12 460

F. U.

Thursday 2nd July 1840.

At a Court of the Soudaree Udalut

Present

John Bird Esqre _____ 1st Puisne Judge

Alexr Duncan Campbell Esqre 2nd Puisne Judge

Henry Dickinson Esqre ____ 3rd Puisne Judge

Read letter dated the 26th June 1840 from the Acting 1st Judge late on Circuit in the Centre Division, submitting for the consideration and final sentence of the Soudaree Udalut the record of the trial in Case No. 4 on the Pollas Calendar for the 1st Sessions of 1840.

(Vide order of U. C. No. 7220 of 1840.)

The Court of Soudaree 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

"Nursingadoss"

is sufficient to convict him of manslaughter, for which the penalty of Deyut is awardable under the Mahommudan Law, as declared in the futwa of their Law Officers, do convict him thereof, and with reference to the provisions of Clause Second Section

Wm Bird.

and

Wm Campbell.

Section XV Regulation VII of 1802, do 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 four years.-

1. The Court of Foujdaree Adalut are unable to concur with the Acting 1st Judge in the opinion expressed by him in the 13th para of his letter of reference "that the prisoner is legally convicted of "murder."-

2. It does not appear to them that the offence of which the prisoner is convicted falls within the scope of Section IX Regulation I of 1813. Since there does not appear in his favor to have been any intention "maliciously" or "deliberately" to kill the person at whom the blow by which the deceased met his death was aimed.-

3. The Court of Foujdaree Adalut are of opinion that the offence of the prisoner does not exceed culpable homicide, and with reference to the period that he has already been in confinement consider that a sentence of 4 years' imprisonment would be fully adequate to the offence.-

Ordered, that Extract from these Proceedings be sent to the Acting 1st Judge for

Crank

2nd July 1840.

Circuit in the Centre Division for his information and guidance.-

(Sent following letter No 927.)

Read return, dated the 16th June 1840 from the Acting Criminal Judge of Canara, to the precept of the Foujdaree Adalut of the 6th June 1840 on the review of the Criminal Reports for the month of April last.-

Here enter F. Dd. No. 1189 of 1840.

Friday, 3rd July, 1840.— At a Court of the Foujdaree Udalut

Present:

John Bird Espre _____ 1st Puisne Judge.

Alexr Duncan Campbell Espre 2nd Puisne Judge.

Henry Dickinson Espre ____ 3rd Puisne Judge.

Read return dated the 22nd of June 1840 from the Criminal Judge of Combaconum, to the precept of the Foujdaree Udalut of the 6th June last, conveying their remarks and orders on the Combaconum Criminal Reports for the Month of April.

(Here enter F. U. No 1217)

It appears to the Court of Foujdaree Udalut from the explanation submitted by the Criminal Judge in the above return that the conviction of the 1st, 2nd and 3rd prisoners in Case No 40 was under the circumstances justifiable, and they accordingly resolve not to disturb the sentence passed in the case, but with reference to the offence with which the prisoners are charged, the Court of Foujdaree Udalut direct that the provisions of Clause Sixth Section II Regulation VI of 1822 be substituted for those of Section XII Regulation X of 1816 quoted by the Sessions

Judge

July 1840

final sentence of the Foujdaree Adalut the record
of the trial in Case No. 1 on the Honore additional
Calendar for the 1st Sessions of 1840.

(Herewith F.R. No. 1192.)

Mr. Bird
Mr. Campbell
and
Mr. Dickinson

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

2. Kady Munjoo Shetty

and

3rd Ganiga Timmuppa.

is sufficient to convict them of the crime of
murder, do convict them thereof, but considering
under the circumstances of the case, that the
punishment to which they are liable under
the provisions of Section X Regulation VIII of
1802 would in this instance be too severe, the
Court sentence them to be transported to such
place or places beyond sea, as the Governor in
Council shall appoint, there to be imprisoned
and kept to hard labor in irons on the public
roads or other public works, for and during the
period of their natural lives.

And the Court of Foujdaree Adalut
being of opinion that the prisoners

1st Howly Shetty

and

4th Ganiga Parmeshra

are

F.R.
4th July 1840.

are not convicted on presumptive
evidence of credible witnesses
sessions of the crimes ap
them thereof, but as from the evi
adduced the prisoner

1st Howly Shetty

appears to be of a character so notoriously bad
and dangerous as to render his release without
substantial security evidently unsafe and
improper the Court direct that he be required
to produce two Sureties in (1000) one thousand
Rupees each Surety for his future good
behaviour and to appearance when required and
that in default thereof he be detained in
confinement under the provisions of Clause 2nd Section X
Regulation VI of 1827 and considering that
strong suspicion tho' not amounting to con-
viction attaches to the prisoner

4th Ganiga Purmeshra,

the Court under the provisions of Clause 3rd
Section II Regulation XV of 1803 direct that he
be required to find two Sureties in (200) two
hundred 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

Hea

1840. 40.

1. The Court of Zuydaree Adalut are unable to concur with the 2nd Judge in considering the proof against the 4th prisoner sufficient to convict him of murder.

2. The whole that is adduced against him consists exclusively of proof of his confession before the Tashildar and of his verbal confession in the village, and the Court do not consider that they would be justified in convicting on such evidence.

3. The protracted examination of the prisoners by the Principal Sudr Ameen was no doubt irregular and must be prohibited in future - but as the practice does not prevail generally the Court do not see any necessity for issuing a Circular Order on the subject.

4. The detailed examinations of the prisoners do not appear to exhibit any design to lead the prisoners to a crimination of themselves but to have been made from a desire to elucidate the case, and the Court consider it will therefore be sufficient on the present occasion to point out to the Principal Sudr Ameen the irregularity of this proceeding in this respect.

14th July 1840.

5. The Court are ... remark that the examin... Sentor and witnesses in ... most ably conducted by the Principal Ameen. The proceedings do infinite credit to Nurasingarow as a Judicial Officer.

Ordered, that Extract from these Proceedings be sent to the 2nd Judge late on Circuit in the Western Division for his information.

(Entrie No 935.)

Minute of the Second Judge.

I deem it my duty, on this trial, to enter my most solemn protest, against the omission to notice the escape of the instigator of this foul Murder, by the non admission, as witnesses against him, of the tools he employed; a proceeding which most deeply reflects on the administration of justice; and against the acquittal of the 4th Prisoner.

The confession of that Prisoner is proved to have been voluntary, by the very same evidence which proves the confessions of the other two prisoners, whom my colleagues

Concur

concur with me in convicting. It stands confirmed by all the varied circumstances admitted by each of the three and is in my opinion conclusive against him. There is not, in this case, a shadow of evidence against it yet has it been rejected, not on the ground that it is open to any suspicion, But on the ground that it is uncorroborated whereas it stands corroborated most strongly by all that the other prisoners confess. A prisoners confession is evidence against himself alone, only where others deny their guilt, where the others likewise confess all in which they both coincide is a confirmation of the truth of both.

(Signed) A. D. Campbell.
2nd Puisne Judge.

Monday 6th July 1840.

No. 116.

At a Court of the Foujdaree Adawlut.

Present

John Bird Esquire ——— 1st Puisne Judge
Alex.r Duncan Campbell Esq.re 2nd Puisne Judge
Henry Dickinson Esquire —— 3rd Puisne Judge.

Read petition presented on the 27th April 1840 by Mootlovsawmy Achary of the Zillah of Tinnevelly.—

(Here enter M.P. No. 47.)

The Petitioner complains that he has been robbed of property to the amount of Rupees 194, by the owners of the house in which he rented a room; that he preferred a complaint before the Police Ameen and Magistrate within the jurisdiction of the Zillah Court, which was afterwards forwarded to the Criminal Judge in the Zillah of Combaconum — but that the Sudr Ameen of that Court to whom the case was referred for decision, dismissed it on the plea that the matter was of a civil nature, inasmuch as it related to a Bond given to Petitioner by the parties accused, with a view to prevent the trial of the case.—

The Petitioner prays the Court will be pleased to call for the papers connected with his complaint, as well as the record of the Proceedings held in the

Case

FU.
6th July 1840.

Criminal Judge at Tellichery for his information and guidance by precept returnable in 7 days from and after its receipt.

(Sent following precept No. 944.

Read Letter dated the 5th Ultimo from the Principal Sudr Ameen at Ichapoor, requesting instructions as to what jail the 13 prisoners remaining at Ichapoor sentenced by the Court of Circuit at the 1st Sessions of 1840 are to be sent under the contemplated abolition of the Zillah Court at Vizagapatam.-

(Here enter No. 1139)

Also read Order of Government dated the 15th Ultimo communicating copy of a letter from the Board of Revenue in the Department of Public works, intimating that the construction of the Court house and jail at Ichapoor is unavoidably delayed for the present, in consequence of the extreme scarcity of water at that Station.

(Here enter No. 859 & Letter)

As the 13 Convicts referred to above, cannot therefore for the present be employed in the construction of the Judicial Buildings ordered to be erected at Ichapoor, the Court of Fouzdaree Udalut adverting to the great distance of the Station of the present Zillah Court from Ichapoor, resolve, in

exercise

FU
6th July 1840.

exercise of the authority vested in them by clause 5th Section VIII Regulation XV of 1803, to direct that these 13 Convicts in the jail at Ichapoor, sentenced by the Court of Circuit, be sent to the jail at Vizagapatam to be imprisoned and worked at that Station.

Ordered, that Extract from these proceedings be forwarded to the Principal Sudr Ameen at Ichapoor and to the Joint Criminal Judge at Vizagapatam for their information and guidance respectively.-

(Sent in No. 942 & 942 A)

Read Supplemental Return dated 25th June 1840 from the 3rd Judge on Circuit in the Southern Division to the precept of the Fouzdaree Udalut of the 21st April last, conveying their remarks and orders on the Combaconum Supplemental Calendar for the 1st Sessions of 1840.

(Here enter F.U. No. 1218)

In the above return, the 3rd Judge submits with reference to the 10th para of the proceedings of the Fouzdaree Udalut of the 21st April last, an English translation of the trial No. 3 on the Combaconum Supplemental Calendar.

2. On a deliberate consideration

of

F.H.
6th July 1840

of all the proceedings held in this case, the Court of Fouzdaree Udalut are of opinion that the sentence passed by the 3rd Judge was not only legal - but quite correct.

3. The Court observe that the proceedings would have been more regular had the 3rd Judge not omitted to examine the Surgeon who inspected the corpse of the deceased.

Ordered, that Extract from these proceedings be sent to the 3rd Judge late on Circuit in the Southern Division.

(Sent in No. 943)

Read the Criminal Reports for the month of May 1840 submitted by the officiating joint Criminal Judge at Tinnivelly

(Here enter No. 1165.)

Case No. 36 1. The Court of Fouzdaree Udalut doubt the propriety of the acquittal of the prisoner in Case No. 36, and accordingly they desire the Judge proceeding on Circuit in the Southern Division to look into the Case, and if a further enquiry may be requisite for the ends of justice, he will direct such additional enquiry to be made the result to be communicated to the Court of Circuit collectively for their orders.

Case No. 39. 2. As authority for the sentence awarded in Case No. 39 Clause 1st Section IV Regulation V of 1831 should have been quoted by the

F.H.
6th July 1840

the officiating joint Criminal Judge.

Ordered, that Extract from these proceedings be forwarded to the officiating joint Criminal Judge at Tinnivelly for his information and guidance.

(Sent in No. 944)

Ordered also, that a copy of para: 1. of these proceedings be furnished to the Judge about to proceed on Circuit in the Southern Division for his information and guidance.

(Sent in No. 945.)

Read the Criminal Reports for the month of May 1840 submitted by the Principal Sudr Ameen at Tschapoor

(Here enter No. 1175.)

Case No. 16. The Court of Fouzdaree Udalut see reason to doubt the propriety of the modification by the Principal Sudr Ameen of the sentence originally passed by the Sudr Ameen in the case noted in the margin, and accordingly they resolve to direct the Provincial Court of Circuit in the Northern Division to call for all the proceedings in the Case, and to pass such orders thereon as they may deem proper and consistent with the Regulations: the result thereof to be communicated to the Court of Fouzdaree Udalut for their information.

Ordered, that Extract from these proceedings be forwarded to the Principal

Sudr

6th July 1840.

Sudr Ameen and to the Provincial Court of Circuit in the Northern Division for their information and guidance respectively.-

(Sent in Nos 946 & 947)

Read the Sircy Criminal Reports for the month of May 1840.

(Here enter No 1161)

The Court of Fouzdaree Udalut being of opinion that no sufficient grounds existed for the demand of Security in Case No 15, resolve to direct the unconditional release of the prisoner "Shinnoo" from Confinement-

Ordered, that Extract from these proceedings be forwarded to the Provincial Court of Circuit in the Western Division for communication to the Principal Sudr ameen at Sircy for his information and guidance.

(Sent in No 948-)

Read the Criminal Reports for the month of May 1840 Submitted by the Acting Joint Criminal Judge of Guntoor.

(Here enter No 1162)

Case No 18. 1. The Prisoner in Case No 18 is stated to have confessed the crime laid to his charge, but that the Case remains undecided in consequence of the continued

absence of the prosecutor-

2. Under the circumstance of the prisoner having confessed the crime, the Prosecution might be carried on by the Government Vakeel; and the Acting Joint Criminal Judge will proceed to dispose of the case accordingly.-

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

(Sent in No 949-)

Read the Reports for the month of May 1840 Submitted by the Principal Sudr Ameen at Honore.

(Here enter No 1163)

Case No 32. The Principal Sudr Ameen has omitted to make any mention of the nature of the evidence given by the Prosecutor in Case No 32, and from the Abstract of the evidence of the 3 Witnesses on behalf of the prosecutor, it does not appear whether the breaking, charged, was proved against the Prisoners- accordingly the Court of Fouzdaree Udalut desire Explanation on this point.-

Ordered, that Extract from these proceedings be forwarded to the Principal Sudr Ameen at Honore for

his

his information and guidance by precept returnable in 5 days, from and after its receipt.-

(Sent following precept No 950)

Read the Criminal Reports for the month of May 1840, submitted by the Joint Criminal Judge of Trichinopoly.-

/Here enter No. 1135/

The above Reports do not appear to call for any remark from the Court of Foujdaree Udalut.

Ordered therefore, that Extract from these proceedings be forwarded to the Joint Criminal Judge of Trichinopoly for his information.-

(Sent in No 951)

Read the Reports for the month of May 1840, submitted by the Criminal Judge of Combaconum.-

/Here inter No. 1143/

Case No 74.

The Court of Foujdaree Udalut are of opinion that the Head of Police of Codavasal has not assigned any sufficient reason for the long detention in the Taloork of the prisoner "Lutchoomanen" and accordingly they desire to be informed if the Magistrate of Tanjore has noticed this unnecessary delay on

on the part of his Native Police Officer.

The Court of Foujdaree Udalut desire also to be informed if the Talyar was restored to his situation on its being proved that the escape of the "Suspected offender," was not chargeable to him, but to the 1st Witness, the Village Moonsiffe.-

Ordered, that Extract from these proceedings be forwarded to the Criminal Judge of Combaconum to be by him Communicated to the Magistrate of Tanjore for his information and guidance.-

(Sent in No 952)

Read letter dated the 17th Ultimo, submitting Copy of a letter from the Magistrate of Madura, requesting to be informed, with reference to Section LIII Regulation XI of 1816 authorizing Magistrates to fix rates of hire to be paid by travellers for Bearers, Carlies &ca, whether the Police or Magistracy have authority to recover by Summary process of distraint any amount proved due by a Defendant; 2nd whether if cases of Monthly or annual engagements betwixt Master and Servants of every description, &c, or should, come under the same ordinance; 3rd whether petty Cases of Swindling are cognizable by

his information and guidance by precept returnable in 5 days, from and after its receipt.-

(Sent following precept No 950)

Read the Criminal Reports for the month of May 1840, submitted by the Joint Criminal Judge of Trichinopoly.

(Here enter No 1135)

The above Reports do not appear to call for any remark from the Court of Foujdaree Udalut.

Ordered therefore, that Extract from these proceedings be forwarded to the Joint Criminal Judge of Trichinopoly for his information.-

(Sent in No 951)

Read the Reports for the month of May 1840, Submitted by the Criminal Judge of Combaconum.-

(Here inter No 1143)

Case No 74.

The Court of Foujdaree Udalut are of opinion that the Head of Police of Codavasal has not assigned any sufficient reason for the long detention in the Talook of the prisoner "Lutchoomanen" and accordingly they desire to be informed of the Magistrate of Tanjore has noticed this unnecessary delay on

on the part of his Native Police Officer.

The Court of Foujdaree Udalut desire also to be informed if the Talyar was restored to his situation on its being proved that the escape of the "Suspected offender," was not chargeable to him, but to the 1st Witness, the Village Moonsiffe.-

Ordered, that Extract from these proceedings be forwarded to the Criminal Judge of Combaconum to be by him Communicated to the Magistrate of Tanjore for his information and guidance.-

(Sent in No 952)

Read Letter dated the 17th Ultimo, Submitting Copy of a letter from the Magistrate of Madura, requesting to be informed, with reference to Section LIII Regulation XI of 1816 authorizing Magistrates to fix rates of hire to be paid by travellers for Bearers, Coolies &c., whether the Police or Magistracy have authority to recover by Summary process of distraint any amount proved due by a Defendant;- 2nd whether in cases of Monthly or annual engagements between Master and Servants of every description, &c, or should, come under the same ordinance;- 3rd whether petty Cases of Swindling are cognizable by.

by the Magistrate

any [illegible]

[illegible] the amount by the Court

[illegible]

[illegible]

[illegible]

6th July 1840

Ordered, that Extract from these proceedings be forwarded to the Provincial Court of Circuit in the Southern Division to be by them communicated to the Magistrate of Madura for his information and guidance.

(Sent in No. 953.)

Read the Criminal Reports for the Month of May 1840 Submitted by the Acting Criminal Judge of Madura.

(Here enter No. 1166)

Cases No. 20 & 35 1. The Court of Foujdaree Udalut see reason to doubt whether Cases No. 20 & 35 have been properly disposed of by the late Acting Criminal Judge, and accordingly they resolve to direct the Judge about to proceed on Circuit in the Southern Division to look into these Cases, and should he be of opinion that further Enquiry is requisite for the ends of justice, he will direct such additional enquiry to be made, and the result to be communicated to the Court of Circuit Collectively for their orders.

Case No. 29. 2. The Court of Foujdaree Udalut conclude that Labor in irons forms a part of the Sentence awarded to the 1st prisoner in Case No. 29, and if so such should have been specified.

