sent in No. 1490.)

Ordered

Ordered also, that a copy of this Court's proceedings under date the 15th Ultimo and of the Extract from the Minutes of Consultation now recorded, be sent to the Provincial Court of Circuit for the Northern Division, with instructions to communicate to the Magistrate Mr. Arbuthnot the Head Assistant Magistrate Mr. Master and the Joint Magistrate Captain Valiant such parts thereof as refer to those Offices respectively.-

(Sent in No. 1491)

Ordered also that copies of Paras: 13-14 and 15. of this Court's proceedings under date the 15th Ultimo and of Para: 6 of the Extract from the Minutes of Consultation be sent to Mr. Steele late Magistrate of Vizagapatam for his information with reference to his letter to this Court dated 20th September 1839.-

(Sent in No. 1492)

Read letter dated the 6th Instant from the Criminal Judge of Chingleput

transmitting Criminal Reports for the Month of November 1839.-

(Here Enter No. 2088.)

Read letter dated the 12th Instant from the Criminal Judge of Combaconum, transmitting Criminal Reports for the month of November 1839.-

(Here enter No. 2090.)

Read the Criminal Reports dated the 1st Instant from the Officiating Joint Criminal Judge at Tinnevelly for the month of November 1839.-

(Here Enter No. 2092.)

Read letter dated the 11th Instant from the 3rd Judge of the Provincial Court in the Western Division, reporting the result of the 7th Additional Calendar 4th Quarterly Sessions 1839. containing one Case of House breaking and Theft, and one Prisoner.-

(Here enter No. 2097.)

Read letter dated the 12th Instant from the Acting Criminal Judge of Madura requesting the Court of Judicature would direct to return the Statement of the Labor of Convicts

forwarded

24th December 1839.

forwarded with the Criminal Reports for the month of October last for correction or to have it altered in the Court according to the accompanying Statement.-

(Here Enter No. 2098.)

Read letter dated the 12th Instant from the 3rd Judge of the Provincial Court of Circuit in the Western Division, reporting that the trial of Case No. 1 on the Additional Calendar is unavoidably postponed owing to the non attendance of the 1st Witness and subjoining copy of a Communication from the Acting Joint Criminal Judge of Malabar with translations of two Reports from the Police to shew that her absence for some time is indispensable.-

(Here Enter No. 2100.)

Read letter dated the 14th Instant from the Criminal Judge of Nellore, forwarding Criminal Reports for the month of November 1839.-

(Here Enter No. 2101.)-

F.C.

Encl.

No.

W.D.

No. 116.

At a Court of the Foujdaree Udalut

Present

Thomas Alexr. Oakes Esqr. Actg 1st Puisne Judge

Thursday 26th December 1839.

William Huddleston Esqr. 2d Puisne Judge

Alexr. Duncan Campbell Esqr. 3d Puisne Judge

Read letter dated 3d Instant from the Criminal Judge of Bellaree - reporting the escape from the Jail, on the evening of the 29th of November last, of a certain prisoner named Hunnoomah under examination in Case No. 237 of the Criminal Report for the month of October last and the subsequent re-apprehention of the same person.-

(Here Enter F.C. No. 2048 of 1839)

1. The Criminal Judge reports that the prisoner in question had just been taken back from the Criminal Court to the Jail, when the Ron who was on guard over him got on the top of the wall, with the assistance of another Prisoner, also under examination:" and with reference to the latter

forwarded with the Criminal Reports for the month of October last for correction or to have it altered in the Court according to the accompanying Statement.—

(Here enter No. 2098.)

Read letter dated the 12th Instant from the 3rd Judge of the Provincial Court of Circuit in the Western Division, reporting that the trial of Case No. 1 on the Additional Calendar is unavoidably postponed owing to the non attendance of the 1st Witness and subjoining copy of a communication from the Acting Joint Criminal Judge of Malabar with translations of two Reports from the Police to show that her absence for some time is indispensable.—

(Here enter No. 2100.)

Read letter dated the 14th Instant from the Criminal Judge of Nellore, forwarding Criminal Reports for the month of November 1839.—

(Here enter No. 2101.)

J.A.D.

L.P.C.

W.L.

105

F.C.

At a Court of the Fouzdaree Udalut

Present

Thomas Alex.r Oakes Esq.r — 1st Puisne Judge

Thursday William Huddleston Esq.r — 2d Puisne Judge

26th December, 1839. Alex.r Duncan Campbell Esq.r — 3d Puisne Judge

Read letter dated 3rd Instant from the Criminal Judge of Bellary — reporting the escape from the Jail, on the evening of the 29th of November last, of a certain prisoner named Hunmoonah under examination in Case No. 237 of the Criminal Report for the month of October last — and the subsequent re-apprehension of the same person.—

105

(Here enter F.C. No. 2048 of 1839)

1. The Criminal Judge reports that the prisoner in question "had just been taken back from the Criminal Court to the Jail, when the Ron who was on guard over him got on the top of the wall, with the assistance of another prisoner, also under examination:" and with reference to this latter

latter circumstance, the Criminal Judge remarks "that the Regulations do not provide for the punishment of Prisoners under examination aiding others to escape, unless it is by Clause fifth, Section V and by Clause third Section VI Regulation X of 1832. But he observes the Criminal Judge, "by this Regulation, the accessary would be liable to corporal punishment which cannot be inflicted on the Principal offender."

2. In the opinion of the Court of Foujdaree Adalut, Clause fifth, Section V Regulation X of 1832 does provide for the punishment of Prisoners, under examination, aiding others to escape.

3 It is an error to suppose that "corporal punishment cannot be inflicted on the principal offender."

4. Clause fifth, Section V Regulation X of 1832 modifies Clause third Section V. Regulation VI of 1822, and distinctly provides corporal punishment (under Clause third, Section VI Regulation X of 1832) for attempt to escape by any prisoner

Ordered

Ordered, that Extract from these proceedings be sent to the Criminal Judge of Bellary for his information and guidance.

(Sent in No. 1495)

Read letter dated 9th Instant from the Third Judge on Circuit in the Northern Division, submitting the statement of Batta paid to the Prosecutors and witnesses attending before the Court of Circuit at Vizagapatam, during the second Sessions of 1839.

(Here enter T. No. 2096 of 1839)

The Court of Foujdaree Adalut observing that in several cases in this statement the parties were detained for periods varying from thirty to sixty days. Resolved to call upon the Third Judge to explain the cause of the delay in disposing of those cases, and to state whether or not Mr Vaughan's plan of summoning the witnesses was followed, and if not, why not.

Ordered, that Extract from these proceedings be sent to the Third Judge on Circuit in the Northern Division by

Precept

26th December 1839.

Precept returnable within seven days from and after its receipt.—

(Sent following precept No. 1496)—

Read the Criminal Reports of the Zillah Court of Rajahmundry for the month of November.—

(Here enter F. No. 2068 of 1839.)

Suppl. Report. Case No. 108. 1. The prisoners in this case were charged with having killed a calf belonging to the Prosecutor in the fields of the Village of Morumpoody: and being convicted were sentenced to "one years' imprisonment with hard labour and 50 lashes each under Section III. Regulation VI of 1827 and Clause first Section VIII Regulation XIII of 1832."

2. The Court of Sunjdarees Adalut observe that Section III. Regulation VI of 1827 is irrelevant.—

3. And under Clause first Section VIII Regulation XIII of 1832 lashes are not adjudicable.—

4. Moreover malice is not charged and doubting the propriety of the conviction under the last mentioned provision, the Court resolve

F. No.

26th December 1839.

resolve to direct the Provincial Court of Circuit to look into the proceedings and pass such orders thereon, as they may deem proper.— with reference to the provisions of Section XXIII Regulation X of 1816 reporting the result to this Court.—

Report Case No. 115. 5. In this case the prisoners were charged with having killed the Prosecutors Bullock in the fields of the Village of Yerraragoodem:— and were sentenced by the Assistant Criminal Judge to six months imprisonment &c. under Clause first Section VIII Regulation XIII of 1832.—

6. The Court of Sunjdarees Adalut observe that there is nothing in the Report of this case to show that the act was malicious, which is an essential part of the charge under Section VIII. Regulation XIII of 1832.—

7. If the prisoners killed the bullock, from rage alone, at its being in their field, and not from malice towards the owner, the conviction would not be sustainable.—

sustainable.—

8. The Court of Tanjore Udalut resolve to call for an explanation on this point.—

Ordered, that Extract from these proceedings (paras 1 & 4) be sent to the Provincial Court of Circuit in the Northern Division by Precept returnable within fifteen days from and after its receipt.—

(Sent following Precept No. 1149)

Ordered also, that Extract from these proceedings be sent to the Acting Criminal Judge of Rajahmundry by Precept returnable within five days from and after its receipt.—

(Sent following Precept No. 1148)

F.C.