Case No. 33. 3. If the prisoner in Case No. 33 was

6th July 1840 was proved to have committed a theft of property to the value of 5 Rupees, the Case should have been disposed of under the provisions of Clause 4th Section III Regulation VII of 1822; and under the circumstances of the case, the Court of Foujdaree Udalut are of opinion that a Sentence of 4 Months imprisonment was not a sufficient punishment for the offence proved against the prisoner.

Case No. 37 4. The Police Officer who forwarded Case No. 37 to the Criminal Court should have explained in whose custody the two prisoners Keelavun and Nayceevalan were from the 6th to the 11th of May: and the

Case No. 39. Police Officer who forwarded Case No. 39 to the Criminal Court should have explained why a previous reference to the Magistrate was considered necessary; but as the Court of Foujdaree Udalut have reason to believe that the Magistrate of Madura invariably notices any unnecessary reference made to him by his Native Police, the Judges do not desire more than to notice the omission.

5. The Court of Foujdaree Udalut perceive from the Statement shewing the manner in which the prisoners were employed during the month of May 1840, that 30 prisoners were employed in making paper, and 16 in making Cloth &c.

6th July 1840.

6. In the orders of the Court of Fongdarce Mudaliar of the 30th of April last the practice of employing able-bodied convicts in such works was prohibited, and the Judges therefore desire to be informed of the description of prisoners employed in making paper and cloth.—

Ordered, that Extract from these proceedings be forwarded to the Acting Criminal Judge of Madura for his information and guidance by precept returnable in 7 days, from and after its receipt.—

(Sent following Precept No 954)

Ordered further, that a Copy of para: 1 of these proceedings be forwarded to the 2nd Judge of the Provincial Court of Circuit in the Southern Division for his information and guidance.—

(Sent in No 955)

Read letter dated the 19th ultimo from the Acting 3rd Judge of the Provincial Court of Circuit in the Centre Division, transmitting copies of the Chittoor 8th and 9th Supplemental Calendars for the 2nd Quarter Sessions of 1840.—

(Here enter No 1174)

1. The 1st Prisoner in Case No 1 of the 8th Supplemental Calendar was

Charged

6th July 1840.

charged with having taken away the wife of the Prosecutor, and with having had Criminal intercourse with her knowing her to be the lawful wife of the Prosecutor, and the 2nd prisoner with having had adulterous intercourse with the 1st Prisoner after she had forsaken her lawful husband.

2. The Acting 3rd Judge considered the charge of adultery fully proved, and according to the Sentence of Ochoobut Considered the imprisonment the Prisoner had undergone a Sufficient punishment on the following grounds.

"The Prosecutor himself declares that his object in making this complaint was to force the opposite party to come to his terms,— he cares nothing about the woman— to award a severe punishment would be only to gratify the vindictive feeling of the Prosecutor; moreover the 2nd Prisoner by cohabiting with the 1st Prisoner, a man of inferior caste, has already incurred according to the notions of the people of this country a most severe and heavy penalty namely the loss of caste she being of the Woodoogoo Caste and the 1st Prisoner of the Kycala Caste."—

"All the Prosecutor requires is money to enable him to marry another wife

this

F. U.

Tuesday, 7th July 1840.

At a Court of the Foujdaree Udalut.

Present,

John Bird Esqre. ——— 1st Puisne Judge,

Alexr. Duncan Campbell Esqre. 2d Puisne Judge,

Henry Dickinson Esqre. ——— 3d Puisne Judge,

Read letter dated the 20th June 1840 from the 3d Judge on Circuit in the Northern Division, submitting for the consideration and final sentence of the Foujdaree Udalut the record of the trial in Case No. 12 on the Rajahmundry Calendar for the 1st Sessions of 1840.

(Here enter F. U. No. 1217)

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

Mr. Campbell and Mr. Dickinson

"Saith Baker"

is sufficient to convict him of the crime of murder, do convict him thereof, but considering, under the circumstances of the case, that the punishment to which he is liable under the provisions of Section X Regulation VIII of 1802 would, in this instance, be too severe, the Court of Foujdaree Udalut sentence him to be transported to such place

or

7th July 1840

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.—

1 The Court of Fouzdaree Udalut concur with the 3d Judge in the convictions of the prisoner but have been pleased to commute the Sentence to which he has rendered himself liable to transportation for life.—

2 The murder committed by the prisoner was unquestionably deliberate and committed under no circumstances of legal justification, but taking the prisoner's confession as the groundwork of his conviction and considering it to be true in all its parts, it exhibits in the opinion of the Court of Fouzdaree Udalut a state of mind which greatly extenuates the violence of which he was guilty, and although the crime he committed was great still the punishment he will suffer, will, they consider, be adequately severe by imprisonment in banishment for the remainder of his life.—

3 It appears that for a breach of duty the prisoner had been reduced by his Commanding Officer from the rank of Lance Naigue to that of Private Sepoy, and

7th July 1840

and that the idea of the disgrace he would suffer took such hold on his mind that he determined not to survive it.— It was therefore agreed upon between his wife and him that he should first destroy her and afterwards himself.—

4 No violence, no revenge, nor any other bad passion is displayed. The dread of disgrace acting upon an over sensitive mind, proud of previous good conduct alone led to the commission of the dreadful act.—

5 Adverting to all the circumstances of the case especially to the absence of all malice, the Court have resolved to remit the capital punishment.—

6 The Court of Fouzdaree Udalut observe, that in questioning the prisoner in the manner recorded at page 81 of the record after his arraignment, the 3d Judge appears to have overlooked the Circular Order of the Fouzdaree Udalut of the 20th November 1832, whereby the Courts of Circuit were instructed on Criminal trials to take from the prisoner a plain answer of guilty or not guilty, and then proceed to the examination of witnesses who are summoned in support of the facts charged against the prisoner."— Reserving any Statment of the Prisoner himself for his Defence.—

Ordered that Extract from these proceedings be sent to the 3d Judge on Circuit in the Northern

7th July 1840

Northern Division for his information and guidance.-

(Sent following letter No 957)

Read letter dated the 25th June 1840 from the Acting 3d Judge of the Provincial Court in the Centre Division, transmitting with reference to the Foujdaree Adaulut's proceedings of the 20th Ultimo, his explanation regarding the delay in forwarding Case No 1 on the 5th Supplemental Calendar for the 2d Quarterly Sessions of 1840, for the final decision of the Foujdaree Adalut.-

/ Here enter F 21 No 7213 /

1 In this letter the Acting 3d Judge explains "that the trial in No 1 of the 1st Supplemental "Calendar a case of Forgery, was closed on the 28th April, and "this case No 1 of the 5th Supplemental Calendar was closed "on the 16th May, the first case was transmitted on the "9th June and the second on the 11th June between the 28th "April and 11th June the proceedings before me in two cases "were translated."-

2 In their proceedings of the 20th Ultimo, the Court of Foujdaree Adalut record their opinion that the delay in the transmission of the case No 1 of the 5th Supplemental Calendar was not creditable to the Presiding Judge without explanation, and they regret to observe that this impression has not been removed by the explanation now submitted since neither the bulk

7th July 1840

bulk of the record nor the nature of the cases alluded to by the Acting 3rd Judge affords any excuse for Mr Hawley's great delay in making the reference

3 The preparation of only these two cases during a period of 46 days leads the Court of Foujdaree Adalut to apprehend that either the English department attached to the Judge presiding at the Quarterly Sessions is not in that efficient state it ought to be in, or that in the present instance there was a want of due superintendence and controul on the part of the Presiding Judge,- for, if one translator had been kept employed exclusively, as brought to have been in translating the proceedings of the trials referred by the 3d Judge, the Court are of opinion that both the cases in question might have been submitted in the Month of May

4 In conclusion the Court of Foujdaree Adalut observe, that their remarks on the trial having been communicated to the Acting 3d Judge by an Extract from their Proceedings, the reply of that Officer should have been made by a return under the Seal of the Court- This communication in the form of a letter is irregular.-

Ordered that Extract from these Proceedings be sent to the Acting 3d Judge of the Provincial Court of Circuit in the Centre Division for his information and guidance

/ Sent in No 958.

Read

Read letter dated the 27th Ultimo,
from the Acting 3d Judge of the Provincial Court of Circuit
in the Centre Division, submitting copy of the Chittoor 10th
Supplemental Calendar for the 2d Quarterly Sessions of
1840.

/Herewith No. 1222/

The prisoner in Case No 1 stood charged
with culpable homicide, in having tied Yellayan aged 8
years with a rope to the neck of a calf, and with them
and there having driven away the said calf, whereby
the said Yellayan was dragged by it, which caused
him to be severely bruised and otherwise wounded from
the effects of which bruises and wounds, he the said
Yellayan died.-

2 The Mahomedan Law Officers declared
the prisoner liable to Deyut, and the Acting 3d Judge
agreed in such finding; but in consideration of all the
circumstances of the case the presiding Judge recommends
the release of the prisoner with an admonition.-

3 The Court of Sudder Udalut
having duly considered the circumstances of this case,
resolve, under the authority vested in them by clause
3d Section III Regulation I of 1825, to accede to the
recommendation of the presiding Judge, and
accordingly

accordingly they authorize that Officer to direct the release
of the prisoner

"Kullamvottoo alias Pyan"

from confinement.-

Ordered that Extract from these
proceedings be forwarded to the Acting 3d Judge of the
Provincial Court of Circuit in the Centre Division for
his information and guidance.-

/Sent in No. 959/

Read Statement dated the 30th Ultimo
from the Acting 3d Judge of the Court of Circuit in the
Centre Division, of referible Cases required by Circular Order
No. 4 of 1834.-

/Here enter F.R. No. 1243 of 1840/

Read letter dated the 1st Instant from
the 2d Judge on Circuit in the Northern Division, reporting
the opening of the 2d Sessions of 1840 at Nellore.

/Here enter F.R. No. 1245 of 1840/

Read letter dated the 29th Ultimo from
the 3d Judge of the Provincial Court of Circuit in the
Northern Division, reporting his having arrived at his station
on the 29th Ultimo.

/Here enter F.R. No. 1246 of 1840/

Read letter dated the 1st Instant from
the

7th July 1840

the Acting 1st Judge on Circuit in the Centre Division transmitting the death warrant in Case No 30 on the Bellary Calendar for the 1st Sessions of 1840 which has been duly executed.—

(Here enter F.H. No 1250 of 1840)

Read Return dated the 1st Instant from the Officer Commanding the Seringhapatam, of the convicts in the Jail at Ootacamund for the Month of May 1840.—

(Here enter F.H. 1254 of 1840)

Read Letter dated the 1st Instant from the 3rd Judge late on Circuit in the Southern Division transmitting the death warrant in Case No 7 on the Salem Calendar for the 1st Sessions of 1840 which has been duly executed.—

(Here enter F.H. No 1256 of 1840)

F.H.

Wednesday 8th July 1840.—

At a Court of the Foujdaree Adalut

Present,

John Bird Esqre 1st Puisne Judge

Alexr Duncan Campbell Esqre 2d Puisne Judge

Henry Dickinson Esqre 3d Puisne Judge

Read Letter dated the 28th June 1840 from the Acting 1st Judge on Circuit in the Centre Division, submitting for the consideration and final sentence of the Foujdaree Adalut the record of the trial in Case No 39 on the Bellary Calendar for the 1st Sessions of 1840.—

(Here enter F.H. No 1261.)

Mr Bird and Mr Dickinson

1. The Court observe that the Acting 1st Judge has omitted to annex to the record of this trial a copy of the certificate required by the Circular Order of the 10th April 1833, and that there is nothing on the record from which they are enabled to arrive at a correct opinion regarding the nature and extent of the wounds inflicted on the Prosecutrix.—

2. Before therefore proceeding to judgment

judgment the Court direct that the Acting 1st Judge be instructed to furnish a copy of the Criminal Judge's certificate in the event of such having been recorded, and at the same time to forward a copy of the Medical officer's certificate alluded to in Dr. Smith's evidence at page 36 of the record.

Ordered, that Extract from these proceedings be sent to the Acting 1st Judge late on Circuit in the Centre Division for his information and guidance by precept returnable in 3 days, from and after its receipt.

(Sent following precept No. 962)

Read return dated the 11th and Supplemental return dated the 23d June 1840, from the 3rd Judge on Circuit in the Southern Division, to the precept of the Fonjdaree Udalut of the 30th May last, conveying their remarks and orders on the Salem Calendar for the 1st Sessions of 1840.

(Here enter F. No. Nos. 1179 and 1221.)

On a consideration of the explanation submitted in the Supplemental return above

recorded, the Judges of the Court of Fonjdaree Udalut resolve to direct the 3d Judge to prepare and submit with the least practicable delay an English translation of the record of the trial in Case No. 8 on the Calendar above adverted to.

Ordered, that Extract from these proceedings be sent to the 3d Judge late on Circuit in the Southern Division for his information and guidance by precept returnable in 30 days, from and after its receipt.

(Sent following precept No. 963)

Read the Criminal Report for the month of May 1840 submitted by the Criminal Judge of Salem.

(Here enter No. 1197.)

Case No. 94.

The prisoner concerned in Case No. 94 had been convicted of having unlocked the Prosecutor's godown, and stolen from thence grain, to the value of 1 Rupee and 12 Annas; and the sentence awarded is one year's imprisonment and 100 lashes.

1.

The Court of Fonjdaree Udalut resolve to remit the corporal punishment awarded

8th July 1840.-

awarded in this Case, as they are of opinion that the sentence of imprisonment awarded is of itself a sufficient punishment for the offence proved against the Prisoner.-

Ordered, that Extract from these Proceedings be forwarded to the Criminal Judge of Salem for his information and guidance by precept returnable in 5 days, from and after its receipt.-

(Sent following precept No. 964).-

9th July 1840.-

Thursday,

At a Court of the Foujdaree Udalut

Present,

John Bird Esqre. ——— 1st Puisne Judge

Alexr. Duncan Campbell Esqre. — 2d Puisne Judge

Henry Dickinson Esqre. — 3d Puisne Judge.

Read letter dated the 4th Instant from the Provincial Court of Circuit in the Centre Division transmitting an English translation of the Record in Case No. 8 on the Bellaree Calendar for the 2nd Sessions of 1839.-

(Here enter No. 1283.)

Mr. Bird. 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 Prisoners

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and

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is sufficient to convict them of manslaughter, for which the penalty of Deyut is awardable under the Mahommedan Law, as declared in the futwas of their Law Officers, do convict them

2.

With the view of assisting Judges of Circuit, in disposing of trials before them and to ensure the early despatch of the record of referred trials to the Presidency the Criminal Judges are required to prepare for the Court of Circuit translations of the proceedings of the Criminal Court, in all cases committed by them, leaving to the Court of Circuit the preparation of translations of their own proceedings in those cases only which may eventually be referrible to the Court of Fouzdaree Udalut.

3.

The translations to be made by the establishment attached to the Court of Circuit, cannot of course be commenced until the trials are completed, but as the preparation of translation of the proceedings before the Criminal Courts need not also be delayed until the close of the trial, the several Criminal and Joint Criminal Judges have been instructed to prepare translations of all their proceedings so soon as a case may have been committed by them, which translations are laid before the Court of Circuit with the Calendars and this practice has contributed greatly to the early despatch of the records of Trials, referred for the final judgment of the Court of Fouzdaree Udalut.

See C. F. No. 13th May 1833.

Ordered, that Extract from these proceedings

proceedings be forwarded to the Chief Secretary to Government, for the purpose of being laid before the Right Honorable the Governor in Council.

(Sent in No. 969)

Read returns dated the 2nd July 1840 from the Criminal Judge of Nellore to the precept of the Fouzdaree Udalut of the 22nd Ultimo conveying their remarks and orders on the Nellore Criminal Reports for the Month of May last.

(Here enter F. C. No. 1253)

In this return the Criminal Judge with reference to the orders contained in the 3rd parah of the Proceedings of the Fouzdaree Udalut under date the 22nd Ultimo submits an abstract of the evidence of the 3rd witness in Case No. 30 on the Criminal file.

2.

On a consideration of this evidence the Court of Fouzdaree Udalut are of opinion that the Assistant Criminal Judge erred in acquitting the prisoner, and do they direct that their sentiments on this point be communicated to that Officer.

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

(Sent in No. 970)

Read.

Read again letter dated 3d April 1840. from the 3d Judge late presiding at the Tellicherry 1st Quarterly Sessions of 1840 submitting for the consideration and final sentence of the Foujdaree Adalut the record of the trial in Case No. 1 on the 2nd Additional Calendar of the Auxiliary Court of Malabar for the 1st Quarterly Sessions of 1840.

(Hereunto F.C. No. 718 of 1840.)

Read also return dated the 23d Ultimo from the 1st Judge of the Provincial Court of Circuit in the Western Division to the precept of the Foujdaree Adalut of the 13th May last directing the examination of further evidence in Case No. 1 on the 2nd Additional Calendar of the Auxiliary Court at Tellicherry for the 1st Quarterly Sessions of 1840.

(Hereunto F.C. No. 1240.)

Mr. Bird and Mr. Chamberlain

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 prisoner

Ellantottatil Coondan

is not convicted, on presumptive proof, or on the evidence of credible witnesses, or on his own confession, of the crime of Murder, do acquit him thereof, but as from the evidence adduced, the prisoner appears to be of such a character as to render

under his release without substantial security unsafe and improper, the Court direct that he be required to produce two Sureties, in 500 Rupees five hundred Rupees each Surety, for his future good behaviour and appearance when required, and that in default thereof, he be detained in confinement under the provisions of Clause Second Section X Regulation VII of 1827, but on that at the close of 3 years should the Security not have been given his case be again brought under the consideration of this Court.

The prisoner in this case was

1.

charged with having on the 27th January last at night fired at the Prosecutor's elder brother, and severely wounded him, whereby he died on the next day.

In referring the case to the

2.

Court of Foujdaree Adalut the late 3d Judge of the Provincial Court in the Western Division observed that "in the absence of any eye witness "evidence to the commission of the crime, there "could not be produced stronger presumptive "proof than is recorded in this case of the "Prisoner's guilt, viz. his having been seen by "the 1st and 2nd witnesses running off with a "gun followed by his brother Bappoo who did not

10th July, 1840.

"not appear to have been in any wise implicated)
"immediately upon the report of a Gun being fired
"off within 20 feet of the Shop where the deceased
"was found murdered, and his having declared to
"these individuals as well as to the 6th and 8th wit-
"nesses and the Prosecutor who came up soon after,
"that the Prisoner had shot him because of some
"dispute regarding a small quantity of Pepper
"that he owed him the fact of the deed being
"perpetrated with the Gun returned loaded to
"the Prisoner by the 3rd witness three days before
"the murder, is clear, from the circumstance of
"the Iron ball (part of the charge) identified
"by him and the 4th witness who made it, being
"found in the Shop after having rebounded
"from the wall, where it struck and the lead an
"slug having been discovered and taken out of
"the door frame where it had lodged, added to
"the circumstance of the Gun being also found
"the day after concealed where the Prisoner man-
"kissed it to be, and apparently in the condition
"as if it had been lately discharged."

3. On a consideration of the evidence before them, the Court of Fouzdaree Udalut concur with the 1st Judge of the Provincial Court in considering the evidence as to the Prisoner's having been seen running away with a Gun, incredible, inasmuch as it appears that such a

10th July, 1840.

circumstance would not only naturally have been told immediately by the 1st and 2nd witnesses not merely to one (as they assert) but to all who came there just after them and especially to the Adhigary on his arrival, but it would have led to the prisoners instant arrest whereas it appears from the evidence of the Adhigary's Son recorded at Page 160 that "No one said any "thing against the Prisoner before the discovery "of the balls" and this assertion is confirmed by the evidence of Podraporail Coonty Coolly Ally at page 154 and by other testimony.

4. The Court of Fouzdaree Udalut also disagree from the late 3rd Judge in the opinion that there is sufficient proof of the denouncement of the Prisoner by the deceased immediately after he was shot. It appears to them beyond a doubt that the deceased did not declare that he had seen the Prisoner fire, though it appears that he did allude to his Pepper transactions with the Prisoner and may have intimated his suspicions against him.

Neither does it appear clear to them

5. from the circumstance of the iron ball identified by the 4th and by the 5th witness being found in the Shop, that the deed was perpetrated with that ball, or with the Gun of the Prisoner.

6. The Court see no reason to doubt that

"not appear to have been in any wise implicated)
"immediately upon the report of a Gun being fired
"off within 20 feet of the Shop where the deceased
"was found murdered, and but having declared to
"these individuals as well as to the 6th and 8th wit-
"nesses and the Prosecutor who came up soon after,
"that the Prisoner had shot him because of some
"dispute regarding a small quantity of pepper
"that he owed him the fact of the deed being
"perpetrated with the Gun returned loaded to
"the prisoner by the 3rd witness three days before
"the murder, is clear, from the circumstance of
"the Iron ball (part of the charge) identified
"by him and the 4th witness who made it, being
"found in the Shop after having rebounded
"from the wall, where it struck and the lead an-
"nealing having been discovered and taken out of
"the door frame where it had lodged, added to
"the circumstance of the Gun being also found
"the day after concealed where the prisoner men-
"tioned it to be, and apparently in the condition
"as if it had been lately discharged."

3. On a consideration of the evidence before them, the Court of Fongaree Udalut concur in the 1st Judge of the Provincial Court in considering the evidence as to the Prisoner's having been seen running away with a Gun, incredible, inasmuch as it appears that such a circumstance

circumstance would not only naturally have been told immediately by the 1st and 2nd witnesses not merely to one (as they assert) but to all who came there just after them and especially to the Adhigarayan's arrival, but it would have led to the prisoner's instant arrest whereas it appears from the evidence of the Adhigarayan's son recorded at Page 160 that "No one said any "thing against the prisoner before the discovery "of the balls" and this assertion is confirmed by the evidence of Podraporail Coonky Coolly Ally at page 154 and by other testimony.

4. The Court of Fongaree Udalut also dissent from the late 3rd Judge in their opinion that there is sufficient proof of the denouncement of the Prisoner by the deceased immediately after he was shot. It appears to them beyond a doubt that the deceased did not declare that he had seen the prisoner fire, though it appears that he did allude to his Pepper transactions with the Prisoner and may have intimated his suspicions against him.

5. Neither does it appear clear to them from the circumstance of the iron ball identified by the 4th and by the 5th witness being found in the shop, that the deed was perpetrated with that ball, or with the [illegible] the Prisoner.

6. [illegible] doubt that

10th July, 1840.

that the iron ball was made by the 5th for the 4th witness, but it appears from the additional evidence now received that it required some Diligence for the discovery of this ball, which was searched for with lights. It was not at all at first drawn, and, what is very suspicious, it was found by the 6th and 4th witnesses either of whom may have placed it, where it was found. Nor was it at all compared with the mark on the mud wall, which it was asserted to have struck, so as to prove it to have been one of the identical balls used in the Murder.

7. The Court are not prepared to assert that a spent ball might not have struck the mud wall which may have been sufficiently hard to have caused it to rebound. But there is not sufficient proof that the gun was loaded with that ball, for entertaining suspicion respecting the finding of the iron ball, and discrediting entirely the evidence of the 4th and 2nd witnesses, the Court of Fouzdaree Udalut are unable, even allowing all due weight to the evidence respecting the concealment of the gun, to consider the evidence on record, in this trial to be satisfactory to prove that the gun produced was that used in the murder.

8. The Court of Fouzdaree Udalut cannot pass from the consideration of this case without

J. No:

10th July, 1840.

recording their regret at the inefficient manner in which the trial was conducted both by the late 3rd Judge of the Provincial Court and by the Acting Joint Criminal Judge. Indeed from the failure on the part of Mr. Boileau to cross question the witnesses respecting the inconsistent statements they made at the different examinations relative to the disclosures of the deceased Moosun Coolly, and with reference to the unqualified opinion expressed by him in his letter of reference, that there is sufficient proof of the denouncement of the Prisoner by the deceased immediately after he was shot. the Court are led to apprehend that he could not have perused, with deliberation and reflection, the proceedings of the subordinate authorities. A course of conduct wholly irreconcileable with the due discharge of the solemn duties of a Judge of Circuit.

Ordered, that Extract from these Proceedings be sent to the 1st Judge of the Provincial Court of Circuit in the Western Division for his information, with directions to furnish a copy of the same to the late 3rd Judge of that Court.

(Sent following letter No 971.)

Rec

Read Return dated the 29th ultimo
from the Provincial Court of Circuit in the
Northern Division to the precept of the Tuesday
Notabut of the 25th June 1840 directing the re-appre-
hension and commitment of the Thug Prisoner
Rahmoo for trial before the Court of Circuit.

(Here enter F. No. 1261 of 1840)

Read letter dated the 4th instant
from the Acting 2nd Judge of the Provincial
Court of Circuit in the Centre Division with
copy of the Primary Calendar for the Chittoor
3rd Quarterly Sessions of 1840.

(Here enter F. No. 1267 of 1840)

Read letter dated the 30th ultimo
from the 2nd Judge on Circuit in the Western
Division, transmitting a Statement of Batta paid
to the Prosecutors and Witnesses who attended
before the Court of Circuit at Canara for the
1st Sessions of 1840.

(Here enter F. No. 1270 of 1840)

J. C.:-

Saturday
11th July 1840

At a Court of the Foujdaree Udalut

Present,

John Bird Esqre ——— 1st Judge
Alexr Duncan Campbell Esqre 2nd Judge
Henry Dickinson Esqre ——— 3rd Judge

Read letter dated 27th Ultimo from
the 1st Judge of the Provincial Court in the Eastern
Division, submitting for the consideration and final
sentence of the Foujdary Udalut, the record of the trial
in Case No. 1 on the Tellicherry 3rd Additional
Calendar for the 2nd Quarterly Sessions of 1840.

(Here enter J. C. No. 1258.)

Mr. Bird
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
"Jean Carrotu Amboothy"
is sufficient to convict him of the crime of murder, do
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

Proceedings.—

1. The presiding judge submits his opinion that the crime of murder is clearly proved against the prisoner.—

2. But on the grounds that some allowance may be made for the irritation of the Prisoner in the encroachment whether real or imaginary—the 1st Judge has recommended that the prisoner should be sentenced to imprisonment for life.—

3. The Court of Zillah Adalut do not concur in the sentence proposed by the 1st Judge.—

4. It appears that in the scuffle the prisoner was the aggressor for whether or not the deceased had encroached on the prisoner's land he might have adopted more justifiable means for deciding that point than by proceeding with violence to pull up the trees which the deceased had planted.—

5. In the scuffle moreover the Court can find nothing to ground the act of the prisoner in drawing his knife and using it against his adversary. It is decided in evidence as having been a mere pushing of each other without the passions of the parties having been worked up to that pitch when the actions may be considered not to be completely under the control of reason.—

reason.—

6. Under this view of the case, and particularly with reference to the great prevalence of the crime of which the prisoner is convicted in Malabar, the Court are of opinion that they could not be justified in mitigating the prescribed punishment in favor of the prisoner.—

Ordered, that Extract from these Proceedings be sent to the 1st Judge of the Provincial Court of Circuit in the Western Division for his information and guidance.—

Sent following letter No. 979.

Read letter dated the 1st Instant from the Acting 1st Judge of the Provincial Court of Circuit in the Northern Division, transmitting English Translations of the Record in Case No. 1 in the Wynaad Supplemental Calendar for the 2nd Quarterly Sessions of 1840.—

Vide letter No. 1277.

Mr Campbell
and
Mr Dickinson

The Court of Zillah 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

Keerty Letchymalai Sanjeevi

is sufficient to convict her of the crime of murder, do

convict

11th July 1810.

convict her thereof, and under the provisions of Section x Regulation VIII of 1802, sentence her to suffer death by being hanged — at the usual time and place of execution.—

(Sent following letter No 980.)

Read letter dated the 15th Ultimo from the Magistrate of Pajahmundry, stating that before submitting to Government his defence of a complaint filed against him by one Potoolee Vencatareddy for not allowing him to proceed as Vakeel on behalf of Settalah Ammanah and Ganoogah Boochanah, in a case in the Magistrate's Office, he takes leave under the provisions of Section x Regulation II of 1802 to submit to the Court of Foujdaree Udalut the sentence passed by him in the case, and the extract from the Calendar submitted to the 3rd Judge presiding at the 1st Sessions of 1810.—

(Here enter No 1196.)

The Court of Foujdaree Udalut are prohibited corresponding by letter with parties in Suits, but the Court of Foujdaree Udalut observe that Section x Regulation II of 1802 forms no bar to the jurisdiction of the Zillah Courts in the case referred to.—

Ordered, that Extract from these proceedings

2 F. U.
11th July 1810.

proceedings, together with the papers which accompanied the Magistrate's letter of the 15th Ultimo, be forwarded to the Magistrate of Pajahmundry.—

(Sent in No 981.)

J. U.

Monday,
13th July 1840.

At a Court of the Poydaree Adalut.

Present

John Bird Esqre ——— 1st Puisne Judge
Alexr Duncan Campbell Esq 2d Puisne Judge
Henry Dickinson Esqre — 3d Puisne Judge

Read petition presented on the 30th
March last by Vincatarayn Pillay, Mookhtyar Parker
in behalf of Dasayn Tamapala Comara Bistnama
Selby and 16 others, inhabitants of the Pillah of
Chittoor -

Here enter J. U. A. C. No 34 of 1840

Read also petition presented on the
27th April last by the same parties -

Here enter J. U. A. C. No 349 of 1840 /

With reference to the above Petitions,
the Court of Poydaree Adalut direct that the
Provincial Court of Circuit in the Centre Division
be called upon to submit for their consideration,
copies of the Talked No 32 which is stated in
Petition No 34 to have been issued on the 26th
April 1839 by the Magistrate of Chittoor to the
Head of Police, and of the return and its enclosures
received

received from the Magistrate, to the precept of the Court of Circuit of the 29th November 1839, as referred to in the Proceedings of the Court of Circuit of the 24th December 1839.—

Ordered that Extract from these Proceedings be sent to the Provincial Court of Circuit in the Centre Division for their information and guidance by precept returnable in five days from and after its receipt.—

(Sent following precept No. 982.)

Read Miscellaneous Petition presented on the 29th June 1840 by Vakeel T. Appah in behalf of Sarooroo daughter of Duvarry Soogy of Vizagapatam—

(Here enter Pet. M. D. No. 50 of 1840.)

1. The Petitioner, adverting to a charge of adultery brought against her, and Soorie Narrain Row, before the Magistrate of Vizagapatam, represents that the complaint was preferred by her husband from whom she had been divorced in August last at the instigation of the Assistant Moonshee in the Collector's Cutcherry Moonganoory Chittambram, and Ruckarlah Somiah the Ameen of the Surwaseedy Talook and Asad Shee of the Talooks of Poyaiarum; in consequence of the enmity entertained by them as well as by Mr. Mason the

the Assistant Collector against Narrain Row, the proprietor of Poyaiarum in the village in which the Petitioner dwells, as also against his servant Poyaiara poo Dashahy, because they did not interfere in preventing the inhabitants of Poyaiarum &c. from presenting petitions to the authorities complaining of the oppressive acts to which they were subjected by Mr. Mason and the public servants above named.—

2. The Petitioner signifies her intention of preferring a complaint before the Magistrate against Moonganoory Chittambaram, Ruckarlah Somiah and her late husband Coomadoo Ven Rapah respecting the unfounded charge of adultery made against her, and she prays the Court, as she is apprehensive that the influence possessed by these individuals might be used in corrupting her witnesses, to issue orders to the Magistrate of Vizagapatam speedily to admit her complaint, examine her witnesses, and afford her redress.—

3. The Court of Foujdaree Udalut see no reason to interfere in behalf of the Petitioner in the manner prayed for. She can herself apply to the Magistrate and she is at liberty to sue in the Civil Courts

Courts for damages on account of any defamation of her character.—

4. The Court of Foujdaree Udalut however highly cannot allow the injurious imputations contained in this petition against the character of Mr. Mason to pass unnoticed, and to mark their sense of the misconduct of the Vakeel T. Asspah who presented it they direct that he be fined in the sum of 20 Rupees.—

Ordered, that this Petition be rejected and that copies of these Proceedings be furnished to the Petitioner's Vakeel on his application.—

Read Miscellaneous Petition presented on the 6th July 1840 by Permul of the Zillah of Bellary.

(Here enter Mi. P. No. 69 of 1840.)

1. The Petitioner represents herself to be the mother of the 1st and 2nd prisoners in Case No. 15 on the Bellary Calendar for the 2nd Sessions of 1839 who were convicted before the Acting 2nd Judge of the Provincial Court of Circuit in the Centre Division, of highway Robbery and sentenced to 14 years imprisonment &c. with hard labor in irons.—

2. The Petitioner asserts the falsity of the charge and the entire innocence of the accused, and declares that her sons and the other prisoners

in

in the case were placed in confinement and sent up to the Criminal Court by the sinister influence of the Peons who were entrusted with a warrant to apprehend the perpetrators of the robbery.—

3. In conclusion she prays the Court will call for the proceedings held in this case and order the release of her son, after taking proper security if necessary from the Zamindar's Sayanee.—

4. The Court of Foujdaree Udalut having referred to the Calendar see no reason to question the propriety of the conviction complained of, but adverting to the statement made by the Petitioner that the present Acting 1st Judge who late on Circuit after a perusal of the record of the trial directed her to petition the Court of Foujdaree Udalut for the release of her children, on the ground of the impropriety of the conviction. The Court of Foujdaree Udalut direct that a copy of this Petition be sent to Mr. Lewin, and that he be requested to state whether there is any truth in this allegation.—

Ordered, that Extract from these proceedings be sent to the Acting 1st Judge of the Provincial Court of Circuit in the

Centre

Centre Division, and that copy of these Proceedings be furnished to the Petitioner on her application.

(Stamp in No 983.)

Read Miscellaneous Petition presented on the 29th June 1840 by Condoo of the Zillah of Chittoor.

(Here enter F. C. No 83 of 1840.)

1. The Petitioner represents himself to be the relative if Raman who as the 1st Prisoner in Case No 1 of the Chittoor Calendar for the 2nd Quarterly Sessions being charged with breaking into the house of Cadrayalum Ragavacharry and robbing therefrom property valued at Rupees 148 and 1 Anna was convicted and sentenced to imprisonment with hard labor in irons for seven years.

2. The Petitioner avers that his son is a young man of 16 years of age who was through the evil counsel of the other prisoners induced to join them on the occasion of the robbery but that he neither aided in the perpetration nor participated in the fruits of it. and he cites the circumstance of his son having confessed, as a proof of the innocence of purpose in the part of his son in accompanying the other prisoners.

3. In conclusion the petitioner prays the Court to call for and peruse the proceedings held in the trial and issue a precept to the 3rd Judge of the

the Provincial Court in the Centre Division, directing him to release the prisoner on competent security or to modify the sentence passed on him by reducing the period of his imprisonment.

To The Court of Foujdaree Adalut presume that the circumstances of the case and the age and condition of the offending party received due consideration from the Acting Third Judge: but before disposing of the prayer of this Petition, the Court resolve to direct that a copy of it be sent to Mr Hasky with direction that in reference to the statements made in it, he do reconsider whether there are any grounds for a mitigation of the sentence passed on the prisoner in question.

Ordered, that Extract from these Proceedings be sent to the Acting 3rd Judge of the Provincial Court of Circuit in the Centre Division and that copy be also furnished to the Petitioner on his application.

(Stamp in No 984.)

Read the Criminal Reports for the month of May 1840 submitted by the Criminal Judge of Bellary.

(Here enter No 1177.)

Cases Nos 71 and 84.

The Court of Foujdaree Adalut

trust

13th July 1840

trust that no further delay will be experienced in disposing of Cases Nos. 75 and 84 of the Bellary Criminal File.—

Case No. 83 2. From the abstract of the evidence in Case No. 83 it would appear that the crime of House-breaking was proved against the prisoners Ganasah and Ramprasad;— the Court of Foujdaree Udalut desire therefore to be informed why the prisoners were not punished under Clause 6th Section II Regulation XI of 1822 instead of being required to give security for their future good behaviour and appearance when required within the period of 6 Months.—

No. 87 3. The Judges desire to know whether in this Case batta was paid to the prisoner previous to his escape.—

Ordered that Extract from these proceedings be forwarded to the Criminal Judge of Bellary for his information and guidance by precept returnable in 5 days from and after its receipt.—

(Sent following precept No. 986.—

Read the Reports for the Month of May 1840 submitted by the Criminal Judge of Malabar.—

(Here enter No. 1237)

J. C.

13th July 1840.