At a Court of the Foujdaree Udalut

Present,

Thomas Alexr. Oakes Esqre. Offg. 1st. Puisne Judge

Friday the 27th December, 1839.

William Hudleston Esqre. 2d. Puisne Judge

Alexr. Duncan Campbell Esqre. 3d. Puisne Judge

Read Letter dated 17th instant from the Acting Principal Sudr. Ameen of Tanjore submitting for the orders of the Court of Foujdaree Udalut a Report of Convicts sentenced by the Court of Circuit to Banishment under Clause fourth, Section VIII. Regulation XV. of 1803. and copies of the Warrants issued by the Court of Circuit.

/ Date enter. F. No. No. 2113 of 1839 /

The Court of Foujdaree Udalut direct that the Sentence of Banishment against the Prisoners named in the Warrants be carried into effect in the District of Coimbatore, and the Acting Principal Sudr. Ameen will accordingly be pleased to transfer them to the custody of the Joint Criminal Judge of Salem.

Ordered, that Extract from the proceedings be sent to the Acting Principal Sudr. Ameen of Tanjore for his information

L.S.O.

W.S.

Copy sent to the Senr Criminal Judge of Salem.

and guidance.

(Sent in a/c No 1501)

(Sentence No 1502)

Read Return dated the 1st instant from the Officer Commanding the Nedyherries of the Convicts in the Jail at Ootacamund for the Month of November 1839.

(Here enter No 2132.)

Read Return dated the 19th instant from the Provincial Court of Circuit in the Southern Division, to the precept of the Tongdaree Adalut dated the 23rd November 1839, directing them to call for the Proceedings in Case No 71 on the Cumbacumm Calendar for the 2d Session 1839 and to submit a report for the consideration of the Tongdaree Adalut.

(Here enter No 2133.)

Read Return dated the 19th instant from the Provincial Court of Circuit in the Southern Division, to the precept of the Tongdaree Adalut dated the 12th November 1839, directing further investigation in the case of Thuthan Khan and Ramsing.

(Here enter No 2145.)

Read Return dated the 25th instant from the Provincial Court of Circuit in the Southern Division, to the precept of the Tongdaree Adalut dated 5th instant, calling for an English Translation of the Record of Case

No

No 1 of the fifth Supplemental Calendar of the Auxiliary Court of Trichinopoly for the 2nd Quarter Sessions of 1839 and communicating the observations of the Tongdaree Adalut on the proceedings of the Head of Police of Trichinopoly Mr Boalth in respect of the issue of Blank Warrants and the Suppressing of part of the evidence taken before him.

(Here enter No 2146.)

Read Letter dated the 14th instant from the Criminal Judge of Bellary, transmitting the Criminal Reports for the Month of November 1839.

(Here enter No 2103.)

Read Letter dated the 14th instant from the Acting Principal Sudr Ameen at Honore, transmitting the Criminal Report for the Month of November 1839.

(Here enter No 2104.)

Read Letter dated the 11th instant from the Acting Joint Criminal Judge of Chingleput at Cuddalore, forwarding the Criminal Reports and other Statements connected therewith for the Month of November 1839.

(Here enter No 2114.)

Read Criminal Report dated the 30th ultimo from the Acting

Sou

2nd December 1839.

Joint Criminal Judge at Tellicherry for the Month of November 1839.

(Here enter No. 2115.)

Read Return dated the 17th instant from the 1st Judge on Circuit in the Western Division, to the precept of the Sudder Adalut of the 31st October 1839, directing him to look into Case No. 20 of the Supplemental Report of the Joint Criminal Court at Cochin for the Month of September, and to report the result to the Sudder Adalut.

D&O

(Here enter No. 2130.)

D.D.

At a Court of the Sudder Adalut

Present,

Saturday 28th December 1839. Thomas Hewett Oakes Esqre — Acting 1st Puisne Judge

D.D.O. William Rudleston Esqre — 2d Puisne Judge

Hon'ble Duncan Campbell Esqre 3d Puisne Judge

Read Letter dated 11th instant from the Criminal Judge of Malabar, submitting the Criminal Reports of the Zillah Court for the Month of November

(Here entered No. 2085 of 1839)

Report V

Case No. 202. 1. The Court of Sudder Adalut direct the Judge proceeding on Circuit in the Western Division to look into the proceedings in this case, viz. in reference to the provisions of Section XXIII Regulation X of 1816 and report the result to this Court.