Case No. 84 1 A copy of the remarks recorded by the Criminal Court on Case No. 84 should be communicated to the Acting Magistrate of Malabar in view to the manner of Cahiod being advised of the impropriety of forwarding persons to the Criminal Court on insufficient grounds.—

Case No. 86 2. The Court of Foujdaree Udalut desire to be informed if the prisoner in Case No. 86 has been unconditionally released from confinement or placed under charge of friends who have become responsible for his future conduct; the Court desire also to be informed if the wounding charged against the prisoner in Case No. 49 was of a nature ordinarily Cognizable by the Criminal Court.—

Cases Nos. 91 & 93 3 The remarks recorded by the Criminal Court respecting the character of the prisoners concerned in the Cases noted in the margin should be communicated to the Magistrate of the District in view to the prisoners being proceeded against under Clause 1st Section III Regulation II of 1822 should there appear to the Magistrate to be grounds for such a proceeding.—

Case No. 94 4. The Judge now on Circuit in the Western Division is directed to look into the proceedings

proceedings of the Criminal Court in Case No 58 and should he be of opinion that a further inquiry into the charge preferred against the prisoner in that Case is practicable and requisite for the ends of justice, he will direct such additional inquiry to be made, and the result to be communicated to the Court of Circuit collectively for their orders.-

Ordered that Extract from these proceedings be forwarded to the Criminal Judge of Malabar for his information and guidance by precept returnable in 5 days from and after its receipt.-

(Sent following Precept No 986)

Ordered also that a copy of para 4 of these proceedings be forwarded to the Judge on Circuit in the Western Division for his information and guidance.-

(Sent in No 987.)

Read the Criminal reports for the month of May 1810 submitted by the Acting Criminal Judge of Canara.-

(Here enter No 1212)

Case No 59. 1. In Case No 59 the prisoner was charged with having entered the Prosecutor's son to a jungle, on a false pretext, and taken off the ornaments on

on his person valued at Rupees 13-2-0.-

2. The Assistant Criminal Judge states that it appears from the deposition of the Prosecutor's son, that he voluntarily accompanied the Prisoner, and on his (Prisoners) representing to him that there were thieves in the neighbourhood, allowed him to take off his ornaments.- The Assistant Criminal Judge submits his opinion that the evidence is merely circumstantial, that it is nevertheless sufficient to warrant him in convicting the Prisoner of the crime charged against him, and he accordingly sentences him to 3 Months imprisonment with hard labour in irons under Section VII Regulation X of 1816.-

3. The sentence awarded appears to the Court of Foujdary Adalut to be a very lenient punishment for the offence charged against the prisoner, and they desire to be informed of the age of the Boy "Ummoo," of whose jewels the prisoner fraudulently possessed himself.

Case No 67. 4. In Case No 67 the prisoner stood charged with having robbed the prosecutrix of her personal ornaments valued at 8 Rupees while she was going along the Road.-

No

5. No mention is made of the nature of the evidence given by the Prosecutrix, but if she also recognized the prisoner, the evidence adduced would appear to have been sufficient to justify his commitment.

6. The Court of Foujdaree Adalut await a further explanation of the evidence adduced against the prisoner in this Case.—

Cases Nos. 62 & 68. 7. The Court of Foujdaree Adalut trust that every exertion will be made speedily to dispose of the Cases noted in the Margin, in which much delay in closing the examination has occurred; but whether from unavoidable circumstances cannot be ascertained because the Report under review does not contain any explanation why the

See also Cases Nos. 83 and 84. cases could not be disposed of.—

8. Accordingly the Acting Criminal Judge is required to cause such information to be exhibited in all future Reports submitted to the Court of Foujdaree Adalut &.—

Case at No. 5. 9. With reference to the case noted in the Margin, the Court wish to know how the basons supplied to the Koys are distinguishable from other basons.—

Ordered that Extract from these proceedings

proceedings be forwarded to the Acting Criminal Judge of Canara for his information and guidance by precept returnable in 7 days from and after its receipt.—

(Sent following precept No. 988.)

Read return dated 19th Ultimo from the 3rd Judge of the Provincial Court of Circuit in the Northern Division to the precept of the Foujdaree Adalut of the 3rd Ultimo conveying their remarks and orders on the Rajahmundry Calendar for the 1st Sessions of 1840.

(Here enter Ct. No. 1215.)

1. Adverting to the observations of the 3rd Judge in the 9th para of the above return the Court of Foujdaree Adalut are constrained to remark that his reference to the Circular Order of the 23rd November 1820 as authorizing him to pass sentence in Case No. 16, in which the prisoners had been acquitted by the Law Officer because "no injury was received by the inmates of the plundered house", betrays an unaccountable misconception of that order, which refers exclusively to cases of gang robbery in which in consequence of his concurrence with his Law Officer in the absence of graver personal injury, the Judge presiding at the trial is declared competent to proceed to sentence the prisoners

to

to certain specified terms of imprisonment.

2. And since it would appear from the remarks contained in the succeeding para of the return that the 3rd Judge is still in doubt as to the course to be adopted by him with reference to this case, the Court of Foujdaree Adalut resolve to instruct him to cancel the warrant issued by him to the Criminal Judge of Rajahmundry and to transmit to the Foujdaree Adalut an English translation of the proceedings in accordance with the provisions of Section XXII of Regulation VII of 1802.

3. With his return the 3rd Judge submits an explanation from the Law Officer of the Court regarding the several points called for in the proceedings of the Foujdaree Adalut above quoted.

4. With reference to his omission to specify all the grounds in bar of the specific penalty of And the Law Officer states that "as there is no necessity according "to the Law that the grounds under which 2nd And would be barred should be inserted in the futwahs as I was not aware of the Circular Order of the Court of Foujdaree Adalut dated 22nd July 1822 and as none of the Circuit Judges ordered me to mention the said grounds in the futwahs according to the said Circular

Circular Order I did not distinctly insert the same
See in Original in the Futwahs.

5. The Court of Foujdaree Adalut trust that the standing orders in question having been now brought to the notice of the Cazee Hajy Mahommed Yacoob ally will in future be attended to by that Officer, who has betrayed great ignorance of the code enacted for his guidance.

Ordered that Extract from these proceedings be sent to the 3rd Judge of the Provincial Court in the Northern Division for his information and guidance.

(Sent in No. 989.)

Read letter dated the 1st instant from the 1st Judge of the Provincial Court of Circuit in the Western Division, forwarding copies of the Tellicherry Calendars for the 2nd Quarterly Sessions of 1840 and a Statement required by the Circular Order No. 4 dated the 5th July 1834.

(Here enter No. 1276.)

Case No. 1 Add. Cal. No. 1 In Case No. 1 Additional Calendar the presiding Judge concurred with his Law Officer in convicting the prisoner of the crime of perjury, but "as the prisoner is old and the matter abjure was

"was not very important," he submits that the prisoner should be punished by imprisonment and hard labor in irons for three years.-

2. The Court of Zoujdaree Adalut having duly considered all the circumstances of this case, resolve under the authority vested in them by Clause third, Section III Regulation 14 of 1825, to accede to the recommendation of the Presiding Judge; and accordingly they authorize that Officer to pass the mitigated sentence above indicated upon the prisoner

Choondela Komaudy

"Cunnun" alias "Cunnun Numbiar."

Ordered that Extract from these proceedings be forwarded to the 1st Judge of the Provincial Court of Circuit in the Western Division for his information and guidance.-

(Sentn No. 990.)

Read letter dated the 6th Instant from the Magistrate of Salem, bringing to the notice of the Court of Zoujdary Adalut that some time since a robbery having been committed in the Paraunthy Talook the Moonsiff of Ramadivagoundumpolium, Mootoo Kurpa Coundren, by his activity in the duties of his Office was mainly instrumental in securing the gang

gang, a number of whom are under committal to take their trial for the offence at the next Jail delivery, that the above mentioned person having come to Salem to give his evidence in the case was on the morning of the 4th Ultimo murdered near the river at that station, that the most active enquiries were immediately set on foot - and that five persons have been apprehended, and requesting that the two persons named Arnoothum and Soobaroyen, who confess themselves to have been accessories to the crime, may be admitted to give evidence in the case.-

(Here enter No. 1289.)

The Court of Zoujdaree Adalut having maturely considered the circumstances represented in the letters from the Magistrate and Joint Magistrate of Salem now recorded, resolve under the authority vested in them by Section XII Regulation XIII of 1832 to sanction the offer of a pardon to the prisoners

Arnoothum

and

Soobaroyen

on the terms and conditions specified in Section XX Regulation XIII of 1802.-

Ordered

Ordered that Extract from these proceedings be forwarded to the Magistrate of Salem for his information and guidance.

Ordered also, that the original papers forwarded with the above letter be returned to that Office.

(Sent in No. 991.)

Read letter dated the 8th Instant from the Acting 2nd Judge of the Provincial Court of Circuit in the Centre Division, transmitting statement as required by Circular Order No. 4.

(Here enter No. 1302.)

Read letter dated the 7th Instant from the 3rd Judge late on Circuit in the Southern Division, stating with reference to P.P. proceedings of the 3rd Instant, that his return of the 22nd Ultimo was made from Cotacamund whither he had proceeded to visit the jail.

(Here enter No. 1303.)

Read Supplemental Return dated the 7th Instant from the 3rd Judge late on Circuit in the Southern Division, to the Precept of the Fouzdaree Adalut of the 30th May last, conveying their observations and orders on the Salem Calendar for the 1st Sessions of 1840.

(Here enter No. 1304.)

Read

Read letter dated the 9th Instant from the Acting 2nd Judge of the Provincial Court of Circuit in the Centre Division, forwarding copy of the Chittoor 1st Supplemental Calendar for the 3rd Quarterly Sessions of 1840.

(Here enter No. 1309.)

Read return dated the 9th Instant from the Criminal Judge of Combaconum to the precept of the Fouzdaree Adalut dated 3rd July 1840 directing that the provisions of Clause 6th Section II Regulation VI of 1822 be substituted for those of Section XII Regulation X of 1816 in the sentence passed by the Pundit Juv Ameen in Case No. 40 on the Combaconum Criminal file.

Exd. 15

(Here enter No. 1310.)

F. 116.

Tuesday
14th July 1840.

At a Court of the Foujdaree Adalut

Present,

John Bird Esqre 1st Puisne Judge
Alexr Duncan Campbell Esqre 2nd Puisne Judge
Henry Dickinson Esqre 3rd Puisne Judge

Read the Criminal Reports for the month of May 1840 submitted by the Joint Criminal Judge of Coimbatore.

(Here enter No 1123.)

Case No 53.

1 The Court of Foujdaree Adalut see reason to doubt the propriety of the Conviction of the prisoner concerned in Case No 53, and accordingly they resolve to instruct the Provincial Court of Circuit in the Southern Division to call for the proceedings in the case, and to proceed thereon as directed in Section XXIV Regulation X of 1816.

Cases Nos 638 & 9.

2 In the cases noted in the margin, the late acting joint Criminal Judge has in both instances quoted Clause 6th Section II Regulation VI of 1822, and Clause 4th Section III Regulation VI of 1822, in justification of the sentences passed by him in those cases.

3 In the former case however the sentence was awardable only under Clause 4th Section III, and in the latter

Case

case only under clause 6th Section II Regulation VI of 1822, and the citation therefore of both Sections in each Case was improper.

Case No. 54. 4. If the evidence in Case No. 54 goes to prove that the 1st Prisoner stabbed the 1st witness with a knife the indictment to be laid before the Court of Circuit should contain a charge to that effect.

Ordered, that Extract from these proceedings be forwarded to the Joint Criminal Judge at Coimbatore for his information and guidance

(Sent in No. 994.)

Ordered also, that a Copy of para 1 of these proceedings be forwarded to the Provincial Court of Circuit in the Southern Division for their information and guidance.

(Sent in No. 995.)

Read the Criminal reports for the month of May 1840 submitted by the Criminal Judge of Chittoor

(Here enter No. 1176.)

Cases Nos. 76, 78. 1. The Court of Foujdaree Udalut seeing reason to doubt whether Cases Nos. 76 and 78 of the Supplemental Report have been properly disposed of, resolve to direct the Provincial Court of Circuit in the Centre Division to call for the proceedings in those cases, and to proceed thereon as directed in Section XXIV Regulation X of 1816.

Case No. 84. 2. The Court of Foujdaree Udalut are of opinion that the evidence of the 1st witness in this case was not sufficient to justify a demand of security, and accordingly they resolve to direct the unconditional release of the prisoner from Confinement.

Case No. 87. 3. The Criminal Judge in his order to the Pundit Sudr Ameen requiring him to amend the Sentence originally passed upon the prisoner in Case No. 87 should at the same time have pointed out to the Sudr Ameen that the Regulation quoted by him was inapplicable and moreover had been rescinded.

Case No. 92. 4. In preparing the indictment, to be laid before the Court of Circuit with the proceedings in this case, the Criminal Judge will be careful to charge the prisoner with having uttered a forged document, knowing it to be forged, false and fraudulent.

Case No. 100. 5. The circumstances connected with the detention in the Talook of the five prisoners concerned in Case No. 100, from the 3rd April to the 11th May last, appear to

to have been already reported to the Joint Magistrate of the District, and accordingly the Court of Fouzdaree Udalut resolve to direct that the Joint Magistrate be called to explain whether the great delay in this Case was satisfactorily accounted for by the Police Ameen, and if not whether any notice was taken of the conduct of that Police officer.

Case No. 103. 6. The Criminal Judge is directed to cause the Sentence passed by the Sudr Ameen on the 2nd prisoner in Case No. 103 to be amended, by recording the period of imprisonment awarded under Clause 4th Section IV. Regulation VII of 1822.

Case No. 107. 7. Adverting to the remarks recorded by the Criminal Court on Case No. 107, the Court of Fouzdaree Udalut desire that the Acting Head Assistant be called upon, thro' the Magistrate of the District, to explain the grounds on which he forwarded the prisoner Runjapah to the Criminal Court, on a charge of Perjury.

Case No. 108. 8. The Court of Fouzdaree Udalut see reason to doubt whether the conviction and punishment of the prisoner Concerned in Case No. 108 was proper, and they resolve therefore to instruct the Criminal Judge to look into the proceedings of the Pundit

Sudr Ameen, and to report to the Court of Fouzdaree Udalut whether under the Circumstances the prisoner was deserving of punishment for the neglect of duty imputed to him.

Ordered, that Extract from these proceedings be forwarded to the Criminal Judge of Chittoor for his information and guidance by precept returnable in 7 days, from and after its receipt.

(Sent following precept No. 996).

Ordered also, that a copy of para. 1 of these proceedings be forwarded to the Provincial Court of Circuit in the Centre Division for their information and guidance.

(Sent in No. 997.)

No. Qu.? Read the Criminal Reports for the month of May 1840 submitted by the Acting Criminal Judge of Cuddapah.

(Here enter No. 1153)

Case No. 76 1. The Court of Fouzdaree Udalut on full Consideration of the Circumstances connected with Case No. 76 of the Supplemental Report are not of opinion that any sufficient grounds exist for the requisition of Security from the

the prisoner Togata Ramadoy, and accordingly they direct his unconditional release from confinement.-

Case No 93. 2. The Moftee Sudr Ameen disposed of this case without examining 15 witnesses; the Acting Criminal Judge should satisfy himself that the Mooftey was correct in supposing that these witnesses could give no Evidence material to the case.-

Case No 94. 3. The Court of Fonjdaree Udalut desire that the Judge on Circuit in the Centre Division, and at present at Cuddapah will look into the proceedings of the Criminal Court in Case No 94, and should he be of opinion that a further enquiry into the charge, is practicable and requisite for the ends of justice, he will proceed as directed in Section XXIII. Regulation X of 1816.

Case No 95. 4. The Charge of Perjury prefered against the prisoner in Case No 95 originated with the Criminal Court itself, and the Report shews that the prisoner was "apprehended in "the Criminal Court on the 11th of May;" the Court of Fonjdaree Udalut desire therefore to be informed why the Examination of the Case was not commenced upon before the close of that month.-

The

5. The Reports under consideration exhibit a large arrear of cases on the Criminal File, and it will be the duty therefore of every officer attached to this Court, European or Native, exercising Criminal Jurisdiction to use his utmost exertions to dispose of this arrear in order to prevent any such accumulation for the future.-

6. The Court of Fonjdaree Udalut moreover direct that in future more attention be given to the correct preparation of these Reports, the Charges in many Cases require amendment, but in Case No 104 the charge is wholly unintelligible,- the prisoner is Stated to be charged "with having on the 6th February "1840 defrauded the Government of duty due "on wooden materials, and sold it."-

Ordered that Extract from these proceedings be sent to the Criminal Judge of Cuddapah for his information and guidance by precept returnable within 5 days from and after its receipt.-

(Sent following Precept No 998)

Ordered also that a Copy of para. 3 of these proceedings be forwarded to the Acting 3rd Judge on Circuit in the Centre Division for his information and guidance.-

(Sent in No 999.)

Read

F.U.
14th July 1840.

Read Extract from the Proceedings of the Provincial Court of Circuit in the Centre Division forwarding with their opinion and Remarks for the consideration of the Sudder Udalut, Copy of a letter from the Criminal Judge of Cuddapah and its enclosures relative to a case of Fraud in No. 56 of 1840 on the Cuddapah Criminal file.

(Here enter F.U. No. 1182 of 1840)

No Copy.

1. It appears from the papers submitted by the Criminal Judge of Cuddapah that a case was forwarded to him by the Magistrate in which a prisoner was charged with having obtained money under false pretences, by representing that his bandies had been broken down, and he had not the means of repairing them, or bringing them on to Cuddapah and at the same time promises to repay the amount borrowed with goods on their arrival at Cuddapah. Whereas in fact the prisoner had neither bandies nor goods, and that notwithstanding the expressed opinion of his Law officer, that the offence was not punishable by the Mahomedan Law, the Criminal Judge had nevertheless "detained "the prisoner in custody as a vagrant, as he "seems to be one, and had made a reference "to the Magistrate respecting him."

2. The Court of Sudder Udalut

Concur

F.U.
14th July 1840.

concur in opinion with the Judges of the Provincial Court that the Criminal Judge was not justified in adopting this proceeding.

3. If the Law Officer declared that the offence was not punishable under the Mahomedan Law, it was the duty of the Criminal Judge immediately to have released the prisoner, and to have made a reference to this Court if he doubted the correctness of his Law officers exposition of the Mahomedan Law.

4. The words in the concluding part of the Circular Order quoted - "at "liberty to bring to the notice of the — " "Sudder Udalut" &c. do not authorize the detention of the prisoner in custody, by the subordinate officer, for the purpose of obtaining authority to punish him, but merely confers on Criminal or Joint Criminal Judges the liberty to bring to the notice of the Sudder Udalut any particular offence, declared not to be punishable under the Mahomedan Law, and which shall appear to them sufficiently injurious to the community to call for some legislative enactment, denouncing a penalty against its practice.

5. If the Criminal Judge was

of

of opinion that there was good and valid ground for believing the prisoner to be a vagrant, the Court of Foujdaree Udalut concur with the Provincial Court in considering that his proper course would have been to have sent the Prisoner to the Magistrate with a letter stating his opinion of the man.-

6. Questioning the correctness of the opinion delivered by the Law officer of the Court at Cuddapah the Court of Foujdaree Udalut resolve to put a question to their Law officer from whose reply it appears that the prisoner was under the circumstances of the case, liable to vagrancy according to the extent of his crime.-

7. The Court of Foujdaree Udalut accordingly direct that a copy of their question and of the reply of their Law officers be furnished to the Criminal Judge of Cuddapah for his information and future guidance.-

8. The Court in Conclusion observe that this mode of address adopted by the Criminal Judge of Cuddapah in communicating with the Magistrate on this occasion was irregular and not in adherence with the instructions laid down in the Circular Order of the Foujdaree Udalut dated 28th July 1821.-

Ordered

Ordered that Extract from these proceedings be sent to the Provincial Court of Circuit in the Centre Division for their information and guidance with directions to communicate the same to the Criminal Judge of Cuddapah.-

(Sent in No. 1000.)

Read letter dated the 30th ultimo from the Acting 1st Judge of the Provincial Court of Circuit in the Northern Division, submitting copy of the Masulipatam primary and Supplemental Calendars for the 3rd Quarterly Sessions of 1840.-

(Here enter No. 1259.)

Case No. 1 Primary Calendar.

1. This case was committed for trial under the orders of the Provincial Court of Circuit.-

2. The Circumstance of such order having been passed by the Provincial Court of Circuit was communicated to the Court of Foujdaree Udalut by the 1st Judge in his Report for the 1st Quarterly Sessions of 1840; and in the Proceedings of this Court of 29th June 1840, the Judges recorded the following observations on the subject of such Commitment.-

"With respect to Case No. 1 of
"the 1st Petty Calendar, the Court of

Foujdaree

J. U.
14th July 1840.

"Tonjdaree Udalut observe that the Court of
"Circuit erred in ordering the Prisoner in
"this case to be committed for trial at the
"Quarter Sessions. The impropriety of the
"Proceedings of the Joint Criminal Judge at
"Masulipatam, in passing in the first instance
"so inadequate a * Sentence on the Prisoner,
"should have been noticed with decided
"disapprobation - but it has been repeatedly
"ruled by the Court of Tonjdaree Udalut,
"that when a Sentence of punishment has
"been declared and in part executed, the
"Prisoner should have the benefit of the
"errors committed in his case, and should
"not be a second time brought to trial for
"the same offence."

* The Prisoner convicted of Burglary and Theft of property to the value of Rupees 5 11 2 - was sentenced to two years imprisonment and hard labour in irons.

"The Judges of the Court of
"Tonjdaree Udalut remark that this case
"was committed on the 11th March last, and
"therefore was disposed of before the receipt
"in this Court of the report of the 4th Quarterly
"Sessions of 1839 - on the 2nd of May last; -
"they abstain however from making any -
"further remarks on the subject at present -
"but will on the receipt of the Calendar
"for the above Sessions pass such orders
"on the case, as may deem to them to be
"requisite."

3. The Court of Tonjdaree Udalut observe

J. U.
14th July 1840.

observe that the Calendar containing this case should have been submitted by the Acting 1st Judge immediately after the Case had been disposed of, and not detained until the termination of the Quarter.

4. The Acting 1st Judge - Concurring with his Law Officer in the Conviction of the prisoner D. Venkata Gopaldoo, has sentenced him to 7 years imprisonment with hard labor in irons; upon the grounds however recorded in the above quoted proceedings of the Tonjdaree Udalut of the 29th Ultimo, the Court resolve to set aside this Conviction by the Acting 1st Judge and to desire that the former Sentence of 2 Years imprisonment with hard labor in irons, passed by the Assistant Criminal Judge be allowed to take effect.

Ordered, that Extract from these proceedings be forwarded to the Acting 1st Judge of 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. 1001.)

Read letter dated the 1st Instant from the Magistrate of Bellary, - Submitting

F. U.
14th July 1840.

"Foujdaree Udalut observe that the Court of
"Circuit erred in ordering the Prisoner in
"this case to be committed for trial at the
"Quarter Sessions. The impropriety of the
"Proceedings of the Joint Criminal Judge at
"Masulipatam, in passing in the first instance
"so inadequate a * sentence on the Prisoner,
"should have been noticed with decided
"disapprobation - but it has been repeatedly
"ruled by the Court of Foujdaree Udalut,
"that when a Sentence of punishment has
"been declared and in part executed, the
"Prisoner should have the benefit of the
"errors committed in his case, and should
"not be a second time brought to trial for
"the same offence."

* The Prisoner convicted of Burglary & theft of property the value of Rupees 116-8-0 was sentenced two years imprisonment and hard labour in irons.

"The Judges of the Court of
"Foujdaree Udalut remark that this case
"was committed on the 11th March last, and
"therefore was disposed of before the receipt
"in this Court of the report of the 4th Quarterly
"Sessions of 1839 - on the 2nd of May last, -
"They abstain however from making any -
"further remarks on the subject at present,
"but will on the receipt of the Calendar
"for the above Sessions pass such orders
"on the case, as may deem to them to be
"requisite."

3. The Court of Foujdaree Udalut observe

F. U.
14th July 1840.

observe that the Calendar containing this case should have been submitted by the Acting 1st Judge immediately after the Case had been disposed of, and not detained until the termination of the Quarter.

4. The Acting 1st Judge - Concurring with his Law Officer in the Conviction of the prisoner D. Vencata Gopauldoy, has sentenced him to 7 years' imprisonment with hard labor in irons; upon the grounds however recorded in the above quoted proceedings of the Foujdaree Udalut of the 29th Ultimo, the Court resolve to set aside this Conviction by the Acting 1st Judge, and to desire that the former Sentence of 2 Year's imprisonment with hard labor in irons, passed by the Assistant Criminal Judge be allowed to take effect.

Ordered, that Extract from these proceedings be forwarded to the Acting 1st Judge of 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. 1001.)

Read letter dated the 1st Instant from the Magistrate of Bellary, -

Submitting

J. U.
14th July 1840.

"Tonjdaree Udalut observe that the Court of
"Circuit erred in ordering the Prisoner in
"this case to be committed for trial at the
"Quarter Sessions. The impropriety of the
"Proceedings of the Joint Criminal Judge at
"Masulipatam, in passing in the first instance
"so inadequate a * Sentence on the Prisoner,
"should have been noticed with decided
"disapprobation - but it has been repeatedly
"ruled by the Court of Tonjdaree Udalut,
"that when a Sentence of punishment has
"been declared and in part executed, the
"Prisoner should have the benefit of the
"errors committed in his case, and should
"not be a second time brought to trial for
"the same offence."

* The Prisoner convicted of Burglary and Theft of property to the value of Rupees 5 11/12 was sentenced to two years imprisonment and hard labour in irons.

"The Judges of the Court of
"Tonjdaree Udalut remark that this case
"was committed on the 11th March last, and
"therefore was disposed of before the receipt
"in this Court of the report of the 1st Quarterly
"Sessions of 1839 - on the 2nd of May last,
"they abstain however from making any
"further remarks on the subject at present,
"but will on the receipt of the Calendar
"for the above Sessions pass such orders
"on the case, as may deem to them to be
"requisite."

3. "The Court of Tonjdaree Udalut observe

J. U.
14th July 1840.

observe that the Calendar containing this case should have been submitted by the Acting 1st Judge immediately after the Case had been disposed of, and not detained until the termination of the Quarter.

4. The Acting 1st Judge concurring with his Law Officer in the conviction of the prisoner D. Vencata Gopauldoo, has sentenced him to 7 years imprisonment with hard labor in irons; upon the grounds however recorded in the above quoted proceedings of the Tonjdaree Udalut of the 29th Ultimo, the Court resolve to set aside this Conviction by the Acting 1st Judge and to desire that the former Sentence of 2 Years imprisonment with hard labor in irons, passed by the Assistant Criminal Judge be allowed to take effect.

Ordered, that Extract from these proceedings be forwarded to the Acting 1st Judge of 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. 1001.)

Read letter dated the 1st Instant from the Magistrate of Bellary, -

Submitting

FM

14th July 1840 Submitting a return to the Precept of the Court of Circuit, requiring him under the authority vested in the Acting 1st Judge by Section III Regulation XIII of 1832 to dismiss the Surchesthuna and Duffadar forthwith or to state his objections to the measure.

(Here enter FM No. 1272)

Read return dated the 30th Ultimo from the Agent and Magistrate of Vizagapatam, to the Precept of the Tonjdaree Udalut dated the 16th Ultimo, directing him to proclaim the Sentence passed by the Tonjdaree Udalut in No. 18 of 1840 on the file of the Governor's Agent at Ganjam, as a warning to subordinate Officers of the Police against carrying into execution illegal orders of the Superior Police Officers.

(Here enter FM No. 1275)

Read letter dated the 4th Instant from the Acting Magistrate of Cuddapah, submitting the explanation called for in the Proceedings of the Tonjdaree Udalut dated the 30th April last, relative to certain cases on the Cuddapah Criminal Reports for the month of March 1840.

(Here enter FM No. 1279)

Read letter dated the 2nd Instant from the Magistrate of Masulipatam stating,

FM

14th July 1840. stating, with reference to the Proceedings of the Court of Tonjdaree Udalut dated 26th May last, reasons for the delay occurred in Case No. 20 and for illegal detention of the Prisoners in Case No. 29 of the Criminal report of Masulipatam for the month of April 1840.

(Here enter FM No. 1280)

Read return dated the 4th Instant from the 3rd Judge late on Circuit in the Southern Division, to the precept of the Tonjdaree Udalut of the 30th June 1840, directing the release of the prisoners Videlingapadiachy and Narrinapadiachy, in case No. 1 on the Supplemental Calendar for the 1st Sessions of 1840.

(Here enter FM No. 1281)

Read Supplemental Return dated the 4th Instant from the 3rd Judge late on Circuit in the Southern Division, to the precept of the Tonjdaree Udalut of the 8th June 1840, Conveying their observations and orders on the Coimbatore Calendar for the 1st Sessions of 1840.

(Here enter FM No. 1287)

Read letter dated the 6th Instant from the acting 3rd Judge on Circuit in the Centre Division, Reporting the opening

F.U.

14th July 1840 opening of the 2nd Sessions of 1840 at Cuddalore on the 6th Instant, and the State of the Calendar.—

(Here enter F.U. No. 1288)—

F.U.

Wednesday 15th July 1840. At a Court of the Foujdaree Udalut

Present

John Bird Esquire—1st Puisne Judge

Alexr Duncan Campbell Esqre—2d Puisne Judge

Henry Dickinson Esquire—3d Puisne Judge

Read letter dated the 26th Ultimo from the 1st Judge of the Provincial Court of Circuit in the Western Division submitting for the consideration and final sentence of the Foujdaree Udalut the record of the trial in Case No. 1 on the Tellicherry 2nd Additional Calendar for the 2nd Quarterly Sessions of 1840.—

(Here Enter F.U. No. 1257 of 1840)

Mr Campbell 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 prisoners

1st Poodiaporail Tarowye Coompally

2d Leilara Ahmod alias Cheekhy Ahmod

and

3d Poolakoottatil Ally alias Comichy Ally

is sufficient to convict them of the crime of

Murder

Murder do. convict them thereof, and under the provisions of Section X Regulation VIII of 1802 sentence the prisoners

1st Doodia porail Tarawye Comyalley

and

2d Leilara Ahmod alias Chekkey Ahmod

to suffer death by being hanged as soon as conveniently can be after the receipt of this warrant at a spot to be selected by the Joint Criminal Judge of Malabar in the immediate vicinity of the place where the murder was committed and the prisoner

3d Dola Koottalil Ally, alias Comichy Ally,

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

1. The Court of Foujdaree Udalut have much satisfaction in recording their concurrence with the recommendation made by the 1st Judge in the concluding Parah. of his letter of reference, and as a mark of the estimation

estimation in which the services of the Jailor are held, and of the approbation of which his zeal and integrity as displayed by the record of this trial are considered to be deserving as well as an encouragement to "such zeal" in others, "and to show that "good rewards will not be wanting even "for the discovery of the murderers of a "beggar," the Court of Foujdaree Udalut possess under the authority vested in them by the provisions of Section XXIIId Regulation IX of 1810 to confer on the Jailor Canote Manally a reward of (200) two hundred Rupees, which they direct may be presented to him in open Court in as public a manner as possible.—

2. The Court have not considered this a case requiring the two first prisoners to be gibbeted.—

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

(Sent in No. 1002.)

Read

15th July 1840.

Read again letter dated the 6th January 1840 from the Criminal Judge of Combaconum, recommending the adoption, generally of the plan introduced by the European Jailor at Combaconum, of wearing a cloth of a particular pattern, for the vests of the Convicts in the Jail.—

(Here enter F.No. 37.)

Read also letters dated respectively the 23rd April the 8th April the 26th May the 25th May 1840 from the Provincial Courts in the Northern, Centre, Western and Southern Divisions— forwarding with reference to the Circular letter of the Sunjdaree Udalut under date the 27th February 1840— the reports of the several Officers in charge of Jails respecting the adoption of a particular pattern of clothing for the Convicts, as suggested by the Criminal Judge of Combaconum.—

(Here enter F.No. 827-683. 1018 and 1012.)

1. The general adoption of the plan proposed by the Criminal Judge of Combaconum would doubtless render it difficult

difficult for a Prisoner to dispose of his jail clothing, but the Court do not anticipate that in cases of escape the use of such clothing would afford any additional chance of detection— because it would readily occur to a convict to throw off such jail clothing immediately on his effecting his escape.—

2. It appears from the reports submitted by the officers in charge of the Jails in Bellary, Chingleput, Canara, Trichinopoly and Salem, that a trifling additional expense for dyeing the portion of thread used for the stripe, would be incurred by the introduction of a jail cloth of the pattern proposed.—

3. In Cuddalore, Madura and Tinnevelly systems similar to the one proposed by Mr. Lewin, have been for some time in operation— and the officers in charge of the Jails in those Districts speak with great confidence of the advantages resulting therefrom.—

4. The Returns of the other several Officers in charge of Jails in each Division

15th July 1840.

Read again letter dated the 6th January 1840 from the Criminal Judge of Combaconum, recommending the adoption, generally of the plan introduced by the European Jailor at Combaconum, of wearing a cloth of a particular pattern, for the use of the Convicts in the Jail.—

(Here enter F.No. 37.)

Read also letters dated respectively the 23rd April the 8th April the 26th May the 25th May 1840 from the Provincial Courts in the Northern, Centre, Western and Southern Divisions— forwarding with reference to the Circular letter of the Sonjdance Udalut under date the 27th February 1840— the reports of the several Officers in charge of Jails respecting the adoption of a particular pattern of clothing for the Convicts, as suggested by the Criminal Judge of Combaconum.—

(Here enter F.No. 827-683. 1048 and 1012.)

1. The general adoption of the plan proposed by the Criminal Judge of Combaconum would doubtless render it difficult

F.No.

15th July 1840.

difficult for a Prisoner to dispose of his jail clothing, but the Court do not anticipate that in case of escape the use of such clothing would afford any additional chance of detection— because it would readily occur to a convict to throw off such jail clothing immediately on his effecting his escape.—

2. It appears from the reports submitted by the officers in charge of the Jails in Bellary, Chingleput, Canara, Trichinopoly and Salem, that a trifling additional expense for dyeing the portion of thread used for the stripe, would be incurred by the introduction of a jail cloth of the pattern proposed.—

3. In Cuddalore, Madura and Tinnevelly— systems similar to the one proposed by Mr. Lewin, have been for some time in operation— and the officers in charge of the Jails in those Districts speak with great confidence of the advantages resulting therefrom.—

4. The Returns of the other several Officers in charge of Jails in each Division

Division show that the adoption of the plan would be attended with no additional expence whatever.—

5. The Officer Commanding the Nilgherries however adverting to the clothing at present supplied to the Convicts in the Jail at Ootacamund, remarks that "however "beneficial the adoption of the clothing "recommended by the Criminal Judge of "Combaconum might be in the low country, it "would be useless on the Hills and an "unnecessary expenditure."—

6. The Court of Fouzdaree Udalut concur in opinion with Colonel Kling and accordingly they do not propose that any alteration should be made in the clothing worn by the Convicts employed at Ootacamund.

7. The Judges of the Fouzdaree Udalut are however of opinion that at the Stations the objects of the proposed plan are very desirable—and being also attainable at a trifling expence they beg to recommend that the sanction of Government be obtained for its immediate adoption.—

Ordered

Ordered, that Extract from these proceedings be forwarded to the Chief Secretary to Government for the purpose of being laid before the Right Honorable the Governor in Council.—

(Sent in No. 1003.)

Read the Criminal Reports for the month of June 1840 submitted by the Joint Criminal Judge at Coimbatore.

(Here enter No. 1307.)

Case No. 60. 1. The Joint Criminal Judge erred in modifying the sentence passed by the Sudr Ameen in Case No. 60.—

2. Section II Regulation III of 1833 does not authorize the over-ruling of a sentence passed by a Sudr Ameen which may not be contrary to the Regulations as respects the punishment, nor contrary to justice as respects the conviction—except the punishment awarded may be either excessive, or altogether insufficient to meet the ends of justice.—

Case No. 64. 3. The Police Officer who forwarded Case No. 65 to the Criminal Court should be

be varied by the Magistrate of the District against forwarding Prisoners to the Criminal Court on insufficient grounds.—

Ordered, that Extract from these Proceedings be forwarded to the Joint Criminal Judge at Coimbatore for his information and guidance and with instructions to make the necessary communication to the Magistrate of the District.—

(Sent in No. 1004)

Read letter dated the 10th July 1840 from the Provincial Court of Circuit in the Centre Division submitting for the consideration and final sentence of the Tanjore Udalut an English translation of the record in Case No. 40 on the Cuddapah Calendar for the 2nd Sessions of 1839.—

(Here enter T. No. — No. 1315)

Mr. Bird and Mr. Campbell.

1. Before proceeding to judgment in this trial the Court of Tanjore Udalut are desirous of being informed of the result of the Proceedings instituted against the 1st Virtuous Veerasingandoo who is represented at Page 38 of the record to have been

"Sent

"Sent as a Prisoner to the Criminal Court

2. The Provincial Court of Circ
will accordingly obtain and submit with
the least practicable delay the requisite
information on this point.—

Ordered, that Extract from
these Proceedings be sent to the Provincial
Court of Circuit in the Centre Division
by precept returnable in 5 days from and
after its receipt.—

(Sent following precept No. 1005)

Read the Criminal Report
for the month of May 1840 submitted
by the Criminal Judge of Vizagapatam

(Here enter No. 1239.)

In the Statement appended
to these Reports it is shewn that 205
persons were in confinement in the Jail
at Vizagapatam on the 31st of May last,
the Court of Tanjore Udalut desire
to be informed of the description of prisoners
comprising this number; as from the
Statements before the Court they can account
for only 187 persons in confinement.—

Ordered

15th July 1840.