Case No. 207. 2. The prisoner in this case was charged "with having found in the Prisoner's House, one Maund and "55 Palams of Smuggled Tobacco - valued at Rupees 12 12 2"

3. The Court of Sudder Adalut observe that this is no charge at all.

Ordered that Extract from these proceedings be sent to the Criminal Judge of Malabar for his information.

(Sent in No. 1504)

Bradshaw

Ordered also, that Extract from these proceedings (paragraph 1) be sent to the Second Judge of the Provincial Court of Circuit in the Western Division by Precept returnable within six Weeks from and after its receipt.—

(Sent following Precept No. 1505)

Read the Criminal Report of the Auxiliary Court at Trichinopoly for the Month of November.—

(Here enter S.R. No. 2091 of 1839)

Case No. 140. 1. In this case, six Prisoners were charged "with having ill-treated the Prosecutor who had been "apprehended under a Warrant — by beating him with "their Hands and Slippers, tying his Hands behind his "back, and suspending him by a Rope passed round "his Elbows, to obtain — with a view to extort money as "the Price of his release:" and the first Prisoner — who was alone convicted, was sentenced to six Months im= =prisonment.—

2. The Court of Enquiry Adalut consider this Punishment inadequate.—

3. Whenever such a charge is brought home to the accused — which is seldom the case — the Punishment

Punishment should be exemplary.—

Ordered, that Extract from these proceedings be sent to the Joint Criminal Judge of Trichinopoly for his information and future guidance.—

(Sent in No. 1506)

Read Letter dated 14th instant from the Criminal Judge of Chittoor — submitting the Criminal Reports of the Zillah Court for the Months of November.—

(Here enter S.R. No. 2087 of 1839)

Supplemental Report 1. The Court of Enquiry Adalut resolve to
Cases Nos. 207 and 208. direct the Provincial Court of Circuit in the Centre Division to look into the Proceedings in these Cases — with reference to the Provisions of Section XXIII Regulation X of 1816 — & to report the result to this Court.—

Case No. 233. 2. The Prisoner in this case was charged with having entered the House of the Prosecutor "by opening "the Door — and attempted to rob": and was sentenced to nine Months imprisonment in Irons and hard labour, "under "Clause fourth Section III Regulation VI of 1822."

3. The Court of Enquiry Adalut observe that the provision cited is inapplicable — Opening a Door has been ruled to constitute no Breaking in Law and the Case falls within the provisions of Clause sixth, Section II Regulation

December 1839.

Regulation VI of 1822.—

Ordered, that Extract from these proceedings be sent to the Criminal Judge of Chittoor for his information and guidance.—

(Sent in No. 1507)

Ordered also, that Extract from these proceedings (Sparah 1) be sent to the Provincial Court of Circuit in the Centre Division by Precept returnable within twelve days, from and after its receipt.—

(Sent following Precept No. 1508)

Read the Criminal Reports of the Zillah Court of Salem for the Month of November.—

(Here enter C.R. No. 2126 of 1839)

Supplemental Report.

Case No. 175. The Court of Sudder Adawlut resolve to direct the Provincial Court of Circuit for the Southern Division to look into this Case as it respects the first prisoner in particular with reference to the provisions of Section XXIII Regulation X. of 1816. and issue such orders on the subject as they may deem proper—reporting the result to this Court.—

Case No. 177. 2. The Provincial Court of Circuit are likewise be pleased to look into this case and report to the Sudder Adawlut, the orders they may issue regarding it to the Criminal Judge.—

C.R.

28th December 1839.

3. The Court observe that the Zillah Sessions should have been examined on oath, in accordance with the instructions laid down in the Circular Order of the 14th April 1828—to which the attention of the Criminal Judge is directed.—

Case No. 188. 4. The Prisoners in this Case, who were charged with stealing a Bundle containing gold and silver ornaments "which were kept in the inner part of the prosecutor's house" were sentenced by the Moofty Sudr Ameen to eight Months' imprisonment with Labour in Irons &c." under Clause seventh Section II Regulation VI of 1822."—

5. The Court of Sudder Adawlut observe that Housebreaking is not charged: and the Case would seem to fall within Clause fourth, Section IV Regulation VI of 1822—which warrants the sentence.—

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

(Sent in No. 1509)

Ordered also, that Extract from these

three proceedings (Separate Nos: 1 and 2) be sent to the Provincial Court of Circuit in the Southern Division by Precept returnable within fifteen days from and after its receipt.—

(Sent following Precept No: 1510)

Read Letter dated 14th instant, from the acting Criminal Judge of Cuddapah, submitting the Criminal Reports of the Zillah Court for the Months of November 1839.—

(Here enter Nos: 2086 of 1839)

Supplemental Report 1.—

Cases 219 of the Report for 1839: and 238 to 241 both inclusive of the Report for 1838 August 1839.—

The Court of Sudder Adawlut resolve to direct the acting Second Judge of the Provincial Court of Circuit in the Centre Division to look into these cases with reference to the Provisions of Section XXIII Regulation X of 1816 and report the result for the information of this Court.—

Report V. Case No: 306.