Ordered, that Extract from the proceedings be forwarded to the Joint Criminal Judge at Vizagapatam for his information and guidance.—

(Sent in Lr No 1006).

Read letter dated the 24th Ultimo from the Acting 1st Judge on Circuit in the Centre Division stating with reference to the Proceedings of the Foujdaree Udalut of the 16th Ultimo that the necessary orders have been issued to the Acting Criminal Judge regarding Case No 8. Chinglepet Calendar for the 4th Sessions of 1840.—

(Hereunto No 1211).

F. U.

Thursday, 16th July 1840.—

At a Court of the Foujdaree Udalut.—

Present

John Bird Esqre ——— 1st Puisne Judge.

Alexr Duncan Campbell Esqre 2nd Puisne Judge

Henry Dickinson Esqre — 3rd Puisne Judge

Read letter dated 10th May 1840 from the Agent to the Governor of Fort St George at Ganjam submitting for the consideration and final orders of the Foujdaree Udalut an English translation of the record of the trial in case No 20 of 1840 on his Criminal file.—

(Hereunto F. U. No 1248.)

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 Bundoodah.

2nd Lookayenna.

3rd Goondiyenna.

4th Govind Saboodu.

5th Lookia Sowrin.

and

6th Babun Santra.

is sufficient to convict them of the crime of murder by

by Thuggee, do convict them thereof, and, under the provisions of Section X Regulation VIII of 1802, sentence them severally to suffer death, as soon as conveniently can be after the receipt of this warrant, at such spots as shall be selected by the Agent to the Governor of Fort St. George at Ganjam, their bodies to be subsequently suspended in chains on high gibbets to be erected on those spots.

1. Admirably as this case has been got up and conducted throughout, it is with regret that the Court find it necessary to comment on a defect in it.

2. It is required by the Circular Order of the Foujdaree Adalut of the 16th May 1832 that all articles of stolen property which may be produced on a trial shall be numbered, that the witnesses by whom the property may have been discovered be invariably examined as to the particular articles found on each individual prisoner, and that throughout the examinations before the Magistrate &c. the number of every article referred to be specified.

3. In the proceedings before the Assistant General Superintendent in the present case the above standing order was completely lost sight of, the consequence of which was that much evidence which had the rule been observed would have been highly valuable, was rendered comparatively useless.

The

The Court accordingly resolve to direct

4. that the attention of Captain Vallancey be now drawn to the Circular Order in question with a view to his observing and enjoining on his native subordinates a strict adherence in future to the instructions therein laid down.

Adverting to the 25th Parah of Captain

5. Vallancey's letter to the Agent recorded at the commencement of the trial, in which he requests that in the event of any of the Prisoners not being found guilty of the charge of murder they may be returned to his custody and not released as he has other cases of murder against each of them. The Court of Foujdaree Adalut are of opinion that a Thug should on no account be brought to trial, under Act XXX of 1836 as required by the Circular Order No. 95 of the 25th November 1837 while he is liable to be indicted for murder itself.

6. In conclusion the Court of Foujdary Adalut have much pleasure in recording their satisfaction at the zeal and intelligence displayed by Captain Vallancey in tracing and apprehending the prisoners, and the perspicuity and attention evinced by him in collecting and preparing the evidence for the commitment of the prisoners: The Court have also remarked with much satisfaction the patience,

the

by Thuggee, do convict them thereof, and, under the provisions of Section X Regulation VIII of 1802, sentence them severally to suffer death, as soon as conveniently can be after the receipt of this warrant, at such spots as shall be selected by the Agent to the Governor of Fort St. George at Gunjam, their bodies to be subsequently suspended in chains on high gibbets to be erected on those spots.

1. Admirably as this case has been got up and conducted throughout, it is with regret that the Court find it necessary to comment on a defect in it.

2. It is required by the Circular Order of the Foujdaree Adalut of the 16th May 1822 that all articles of stolen property which may be produced on a trial shall be numbered, that the witnesses by whom the property may have been discovered be invariably examined as to the particular articles found on each individual prisoner, and that throughout the examinations before the Magistrate &c. the number of every article referred to be specified.

3. In the proceedings before the Assistant General Superintendent in the present case the above standing order was completely lost sight of, the consequence of which was that much evidence which had the rule been observed would have been highly valuable was rendered comparatively useless.

The

The Court accordingly resolve to direct

4. that the attention of Captain Vallancey be now drawn to the Circular Order in question with a view to his observing and enjoining on his native subordinates a strict adherence in future to the instructions therein laid down.

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the

16th July 1840.

the talent, and ability displayed by the Governor's Agent in the Conduct of this trial—

Ordered that Extract from these proceedings be sent to the Agent to the Governor of Fort St. George at Ganjam for his information.

(Sent following letter No. 1009.)

Read letter dated the 8th Instant from the acting 1st Judge of the Provincial Court of Circuit in the Northern Division—informing that copies of the Calendars called for by the Higher Court were submitted on the 30th Ultimo—

(Here enter No. 1318—)

Read return dated the 8th Instant from the 3rd Judge late on Circuit in the Northern Division to the precept of the Zeyjdaree Udalut of the 23rd Ultimo requiring him to state, whether he adopted Mr. Vaughan's plan of summoning witnesses, and if not to explain the circumstances which prevented him doing so—

(Here enter No. 1319—)

Read return dated the 6th Instant from the 3rd Judge late on Circuit in the Southern Division to precept of the Zeejdary Udalut of the 25th June 1840 stating that his return of the 12th Ultimo was made from Cotacamund whither he had proceeded to visit the Jail—

(Here enter No. 1320—)

Sep.

J. U.

Friday 17th July 1840. At a Court of the Zeyjdaree Udalut.

Present

John Bird Esq^re 1st Puisne Judge
Alex^r Duncan Campbell Esq^re 2nd Puisne Judge
Henry Dickinson Esq^re 3rd Puisne Judge

Read letter dated the 20th ultimo from the Provincial Court of Circuit in the Northern Division forwarding Copy of a letter from the Criminal Judge of Vizagapatam animadverting on the conduct of his Assistant Mr. Story, who, the Criminal Judge alleges, has made an unfounded Statement to the effect that a prisoner condemned to Death was on the morning appointed for her execution in a State of intoxication, or rather high excitement, by the use of Betel—

(Here enter Jt. No. 1709)

Read also letter dated the 22nd ultimo from the Northern Provincial Court, submitting Copies of a letter from the Assistant Criminal Judge Mr. Story, explaining the grounds of his opinion that the prisoner in question was in the said State or

the

the Morning of her execution.

(Here enter F/A No 1235.)

1. In his report the Criminal Judge of Vizagapatam calls the attention of the Judges of the Foujdaree Udalut to the manner in which Mr Story, his Assistant, has thought proper to reflect on his conduct, in allowing to the Prisoner in Case No 35, the indulgence of betel and nut, on the day preceding that appointed for her execution.

2. Mr Glass observes "if Mr Story considered it his duty to bring the circumstance to the notice of his Superiors, he should have done so by either a public or private letter to my address, when as a matter of Course an Enquiry into the matter would have been made," and not having adopted this course the Criminal Judge, Mr Glass, considers that Mr Story was actuated by some improper motive in mentioning the circumstance in his Report to be submitted to the Higher Court, certifying due execution of the warrant issued by the Court of Circuit.

3. Mr Story states that on his arrival at the place of execution, he was immediately

immediately struck with the extraordinary behaviour of the Prisoner, and with the wild and unnatural appearance of her eyes. He concluded that this had been produced by the too free use of betel nut which she was even at that time chewing, and he therefore, in his return to the Death warrant, after remarking that she expressed no contrition for her guilt, thought it his duty to bring to the notice of the Criminal Judge, the fact of her having been allowed the use of betel and nut. He however denies that he was actuated by any improper motives.

4. After maturely considering the Statements made by the witnesses examined before the Criminal Judge of Vizagapatam as to the State of the prisoner on the Morning of her Execution, the Judges of the Foujdaree Udalut are of opinion, that there was no sufficient ground to ascribe her State to the cause assigned by Mr Story, and they consider that Mr Story ought to have been quite sure of the correctness of his opinion, before he hazarded it in an official Report.

The

17th July 1840

5. The prisoner it appears received only 1 piece worth of Betel on the Morning of the day preceding that appointed for her execution, and this indulgence was granted to her at the recommendation of the Zillah Surgeon; accordingly the Court of Foujdaree Udalut are of opinion that Mr. Glass was not open to censure for any infringment of the Circular Order of the 2nd February 1835.

6. It was obviously Mr. Story's duty to notice any extraordinary conduct on the part of the prisoner in his report certifying the Execution of the Sentence, and the mere fact of his having communicated to the Criminal Judge in such report, his own impression of its cause, however erroneous was no sufficient ground for imputing improper motives to Mr. Story.-

Ordered that Extract from these Proceedings be sent to the Provincial Court in the Northern Division with instructions to forward Copies to Mr. Glass and Mr. Story.-

/Sent in No. 1012/

Read again letter dated 1st March 1840

17th July 1840.

1840 from the 3rd Judge on Circuit at Sessions in Southern Division Submitting for the confirmation and final sentence of the Foujdaree Udalut an English translation of the record of the trial in Case No. 12 on the Madura Calendar 1st Sessions of 1840.-

/Here enter F.H. No. 1458 of 1840/

Read Return dated 6th instant from the 3rd Judge of the Provincial Court of Circuit in the Southern Division to the precept of the Foujdaree Udalut of the 29th ultimo requiring a further return to the precept of the 31st March last regarding the case above recorded.-

/Here enter F.H. No. 1312./

Mr. Bird 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 prisoners

1st Soobun alias Sorbah pilly.

and

2nd Nammalwar.-

are not convicted of the crime of Murder on presumptive proof or on the evidence of credible witnesses or on their own confession,

acquit

17th July 1840

Consideration

ecgnizt them thereof but being of opinion that strong suspicion though not amounting to conviction attaches to the prisoner

2nd Nammalwar

they, under the provisions of Clause Sixth Section II Regulation XV of 1803, direct that he be required to find two Sureties in 50 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 as from the evidence addduced the prisoners

1st Sethumadas Sobakpilly

appears to be of such a Character as to render his release without substantial security unsafe and improper, the Court direct that he be required to produce two Sureties in 500 Rupees each Surety for his future good behaviour and appearance when required and that in default thereof, he be detained in confinement under the provisions of Clause Second Section X Regulation VI of 1827, and that at the close of [3] three years, should the Security not have been given, his Case be again brought under the consideration of the Court of Foujdaree Udalut.

The

17th July 1840.

The 3rd and 4th Prisoners in this Case have been required to furnish Security and the 5th Prisoner unconditionally released by the Court of Circuit.

1. The Court of Foujdaree Udalut entertain little doubt of the guilt of the 1st prisoner but the mystery in which the case is still involved renders it in their opinion unsafe to convict him on the evidence addduced.

2. The Court are of opinion that the contradictions and inconsistencies in the evidence of the 1st witness shew that he is not a person entitled to any credit and the Statements of the 1st prisoner regarding his transaction with that witness on the night of the murder appear also false.

3. There also is no sufficient proof in the Judgement of the Court that the Cloth No 2. belonged to the deceased - the single evidence of the washerwoman on this point is not to be relied on, and it is observed at Page 14 that the 3rd witness has sworn to it's being the property of the 1st Prisoner. -

The

17th July 1840.

4. The only facts proved against the second prisoner are that he was in possession of an article of Clothing not proved to have belonged to the deceased, and that he acknowledged himself in the Criminal Court to have been the owner of the dagger with which the murder appears to have been committed though he instantly retracted this admission.—

5. Although these facts might be taken to corroborate unexceptionable evidence they are of themselves alone insufficient grounds for convicting the prisoner.—

6. The Court of Fouzdaree Udalut under these circumstances do not consider that more than the strongest suspicion is established against the 1st and 2nd prisoners.—

Ordered that Extract from these Proceedings be sent to the 3rd Judge of the Provincial Court of Circuit in the Southern Division for his information.—

/Sent in No. 1013/.

Read letter and its enclosure dated the 6th Instant, from the Acting 3d

Judge

17th July 1840.

Judge on Circuit in the Centre Division forwarding copy of a return received from the Magistrate of North Arcot furnishing the explanation called for in the Proceedings of the Fouzdaree Udalut of the 26th Ultimo as to the circumstances under which the deposition of the deceased Shum Shair Baig Sobadar was taken by him in Tamil.—

/Here enter No. 1286/

The Judges of the Fouzdaree Udalut are of opinion that at Arcot, where the Mussulman population is considerable, there should be some one employed under the Ameen, capable of writing Hindoostanee and direct that the Magistrate in the Northern Division of Arcot do endeavour to effect that arrangement without additional expence to Government.

Ordered that Extract from these proceedings be sent to the Acting 3d Judge on Circuit in the Centre Division to be by him communicated to the Magistrate

of

17th July 1840.

of North Arcot for his information and guidance.-

/Sent in Rs. 1014-/-

Ind.

Sd

WS

Monday, 20th July 1840.

F. C.-

At a Court of the Foujdaree Adalut-

Present

John Bird Esqre. ——— 1st Puisne Judge-

WS Alexr. Duncan Campbell Esqre. 2d Puisne Judge-

Henry Dickinson Esqre. — 3d Puisne Judge-

Sd

Read letter dated 27th June 1840 from the 2nd Judge on Circuit in the Western Division submitting for the consideration and final sentence of the Foujdara Adalut the record of the trial in Case No. ton the Mangalore additional Calendar for the 1st Sessions of 1840-

/Here enter F. C. No. 1306/

The Court of Foujdaree Adalut on a deliberate consideration of all the circumstances of the case as recorded before them bring of opinion that the proof against the prisoner

Mr. Bird-

Mr. Campbell-

and

Mr. Dickinson-

1st Billa Daray-

is sufficient to convict him of the crime of murder, do 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, but being of opinion that the prisoner

2nd Subba-

is not convicted of the crime aforesaid on presumptive proof, or on the evidence of credible witnesses or on his own confession, to acquit him thereof, but considering that strong suspicion though not amounting to conviction attaches to him they under the provisions of Clause Sixth Section II Regulation XV of 1803 direct that he be required to furnish two sureties in 100 Rupees each surety for his good behaviour and appearance when required within 3 years or in default thereof that he be detained for 3 years in confinement.

The Court of Foujdaree Adalut have been unable to concede in the opinion of the Assistant Judge regarding the conviction of the 2nd Prisoner, and they considered it their duty to record an acquittal in his favor in as much as they are of opinion that without the confession of the 1st prisoner which cannot be admitted as evidence against him - there is nothing more than very strong suspicion established against him -

Ordered that a Extract from these proceedings be sent to the 2nd Judge late on Circuit in the Western Division for his information -

(Sent following letter No 1024.)

Read letter dated the 10th July 1840 from

from the 3rd Judge late on Circuit in the Northern Division submitting for the consideration and final sentence of the Foujdaree Adalut an English translation of the record of the trial in Case No 2 on the Vizagapatam Supplemental Calendar for the 1st Sessions of 1840 -

(Here enter F.A. No 1336.)

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

Mr Dickinson

"Tumpa Tammeegadoo"

is sufficient to convict him of the crime of perjury to convict him thereof, and under the provisions of Clause third Section III Regulation VI of 1811 and Clause first Section V Regulation VIII of 1831, 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 Six Calendar Months (6) -

The Court of Foujdaree Adalut concur with the 3rd Judge in opinion that the prisoner is duly convicted of the offence charged and that he was liable under Regulation VI of 1811 to the sentence proposed - But taking into consideration all the

circumstances

circumstances of the case and the ignorance of the prisoner who is a washerman the Court have judged it proper to instigate that punishment and sentenced him to imprisonment with hard labor in irons for six months by which they consider that justice will be amply satisfied.-

Ordered that Extract from these proceedings be sent to the 3rd Judge late on Circuit in the Northern Division for his information.-

(Sent following letter No 1025.)

Read Miscellaneous Petitions presented on the 29th June and the 6th July 1840 by Cogla Chinchoa Reddy of the Zillah of Nellore.-

(Here enter M. P. Nos 64 and 67 of 1840)

1. In the former of these Petitions the Petitioner repeats the request contained in his Petition No 32 of 1840 on which an order was passed by this Court of Foujdaree Udalut under date the 29th Ultimo.-

2. In the second he prays to be furnished with copies of the Report of the Head of Police of the Talook of the Canzee of the Provincial Court of the depositions given by the mother, brother and other relations of the deceased Ganadee and of those given by the 1st and 2nd witnesses in the case before the Head of Police and

and also with copies of the same depositions before the Criminal and Circuit Courts.-

3. And he requests the Court will order execution of the sentence passed against his brother to be suspended until a final decision is passed by the Court of Foujdary Udalut on the case No 8 of the Nellore Calendar for the 1st Sessions of 1840.-

4. The Petitioner is informed that the record of the case in question has been under their consideration and that the sentence of which he complains was passed after a mature consideration of all the circumstances of the case and will not be disturbed and that no appeal exists against the sentences of the Foujdaree Udalut.-

5. The Court further desire that it be intimated to the Petitioner that he is at liberty to take copies of the Jeneral documents applied for by him on his producing the requisite stamp'd papers.-

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

Read Miscellaneous Petition presented on the 6th July 1840 by Panapal of the Zillah

Zillah of Chittoor.

(Here enter M. P. No 1 of 1840.)

The Petitioner addresses to the Court of Sudder Udalut the present petition with reference to her former petitions Nos 29 and 31 of 1840 and the Court of Sudder Udalut finding in it nothing to induce them to alter the order recorded on the said Petitions Nos 29 and 31 of 1840 on the 29th Ultimo direct that the Petitioner be referred to that order.

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

Read petition received by Tappal, dated the 28th Ultimo from Paroomal and 2 others, Peons of the Zillah Court of Chinglepute now at Cuddapah.

(Here enter M. P. No 97.)

Also read Petition presented by Pamaul Cummapen Shaeagen and Vennasawmy the Peons of the Zillah Court of Chinglepute now at Cuddapah.

(Here enter M. P. No 1 of 1840.)

The Petitioners state that they requested Captain Hall when in charge of the Jail at Cuddapah, to increase their pay to 6 Rupees per

per mensem; that that gentleman did not comply with their request, but promised to transfer them to the Zillah once in 6 months, which was accordingly done on two or three occasions; that on the appointment of Captain Wooster to succeed Captain Hall in charge of the Jail at Cuddapah, they solicited that gentleman to transfer them to Chinglepute, and this he agreed to do once in 2 years. The Petitioners not being satisfied with this arrangement, pray that the Court of Sudder Udalut will be pleased to issue orders directing that either they be transferred to the Zillah of Chinglepute, or that their pay be increased to 6 Rupees per mensem.