2. The prisoners in this case were charged "with having prepared false complaints before the Head of "Police of the Ramagumpilly Taloog."—

3. The Court observe that the charge is defective. No person being named as falsely accused.—

Case No: 308.

4. The prisoner in this case was charged with having, at night, entered the shop of the Prosecutor, by removing the door, and stolen therefrom property of the value of Rupees 226-8-0 and being convicted, was sentenced to

two years imprisonment with hard labour in Irons, under Clause fourth, Section III Regulation VI of 1822.—

5. The Court of Sudder Adawlut observe that opening a Door has been ruled to constitute a Breaking, and the sentence should be passed under Clause Sixth, Section II Regulation VI of 1822.—

Ordered, that Extract from these Proceedings be sent to the acting Criminal Judge of Cuddapah for his information and guidance.—

(Sent in No: 1511)

Ordered also, that Extract from these Proceedings (Separate No: 1) be sent to the acting Second Judge of the Provincial Court of Circuit in the Centre Division, by Precept returnable within six weeks, from and after its receipt.—

(Sent following Precept No: 1512

Read letter dated 16th instant from the 3d Judge on Circuit in the Northern Division, reporting that the Court of 2d Sessions of 1839 for the Chicacole Zilla has been closed at Vizagapatam.—

(Here enter No: 2122 of 1839)

Read letter dated 20th instant from the 1st Judge on Circuit in the Western Division, transmitting the Original Death Warrant in Case No: 2 of the

the Camara Calendar for the 2d Sessions of 1839—

(Here enter No. 2140 of 1839)

Read return, dated the 19th instant from the Provincial Court of Circuit in the Southern Division, to the precept of the Coujdara Adalut dated the 27th November 1839, transmitting copy of para. 21 from a General letter from the Honorable the Court of Directors dated the 2d July 1839. on the subject of providing for Female Orphans, the Children of deceased Prisoners—

(Here enter No. 2142 of 1839).

At a Court of the Coujdara Adalut.

Present,

Monday

31st December, 1839. Thomas Alexr Oakes Esqre—Acting 1st Puisne Judge

William Hudleston Esqre——2d Puisne Judge

Alexr Duncan Campbell Esqre—3d Puisne Judge

Read Miscellaneous Petition presented on the 2d instant by Nimaina Pauze of the Zillah of Cuddapa—

(Here enter Mr. O. No. 159 of 1839)

The Petitioner prays the Court of Coujdara Adalut to call for the record of Case No. 27 Cuddapa Criminal 2d Sessions of 1839, and pass an order for the release of the Petitioner's sons Abala Pauze and Vaga Pauze who are prisoners in that Case—

2. The Court direct that the petitioner be informed, that the Case is now under reference to them, and recommended to return to his village as his detaining here can be of no advantage to the prisoners—

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

Read Miscellaneous Petition presented the 9th instant by Timpara Simpum Elay—Inhabitant of

on behalf of Bhaggyem Pilay and Draygem Pilay

(Here enter Vm: D: No: 160 of 1837)

1.

The object of this Petition is to obtain the remission of the sentence passed in Case No: 50 of the Criminal Report of the Auxiliary Court of Trincomalee for the month of May (Supplemental for June) 1837, whereby the Petitioners Bhaggyem Pilay and Draygem Pilay were fined the 1st Petitioner 20 Rs: and the 2d Petitioner 10 Rs: respectively for having sold arrack to some European Soldiers of the 37th of Palamcottah contrary to the terms of the Butlah and the provisions of Clause Ninth, Section VI, Regulation I of 1820 — the first named Petitioner being an arrack and toddy Renter residing within the limits of that Cantonment — and the second his servant.

2.

It is asserted in this Petition that the offence charged was not committed. Reference is made to some alleged acts of violence on the part of the European Soldiery, and the accusation is attributed to the influence of ill feeling arising out of those acts.

3.

With the Petition are filed from the Proceedings of the Court of Cu

August and 9th September 1837 - respectively - by the [illegible] of which the sentence on the Petitioner Draygem was ordered to be remitted on the ground that "one witness could positively identify him as the person "who sold the arrack - and that only by moonlight - while "the sentence on the Renter was left undisturbed —

4.