2. The Court of Sudder Udalut observe that Government under date the 9th May 1836 authorized the payment of 6 Rupees per mensem to Peons employed at Cuddapah in charge of the convicts, and they direct therefore that Captain Wooster be requested to explain why the order in question was not carried into effect and why the sum of 6 Rupees per mensem should not in future be paid to the Petitioners.

Ordered that Extract from these proceedings be sent to Captain Wooster for his information and guidance.

(Entered No 1026.)

Read

20th July 1840.

Read letter dated 6th July 1840 from the Acting Criminal Judge of Payahmmoory forwarding the Criminal Reports of that Zillah for the month of June last.

(Here enter F.H. No 1321.)

The above reports do not appear to call for any remarks from the Court of Sungdaree Adalut.

Ordered accordingly that Extract from these Proceedings be furnished to the Acting Criminal Judge of Payahmmoory for his information.

(Sent in No 1027.)

Read return dated the 11th Instant from the Acting 3d Judge of the Provincial Court of Circuit in the Centre Division to the precept of the Sungdaree Adalut dated 6th Instant on the Calendars 8th and 9th Supplemental Calendars for the 2d Quarter Sessions of 1840.

(Here enter No 1324.)

Read return dated the 11th Instant from the Criminal Judge of Salem to the precept of the Sungdaree Adalut dated 8th July 1840 on the review of the Criminal Reports for the Month of May 1840.

(Here enter No 1326.)

Fo. 6.

Tuesday 21st July 1840.

At a Court of the Sungdaree Adalut.

Present.

John Bird Esqre — 1st Puisne Judge,
Alexr Duncan Campbell Esqre — 2d Puisne Judge,
Henry Dickinson Esqre — 3d Puisne Judge.

Read supplemental Return dated 7th Instant from the 3d Judge late on Circuit in the Southern Division to the precept of the Sungdaree Adalut of the 8th June last forwarding an English translation of the record of the case No 1 on the Coimbatore Calendar for the 1st Sessions of 1840.

(Here enter Fol. No 1314.)

1. The Court observe that in this case there are too many discrepancies in the evidence, for it to have been possible that the Prisoner should be convicted of the crime laid to his charge.—

2. The deceased is described to have been in a state of such complete exhaustion from the want of food, and from the effects of the climate, as to have been scarcely able to move with the load which he was carrying.

3. It is shown that the prisoner took the

the load from the deceased and gave it to another person, after which he proceeded onwards with the other coolies leaving the deceased to follow behind. The Court see but little room to doubt that the deceased, numbed as he was by the cold, sat down and that he died from the inclemency of the weather.—

4. The Court are therefore of opinion that the 3d Judge late on Circuit was correct in confirming the finding of acquittal declared by the Mahommedan Law officer and in causing the prisoner to be unconditionally released.—

Ordered, that Extract from these Proceedings be sent to the 3d Judge late on Circuit in the Southern Division for his information and guidance.—

(Sent in No. 1028.)

Read return dated the 8th instant from the 2d Judge on Circuit in the Western Division to the precept of the Conjeeveram Zillah dated the 26th June 1840 covering their observations and orders on the Honorable Sudder Calendar for the 1st Session of 1840.—

(Here enter No. 1332.)

Read letter dated the 10th instant from the Provincial Court of Circuit in the Southern Division reporting with reference

reference to para: 5 of the Proceedings of the Conjeeveram Zillah of the 6th instant that he has ordered the release of the prisoner in Case No. 56 of 1840 of the file of the Criminal Court of Combaconum.—

(Here enter No. 1339.)

Read letter dated the 14th instant from the Acting Magistrate of Tanjore submitting the explanation called for in the Proceedings of the Conjeeveram Zillah dated the 6th instant relative to Case No. 74 on the Combaconum Criminal Reports for the Month of May 1840.—

(Here enter No. 1342.)

Read letter dated the 15th instant from the 3d Judge late on Circuit in the Northern Division transmitting a Statement of Batta paid to the Prosecutor and witnesses during their attendance before the Court of Circuit at Vizzagapatam for the 1st Session of 1840.—

(Here enter No. 1344.)

Read Statement dated the 30th Ultimo from the Acting Criminal Judge of Chingleput shewing the amount realized by the labour of the Prisoners

21st July 1840.

Criminal in the Zillah of Chingleput for the 2d quarter of 1840.-

(Recentor No. 1346.)

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E.B.

Wednesday, 22d July, 1840.

At a Court of the Supreme Judicature

Present

John Bird Esqre ——— 1st Puisne Judge,

Alexr Duncan Campbell Esqre 2d Puisne Judge,

Henry Dickinson Esqre ——— 3d Puisne Judge.

Read the Criminal Reports for the Quarter of June 1840 submitted by the Acting Court Criminal Judge of Chingleput.-

(Recentor E.B. No. 1322.)

Report No. V

Case No. 67.

1. With reference to the remarks recorded by the Court Criminal Judge in this Case the Court of Sudder Adawlut are of opinion that if the original sale of the bullocks has been traced to the 1st prisoner it is to be concluded that he stole them, and he ought to have been thus charged.-

Case No. 73.

2. In this case two prisoners were charged the 1st with having received concealed and melted up a gold ornament called Cutcheum valued at 15 Rupees which had been found in the road in the month of March, by the Prosecutrix, to whom he paid Rupees 4-4- as the price thereof, and the 2d with having assisted the 1st in melting up and altering the ornament

appearance

appearance of the said jewel.—

3. If the Prosecutrix recomes the price of the jewel from the 1st Prisoner the Court do not understand why she preferred a complaint against him and they therefore desire further information on this point.—

4. Acts adverting to the order passed by the Joint Criminal Judge. "That it is proper to dispose "both the 1st Prisoner and Prosecutrix of the ornament "in question. The Court are of opinion that unless its owner can be found the Jewel should be returned "to the 1st Prisoner who appears to have purchased it "from the Prosecutrix."—

Case No 74. 5. The 4 Prisoners in this case were forwarded to the Criminal Court on the charge of having stolen from the Cattle yard of the Prosecutor in his field three bullocks valued at 35 Rupees.—

6. The 1st and 2d Prisoners have been sentenced to be imprisoned with hard labor in irons for one year and the 3d and 4th to find security for their good behaviour for one year.—

7. The Court observe that no sufficient grounds are assigned for the conviction of the 1st two Prisoners

Prisoners of having stolen the cattle and further explanation is therefore requisite. The Court also require to be informed how these Prisoners accounted for having recovered the stolen cattle.—

8. The Court further direct that an explanation may be given as to the grounds on which the 1st Prisoner in this case has been held to security unless it was upon strong suspicion of some specific act of criminality the requisition would not be supported by the authority cited.—

Ordered, that Extract from these Proceedings be sent to the Acting Joint Criminal Judge at Trichinopoly for his information and guidance by precept returnable in 6 days from and after its receipt.—

(Vide following Precept No 1030.)

Read letter dated the 7th instant from the Officiating Criminal Judge of Ellaganpatam informing the Judges of the Circars Establishment that the Quarterly statement required by Circular Order No 88 has not been sent, there being no entry to be made in it.—

(Here enter No 1352)

Read

22d July 1840.

Read letter dated the 15th instant from the 2d Judge or Circuit in the Northern Division reporting the receipt of a Supplemental Calendar from the Criminal Judge of Vellore.

(Here enter No. 1366.)

Thursday, 23d July, 1840.

At a Court of the Foujdaree Udalut.

Present,

John Bird Esqre ..... 1st Puisne Judge,

Alexr Duncan Campbell Esqre 2d Puisne Judge,

Henry Dickinson Esqre ..... 3d Puisne Judge,

Read letter dated the 17th Instant, from the Provincial Court of Circuit in the Centre Division transmitting an English translation of the Records in case No. 41 of the Cuddapah Calendar for the 2d Sessions of 1839.

(See enter F 16 No. 1355 of 1840)

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 prisoner

Mr Bird and Mr Campbell.

2d Valooree Vencatah

is not convicted on presumptive proof, or on the evidence of credible witnesses, or on his own confession of the crime of robbery, do acquit him thereof, and, under the provisions of clause 2d 5th Section II Regulation XV of 1803, direct that he be set at liberty.

The 1st prisoner was at the recommendation of the Court of Circuit sentenced to the mitigated sentence of 3 Years imprisonment with labor in irons

(Sent following letter 1036)

Read letter dated the 7th Instant from the

23rd July 1840

the Acting Criminal Judge of Canara forwarding the Criminal Reports of that Zillah for the Months of June last.—

(Here enter S.H. No. 1316)

Supplemental Report Case No. 62.

1 Two prisoners are charged in this case with "having in their possession 30 bottles of Liquor liquor valued at Rupees 1-3-50."

2 The Sudr Ameen Mostly considering the charge proved against both prisoners Sentenced them each to pay a fine of 15 Rupees or in default to be imprisoned for 2 Months under Clause ninth Section VI Regulation I of 1820.—

3 The Court of Sonjdaree Udalut require to have further information of the grounds on which Sentence was passed on the prisoners under the provisions cited.— As far as the Court are able to judge from the entry of the case in the report, it does not appear to them that the Offence charged can be brought within the scope of Clause nine Section VI Regulation I of 1820, since it is not shown that the prisoners were proved either to have erected a Still, established a Shop, or sold liquor without a license.—

Case No. 83.

4 The Court of Sonjdaree Udalut do not desire now to disturb the order recorded in this case; but they are of opinion that the Acting Criminal Judge would have been warranted in Committing the prisoners to trial, on the evidence adduced.—

Adverting

23rd July 1840.

Case No. 86

5 Adverting to the charge in this case, the Court are of opinion that the Criminal Judge was not justified in referring the case to the Sudr Ameen, since from the "severity of the wounds" inflicted on the prosecutrix it might have become necessary that the prisoner should be committed to take his trial before the Court of Circuit.—

Report No. V Case No. 91

6th The Prisoner who in this case was charged with selling arrack without a license was released by the Pundit Sudr Ameen on the ground that there was only one witness to his having sold the arrack without a license.

7th The Court direct that it be intimated to the Pundit Sudr Ameen that even a single witness, if his testimony be credible, has been ruled to be sufficient for the conviction of a prisoner.—

Case No. 92

8th The Court seeing reason to doubt the sufficiency of the evidence for the conviction of the prisoner in this case, resolve to direct the Acting Criminal Judge to examine the record, and if he shall find that the Pundit Sudr Ameen has taken a wrong view of the case, to direct the remission of the fine in the event of its having been paid.—

9th Should however the prisoner have undergone the Sentence of imprisonment awarded in default of the payment

payment of the fine, the Acting Criminal Judge will point out to the Sudr Ameen his error reporting for the information of the Fouzdaree Adalut what he may have done in pursuance of this order.—

Case No. 93 10 The Prisoner in Case No. 93 was charged with selling arrack without a licence and the Pundit & Sudr Ameen being of opinion that it was proved that the arrack found in the prisoners house was kept by him for sale, sentenced him to pay a fine of 10 Rupees or in default to be imprisoned for 15 days.—

11 The Court of Fouzdaree Adalut desire to be informed how the fact of the prisoners having kept the arrack for sale was established.—

Case No. 100 12 The Court conclude that in this case the offence charged and proved against the prisoner was, having in his possession Smuggled tobacco knowing it to have been such.— It is remarked now even that no mention has been made of the prisoner's being aware that, that the tobacco in question had been Smuggled in the charge entered in this report.—

Case No. 102 13th A similar remark is applicable to the charge in this case, and with reference to the observation made by the Acting Criminal Judge on this Case that,

"there

"there is no proof in support of the charge". The Court of Fouzdaree Adalut direct that a Copy of the Case as it stands in the Report and of this para, be sent by the Criminal Judge to the Magistrate, who will enquire into the conduct of the Tashildar of Bantwall, and report direct to the Fouzdaree Adalut what notice he has deemed proper to take of it.—

Case No. 105 14 The Prisoners are charged in this Case on the 1st count, the 1st prisoner with having with a view of defrauding the Prosecutor, caused the fabrication of a deed of Division, purporting to have been executed by the Prosecutor and 2 witnesses to himself, the 2d Prisoner with having attested the deed, and the 3d with having written the same.—

15 On the 2d count, the 1st and 2d Prisoners are charged with having with intent to defraud the Prosecutor Babor alias Madiwa, uttered the above forged instrument by filing it before the Tashildar of Bantwal, in an enquiry held by him in consequence of an arzee presented by the Prosecutor.—

16 The Court of Fouzdaree Adalut conclude that it is intended to charge the 1st prisoner in the 1st Count of the charge, with having caused the fabrication of a false deed;— and in the second count, to charge the 1st and

2d—

2d. prisoners with having altered the above forged instrument

9ans. knowing that it was forged.—

17 The attention of the Acting Criminal Judge will accordingly be called to the omission of these particulars, in the charge recorded in the Report with a view to its amendment.—

18 The Court of Sonjdaree Adalut observe that at the close of the month of June, 29 prisoners were reported to be sicke, and that in the report of the preceding month, there were 5 deaths and 32 sicke at the close of the month:— they accordingly resolve to direct that the Judicial officer in charge of the convicts, be called on to submit a report on the cause of this great sickness in the Jail at Canara

Ordered that Extract from these Proceedings be sent to the Acting Criminal Judge of Canara by precept returnable in 8 days. from and after its receipt

/ Sent following precept No. 1037.—

Read return dated the 17th Instant from the Criminal Judge of Chittoor to the precept of the Sonjdaree Adalut of the 11th Instant, conveying their observations and orders on the Criminal Reports for the Month of May 1840.—

/ Here enter J.R. No. 1367 of 1840 /

Read return dated the 15th Instant from the

Criminal Judge of Madura, to the precept of the Sonjdaree Adalut of the 6th Instant, conveying their observations and orders on the Criminal Reports for the Month of May 1840.—

/ Here enter J.R. No. 1369 of 1840 /

Read letter dated the 14th Instant from the Magistrate of Salem, submitting the explanation called for in the Proceedings of the Sonjdaree Adalut dated the 1st Ultimo, relative to Cases Nos. 64 and 77 on the Salem Criminal Reports for the month of April last.—

/ Here enter J.R. No. 1374 of 1840 /

Read Statement dated the 1st Instant from the Criminal Judge of Combaconum, of the Amount realized by the Labor of the Prisoners in the 2d Quarter of 1840.—

/ Here enter J.R. No. 1387 of 1840 /

Read letter dated the 20th Instant from the Acting Deputy Secretary to Government, communicating with reference to para. 7 of the Proceedings of the Sonjdaree Adalut of the 23d April 1840, copy of an Extract from the Minutes of Consultation in the Military Department and its enclosures relative to the State of roads in the vicinity of Bellary.—

/ Here enter J.R. No. 1393 of 1840 /

Read letter dated the 11th Instant from the

the Acting 1st Judge on Circuit in the Centre Division, —
transmitting the death warrant in Case № 17 on the Bellary
Calendar for the 1st Sessions of 1840 which has been duly
executed —

/Here enter F.R. № 1396 of 1840/

Read letter dated the 21st Instant, from
the 2d Judge on Circuit in the Northern Division, reporting
that the usual Proclamation has been issued to the Acting
Joint Criminal Judge of Guntoor for the opening of the
Sessions at that Station on the 11th Proximo —

/Here enter F.R. № 1405 of 1840/

Read Letter dated the 17th Instant, from
the 1st Judge of the Provincial Court of Circuit in the
Western Division, transmitting a Statement of Batta paid
to Prosecutors and Witnesses during the 2d quarterly Sessions
of 1840 at Tellicherry —

End 7th. /Here enter F.R. № 1406 of 1840/

F.R.

Friday,
24th July 1840 —

At a Court of the Foujdaree Adalut —

Present —

John Reid Esqre ——— 1st Puisne Judge —
Alexr Duncan Campbell Esqre 2d Puisne Judge —
Henry Dickinson Esqre 3d Puisne Judge —

Read letter dated the 13th Instant
from the Criminal Judge of Combaconum, —
transmitting the Criminal Reports of that Court
for the month of June last —

/Here enter F.R. № 1349/

These Reports do not appear to
call for any remark from the Court of Foujdaree
Adalut —

Ordered accordingly that Extract
from these Proceedings be sent to the Criminal
Judge of Combaconum for his information and
guidance —

(Sent in a/c 1038) 1s

Read letter dated the 11th of July 1840
from the 3d Puisne Judge on Circuit in the Northern
Division

Division submitting for the consideration and final sentence of the Zillah Court of Jaffna Eddalut an English translation of the record of the trial in Case No. 2 on the Criminal Calendar for the 1st Sessions of 1840.-

(Here enter S.C. No. 1381 of 1840.)

The Court of Zillah Court of Jaffna Eddalut 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 Coorapanthy Venkiah

2nd Sherranoo Samanah

and

3rd Sherranoo Ramanapah

is sufficient to convict them of manslaughter for which the penalty of Deyut is awardable under the Mahomedan Law, as declared in the futwas of their Law Officers, do convict them thereof and with reference to the provisions of Clause Second Section XV Regulation VII of 1802 do sentence the prisoner

1st Coorapanty Venkiah

to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of eight years (8) and the prisoner

2nd Sherranoo Somanah

to

to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of five years (5) The Court further sentence the prisoner

3rd Sherranoo Ramanapah

to be imprisoned without labor for and during the period of two years (2).-

In the above letter the 3rd judge has neglected to give any distinct opinion as to the crime of which he considers the prisoner convicted. The Court of Zillah Eddalut concur with Mr. Stronbom so far as to consider it proved that the deceased died by reason of the blows inflicted on him by the prisoners and as regards the fact of the homicide being established against all the prisoners by the evidence but as the ill-treatment does not appear to have been with a design of killing the deceased but merely of punishing him because he attempted to drive away some cattle belonging to the prisoners which had strayed into his field, the Court are of opinion that the case is one of culpable homicide only, and does not amount to murder, the crime with which the prisoners stand charged in the indictment.-

Under

2. Under a consideration of all the circumstances of the case, the Court of Poydaree Udalut have adjudged the 1st prisoner to be imprisoned with labor for 8 years and the 2nd prisoner for 5 years.

3. And adverting to the youth of the 3rd prisoner who is represented in the Proceedings before the Court to be 14 years old and before the Criminal Circuit Courts only 12 years of age and consequently considering that he cannot have inflicted any of the deadly blows, the Court have sentenced him to be imprisoned for 2 years without labor.

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

(Sent following letter No. 1039)

Read letter dated the 11th Instant from the Acting Joint Criminal Judge of Trichinopoly transmitting a Statement of the actual produce of the labor of the Prisoners in the Jail at Trichinopoly for the 2nd Quarter of 1840.

(Here enter No. 1328)

F. 96.

Saturday, 25th July 1840.

At a Court of the Poydaree Udalut.

Present

John Bird Esqre 1st Puisne Judge.