By the order of the 9th September it appears that in a Return dated 2d of that month "the officiating Joint Criminal Judge brings to the "notice of the Collective Court certain circumstances connected "with the case which could not appear on the face of the "proceedings, and after entering into full details of "particulars, that officer requests the Provincial Court to "review their Judgment as affecting the 1st prisoner" and the Provincial Court is stated "upon consideration "of the explanation afforded by the Officiating Joint "Criminal Judge - resolved not to obstruct the sentence "originally passed in the case" and ordered "that it be "carried into effect" —

5.

The Court of Enquiry cannot consid

the order of the Court of Circuit of 9th September - or fo

on matter not recorded on the proceedings of the

Crim

No 4 of the Schittor Calendar 2d Quarter Sessions 1839 on the 4th Instant with reference to the Fowjdaree Udalut's proceedings of the 16th September last.—

(Here enter No 2042.)

Read letter dated the 4th Instant from the Second Judge late on Circuit in the Northern Division, transmitting the Statement required by Circular Order No 4.—

(Here Enter No 2043.)

Read letter dated the 5th Instant from the Second Judge of the Provincial Court of Circuit in the Northern Division, transmitting copy of the Magistrates Calendar for the 4th Quarterly Sessions of 1839.—

(Here Enter No 2044.)

Read return, dated the 4th Instant, from the Provincial Court of Circuit in the Western Division, to the Receipt of the Fowjdaree Udalut of the 27th Ultimo, transmitting copy of para: 21 from a General Letter from the Honorable the Court of Directors dated

dated the 2nd July 1839 on the subject of providing for Female Orphans of the Children of deceased Prisoners.—

(Here enter No 2045.)

Read letter dated the 3rd Instant from the Third Judge of the Provincial Court of Circuit in the Western Division, presiding at the 4th Quarterly Sessions of 1839 reporting his having received the Fifth Additional Calendar containing one Case of House breaking and Robbery, and two Prisoners.—

(Here enter No 2046.)—

L.N.C.

WD.

No. 4 of the Chittoor Calendar 2d Quarter Sessions 1839 on the 4th Instant with reference to the Tongdance Udalut's proceedings of the 16th September last.—

(Here enter No. 2042.)

Read letter dated the 4th Instant from the Second Judge late on Circuit in the Northern Division, transmitting the Statement required by Circular Order No. 4.—

(Here Enter No. 2043.)

Read letter dated the 5th Instant from the Second Judge of the Provincial Court of Circuit in the Northern Division, transmitting copy of the Masulipatam Calendar for the 4th Quarterly Sessions of 1839.—

(Here Enter No. 2044.)

Read return, dated the 4th Instant from the Provincial Court of Circuit in the Western Division, to the Precept of the Tongdance Udalut of the 27th Ultimo, transmitting copy of para. 21 from a General Letter from the Honorable the Court of Directors

dated the 2d July 1839 on the subject of providing for Female Orphans & the Children of deceased Prisoners.—

(Here Enter No. 2045.)

Read letter dated the 3d Instant from the Third Judge of the Provincial Court of Circuit in the Western Division, presiding at the 4th Quarterly Sessions of 1839 reporting his having received the Fifth Additional Calendar containing one Case of House breaking and Robbery, and two Prisoners.—

L.P.C.

(Here Enter No. 2046.)—

WD

Criminal charge of Questionable propriety: and the Court
resolved to call for an explicit Explanation of the proceedings
in the case in question, and a copy of the Return of the
Acting Joint Criminal Judge which induced the change
in the judgment of the Court of Circuit.—

Ordered, That Extract from these
proceedings be sent to the Provincial Court of Circuit in
the Southern Division by Precept returnable within three
days from and after its receipt.—

(Vide following Precept No 1514)

Read Letter dated the 23d ultimo from
the Acting Judge on Circuit in the Centre Division, submitting
for the final judgment of the Court of Enfidaree Extract
the Record of Case No 8 of the Caddalapah Calendar of
the Second Sessions of 1839.—

(Here enter C.G. No 1995 of 1839)

Compelli.

The Court of Enfidaree Extract having maturely
considered the proceedings held before the Judge of Orient
the Notes of the Provincial Law Officer and the Notes
of the Cazee-ool Corzat and Mooftee of the Enfidaree Ka
confirm the said finding of the Cazee ool Corzat
Mooftee aforesaid acquitting the prisoner