Alexr Duncan Campbell Esqre 2d Puisne Judge.

Henry Dickinson Esqre 3d Puisne Judge.

Read letter dated the 10th Instant from the Agent to the Governor of Fort St. George in the Vizagapatam District, forwarding the Calendar of Cases disposed of by him during the quarter ending the 30th June 1840.

(Here enter No. 1311)

Case No. 11

1. The Court of Poydaree Udalut are of opinion that the evidence addduced against the prisoner in Case No. 11 as abstracted in the Calendar is not sufficient to justify his conviction of having been concerned in the Gang Robbery, committed in the Village of Nagarapoopollem on the 3rd December 1839 as it consists chiefly of evidence given in a separate trial and accordingly they resolve to suspend the sentence of 14 years imprisonment passed upon the prisoner Coomaraun Mootteegandoo, and

to

25th July 1840

to call for an English translation of the trial.

2. If the case was tried subsequent to the issue of the late rules, a reference, by letter, respecting it, would have been imperative, under Clause 5th Rule I. But as it was traded in the 28th April, it is concluded that it was tried previously to the receipt of them.

Ordered, that Extract from these proceedings be forwarded to the Agent of the Governor of Fort St. George in the Vizagapatam District for his information and guidance.

(Sentence No. 1041.)

Monday.
27th July, 1840.

At a Court of the Conjeveram Adawlut

Present

John Bird Esqr. ——— 1st Puisne Judge,

Alexr. Duncan Campbell Esqr. — 2d Puisne Judge,

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

Read miscellaneous Petition presented on the 29th June 1840 by Cundachee of the Zillah of Salem.

(Referred to No. 60 of 1840.)

The Petitioner represents himself to be the relation of the prisoner in Case No. 19 on the Salem Criminal file who was convicted by the Criminal Court of house breaking, and sentenced to receive 150 lashes and to be imprisoned for 18 months, and states that while his relation was returning with 18 Rupees which he had borrowed from one Coura Lakid in Churmapooree pettah, through the jungle, he was pursued and apprehended by the Prosecutor, and deprived of his money, and that notwithstanding the subsequent declaration of the Prosecutor that he did not commit the robbery - his son was unjustly committed to the Criminal Court -

2. The Petitioner prays the Court to call for

for the proceedings held in the case and pass a reasonable decision in it and pending the receipt of the record to order the suspension of the corporal punishment.—

3. The Court of Foujdaree Udalut having had under their consideration the Criminal report in which the case of the prisoner in question is included see no cause whatever for doubting the correctness of the decision passed by the Zuntit Soor Ameen and accordingly decline interfering in the manner prayed for, but if the Petitioner considers himself aggrieved, he should, in the first instance, have addressed himself to the Court of Circuit to which authority he is accordingly referred.—

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

Read Miscellaneous Petition presented on the 29th ultimo with two enclosures by Lobbanya Doorasy of the Zillah of Chittoor.—

(Here enter No. 1. Dated No. 62 of 1840.)

1. The object of this Petition is to induce the Judges of the Foujdaree Udalut to issue orders for the return of Rupees 290 levied as fine from the Petitioner by the Criminal

Criminal Judge of Chittoor, and for the punishment of certain persons stated by Petitioner to have forcibly entered his House, plundered it of property, and also attempted to murder him.—

2. The Judges of the Foujdaree Udalut see no reason for doubting the justness of the decision passed by the Criminal Judge of Chittoor, and direct that the Petition be rejected.—

Ordered accordingly and that Extract from these Proceedings be furnished to Petitioner on his application.—

Read Miscellaneous Petition presented on the 29th ultimo with five enclosures by Bungaroo Rajah of the Zillah of Chingleput.—

(Here enter No. 1. Dated No. 66 of 1840.)

1. The prayer of the foregoing petition is that the Court of Foujdaree Udalut will be pleased to call for and peruse all the Proceedings held in Case No. 82 of 1839, on the Criminal file of the Zillah Court of Chingleput, and issue a precept to the Criminal Judge of Chingleput through the Provincial Court of Circuit for the Centre Division, that he may commit the prisoners in that Case for trial before the Circuit Court, on

on a charge of having forged a Bill of sale, purporting to be an agreement executed by Petitioner binding himself to deliver to the Th Prisoner, the Mortgagee of Poodoopauhum which he (the Petitioner) had purchased at public Auction.—

2. The Judges of the Coyd:ara Cd:ant see no sufficient grounds in the above petition, to doubt the propriety of the orders already passed by the Provincial Court in this Case; and direct that the petition be rejected.—

Ordered accordingly - and that Extract from these Proceedings be furnished to Petitioner on his application.—

Read Miscellaneous petition presented on the 13th instant by Lutchmee of the Zillah of Chittoor

(Here enter M:S:C:C: No 72 of 1840.)

1. The Petitioner alleges that her husband, the Prisoner in Case No 1 of the Chittoor Supplemental Calendar for the 2d Quarterly Sessions of 1840, was apprehended by Lakonmed Saheb a pensioned Zemadar, and certain others, and after much ill treatment, was falsely charged with having attempted to steal property from the House of the said Zemadar, and

unjustly sentenced by the Circuit Judge to 7 years imprisonment - She therefore prays that the Court of Coyd:ara Cd:ant will be pleased to call for the depositions taken before the lower Courts, and issue orders for the release of her husband.—

2. The Court of Coyd:ara Cd:ant having referred to the Calendar consider that there is nothing in the above Petition to warrant their interference, and direct that the Petition be rejected.—

Ordered that Extract from these Proceedings be furnished to Petitioner on her application.—

Read Miscellaneous Petition presented on the 13th instant by Irungattal and Comarattee of the Zillah of Chingleput.—

(Here enter C.C: No: S: No 73 of 1840.)

1. The Petitioners state that they are the wives of the 3d and 4th Prisoners in Case No 14 of the Calendar of the Zillah of Chingleput for the 2d Session of 1838 in which behalf, a similar petition was presented by Irungattal and others, under date the 4th March 1839.—

2. The petition of the 4th March was disposed

disposed of on the 18th March 1839, and the Court of Coujdaree Adawlut seeing no reason to alter their former orders, direct that the Petitioners be referred thereto.—

Ordered, that the Petition be rejected and Extract of these Proceedings be furnished to Petitioners on their application.—

Read letter dated 6th July 1840 from the Principal Sudr Ameen at Rajamundry transmitting the Criminal Reports of that Court for the Month of June last.—

(Rajamundry Criml. Jail Calendar No. 343 of 1840.)

These reports do not appear to call for any remark from the Court of Coujdaree Adawlut.—

Ordered accordingly that Extract from these Proceedings be furnished to the Principal Sudr Ameen at Rajamundry for his information.—

(Sent in No. 1049.)

Read letter dated 7th Instant from the officiating Criminal Judge at Vizagapatam, submitting the Criminal Reports of that Court for the Month of June last.—

(Vizagapatam Criml. Jail Calendar No. 357 of 1840.)

Report No. V
Case No. 35.

1. The Court of Coujdaree Adawlut direct that unless there should be a clerical error in the report

27th July 1840.

a copy of this case as it stands in the report and of this Speech be sent by the Officiating Criminal Judge to the Magistrate of Vizagapatam who will be pleased to transmit direct to the Coujdaree Adawlut some explanation as to the detention of the Prisoner in the Calaboose.

The Prisoner is entered as having been apprehended on the 6th April but appears not to have been forwarded by the Head Police of Goleondah till the 16th June, the Court desire to be informed how long the Prisoner was in confinement in the Calaboose.—

Case No. 37. 2. With reference to the Circular Order of the 8th December 1831, the Court of Coujdaree Adawlut observe that the name of the 1st Prisoner in this case should have been inserted in red ink and attention to the requisition of security from the 3d Prisoner in the case. The Court are of opinion that the grounds stated in support of the order are insufficient. If therefore the Head of the Sudr Ameen should have no further explanation to offer; the Prisoner should be released if in Jail on his bail bonds cancelled if any have been entered into.—

Ordered that Extract from these Proceedings

Proceedings be sent to the officiating Criminal Judge of Vizagapatam by speedy return able in 5 days from and after its receipt.—

(Cost following Precept No. 1050)

Read the Criminal Reports for the Month of June last submitted by the Joint Criminal Judge at Masulipatam.—

(Here enter P.D. No. 1361.)

These reports do not appear to call for any remark from the Court of Sudder Adawlut.—

Ordered accordingly, that Extract from these Proceedings be sent to the Joint Criminal Judge at Masulipatam for his information.—

(Sent in No. 1051.)

Read order of Government dated the 14th instant communicating copy of a letter from the Board of Revenue in the Department of Public Works recommending that the Collector of Rajahmundry may be furnished with a party of 30 Convicts in addition to those already under his charge, to be employed in the vicinity of Cocanada in the repair of the damages done to the Road embankment and Banks by

by the inundation of the Sea in November last, and directing the Court of Sudder Adawlut to comply with the requisition contained in that letter.—

(Here enter No. 1364.)

The Court of Sudder Adawlut according resolve to direct the Acting Criminal Judge of Rajahmundry to transfer to the charge of the Magistrate of the District 30 able bodied Convicts, the unexpired period of whose sentences may exceed 6 Months, and in the transfer of these Convicts, the Acting Criminal Judge will observe all the rules laid down for his guidance in the Rules published in the Official Gazette of the 28th June 1837.—

Ordered, that Extract from these proceedings be forwarded to the Acting Criminal Judge of Rajahmundry, and to the Magistrate of that District for their information and guidance respectively.—

(Sent in Nos. 1052 and 1053.)

Read the Statement Calendar for the 1st Sessions of 1840 submitted by the 3d Judge late on Circuit in the Northern Division.—

(Here enter No. 1336.)

In

Case No. 2. 1

In Case No. 2 it is stated that "Extract of the Law officer declared all the Prisoners liable "to Acquittal upon their voluntary confessions before the Magistrate with the exception of the 6th Prisoner against whom there was no proof" Referring however to the Extract it appears that all the Prisoners were convicted by the Mahommedan Law officer with the exception of the 4th Prisoner, whose release from Jail the Court of Sylhet Adalut conclude has been ordered by the presiding Judge, but no mention of the acquittal and consequent release of the said 4th Prisoner has been made in the Column of the Calendar designed to shew the sentence of the Court of Circuit.—

2.

Besides this important omission, the Court of Sylhet Adalut have observed many gross errors in the part of the copyist who transcribed the remarks recorded by the Court of Circuit on this and other cases entered in this Calendar, which must accordingly have been submitted to the Court of Sylhet Adalut without any previous supervision by Mr. Strombom himself.—

Case No. 3. 3.

In Case of No. 3 the 4th and the 6th Prisoners were charged with merely receiving stolen property, the former to the amount of 100 Rupees and the latter 20 Rupees,

the 6th Prisoner alone is convicted in the factum of this crime, the 4th Prisoner on the contrary is declared liable to suspicion only, and therefore liable to Caudeek according to the Court of Sylhet Adalut desire to be informed of the circumstances under which the 6th Prisoner was convicted and punished by the presiding Judge for the theft of such property and as regards the 4th Prisoner the trial must be referred for Caudeek is tantamount to a mere admonition, or extremely slight reproof, by imprisonment or stripes, such as the Mahommedan Law authorizes on suspicion alone but which is forbidden by Clause 6th Section II Regulation XV 1803, which prohibits the infliction of any punishment in such cases.—

Case No. 4. 4.

The sentence to find security passed on the 5th, 6th, 7th, 8th and 9th Prisoners concerned in Case No. 4 is, as recorded in the Calendar, incomplete. The Court of Sylhet Adalut desire to be informed of the number of sureties to be found by each Prisoner, and the period they are to be detained in confinement in default.—

Ordered, that extract from these proceedings be forwarded to the 3d Judge of the Provincial

27th July 1840.

Provincial Court of Circuit in the Northern Division for his information and guidance, by precept returnable in 10 days, from and after its receipt.—

(Sent following Precept No. 1054)

Mootoosamy Achary of Timevelly, moves the Court to return the enclosures in his Miscellaneous Petition No. 47 of 1840.—

Ordered accordingly.—

F. U.

Tuesday 28th July 1840.

At a Court of the Foujdaree Adalut

Present,

John Bird Esquire ——— 1st Puisne Judge

Hon.ble Duncan Campbell Esqre 2d Puisne Judge

Henry Dickinson Esqre ——— 3d Puisne Judge

Read letter dated the 14th July 1840 from the Acting Criminal Judge of Chingleput transmitting the Criminal Report of that Court for the month of June

(Here enter F. U. No. 1348 of 1840)

Report No 5. Case No 36. 1 Under the circumstances of this case the Court of Foujdaree Adalut resolve to direct that a Copy of it, as it stands in the report, and of this para, be sent to the Acting 1st Judge of the Provincial Court of Circuit in the Centre Division now on Circuit at Chingleput from this Office. The Acting 1st Judge will be pleased to call for the proceedings held in the case and report to the Foujdaree Adalut whether in his opinion the case has been correctly disposed of.

Case No 40 2. The prisoner in this case was charged with having in consequence of grief

and

28th July 1840

and culpable neglect on his part, allowed a convict sentenced to 14 years imprisonment to escape and was sentenced by the Acting Criminal Judge under the provisions of Clause first Section XI Regulation XIII of 1832 to 2 Months imprisonment.—

3. Adverting to the remarks of the Acting Criminal Judge on the case that it is proved and the prisoner admits that he had the sole charge of the escaped convict and allowed him to leave the place where he was at work and be absent from his sight for some time without ever attempting to ascertain what he was doing. The Court are of opinion that the sentence passed on the prisoner was far too lenient. The Court of Foujdaree Adalut however will not disturb the sentence recorded but it appears to them that the gross negligence displayed by the Peon amounts to connivance and was so culpable as to have warranted his commitment for trial before the Court of Circuit.

Ordered that Extract from this proceedings be sent to the Acting Criminal Judge

28th July 1840

× × ×

Copy sent to the Acting 3rd Judge of the Provincial Court of Circuit in the Centre Division for his information. (Letter No. 1059)

Report No. 3 Case No. 1

Judge of Chinglepute for his information.—

(Sent in No. 1058)

× × ×

Read letter dated 15th July 1840 from the Acting Joint Criminal Judge of Chinglepat transmitting the Criminal Reports of that Court for the Month of June last

(Here entd. F.M. No. 1383)

The Court of Foujdaree Adalut seeing reason to doubt the correctness of the manner in which this Case has been disposed of resolve to direct that a Copy of it as it stands in the report and of this para be sent from this office to the Acting 3rd Judge on Circuit in the Centre Division with instructions to call for the proceedings held in the Case and pass on it 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 Adalut.—

The Court of Foujdaree Adalut remark that 6 Cases including 25 prisoners remained undisposed of at the close of the month of June but they have no doubt that

28th July 1840 that the Acting Joint Criminal Judge will use every exertion to dispose of the arrears.-

Ordered that Extract from these Proceedings be sent to the Acting Joint Criminal Judge at Cuddalore for his information and that copy of para 1 and copy of Case No. 40 in the Report be sent to the Acting 3d Judge on Circuit in the Centre Division by precept returnable in 10 days.-

(Sent following precept Nos. 1060 & 1064)

J. C.-

Wednesday, 29th July 1840.- At a Court of the Zuzjdaree Udalut.-

Present:-

John Bird Esqre 1st Puisne Judge.-

Alexr Duncan Campbell Esqre 2d Puisne Judge.-

Henry Dickinson Esqre 3d Puisne Judge.-

Read letter dated the 13th July 1840 from the Acting Joint Criminal Judge of Guntoor, submitting the Criminal Reports of that Court for the months of June last.-

(Sessions J. C. No. 1350 of 1840.)

Report No. V.-

Case No. 38. 1. In this case sent up by the Head Police Officer of Patchoor Tummah, the explanation given of the detention of the prisoners in the Talook is that it occurred in receiving the orders of the Magistrate on the subject of the disposal of the case.-

Case No. 39. 2. And in case No. 39 the delay is accounted for by the statement that the Head Police of Chivgunga made a reference to the Magistrate to know whether the case was cognizable by him, as the salt stolen was of small value, and that he waited till such time as he received an order from that Officer, directing him to forward the case to the Criminal Court.-

3. It would have been more satisfactory to the Court of Sonjdarce Adalut to have received a fuller explanation than the above of the dates on which the references were made to the Magistrate as well as of those of his replies - The Court accordingly direct that copy of these cases as they stand in the report and of those parahs be sent by the Acting Joint Criminal Judge to the Magistrate, who will now submit direct to the Sonjdarce Adalut a full explanation of the cause of the delay which has taken place in the transmission of these cases to the Criminal Court -

Ordered, that Extract from these Proceedings be sent to the officiating Joint Criminal Judge of Guntoor for his information -

(Sent in No. 1065)

Read the Criminal Reports for the months of June submitted by the Criminal Judge of Madura -

(Here enter F.H. No. 135 of 1840)

Supplemental Calendar Case No. 28-

The Court of Sonjdarce Adalut are of opinion that the Criminal Judge ought to dispose of this case, instead of awaiting any longer the attendance of the additional witnesses for the prosecution, who it appears by the urzee from the Police Officer of the 4th

July

July 1840 are "not to be found in their villages -"

Case No. 34

2. This case is stated to be still undisposed of in consequence of the non arrival of two material witnesses, Talooke Roylooms who on the 24th of June were reported to have been sick - Should the witnesses not have arrived on the receipt of these orders, the Criminal Judge will again address a requisition to the Magistrate on the subject -

Report No. V
Case No. 44-

3. In this case the 3rd and 4th Prisoners appear to have been "committed for further trial before the Court of Circuit" on the crimination of the 1st and 2nd prisoners contained in their confessions before the village Police - The Court observe that under the Provisions of Section V Regulation XII of 1816, the village Police are forbidden to take confessions in cases of a serious nature - Unless therefore any thing further appeared against these prisoners than what is stated in the abstract of the evidence recorded in the Report which is not very clearly given, the Court are of opinion that the Acting Criminal Judge was not justified in committing them for trial -

4. The Court therefore direct that the Criminal Judge be called on to submit a further explanation of the grounds of the order passed in their

29th July 1840.

this case.-

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

(Sent following precept No. 1666)

Read the Criminal Reports for the month of June last submitted by the Officiating Joint Criminal Judge of Tinnevelly.-

(Here enter J. H. No. 1360)

It is noticed in the statement shewing the manner in which the convicts were employed during the month of June last, that 20 were employed in making paper and 3 in weaving. In their orders of the 30th April last, the employment of convicts on such works was ordered to be discontinued. The Court of Foujdaree Adalut accordingly direct that the attention of the Officiating Joint Criminal Judge be called to those orders, and that he be informed to observe them.-

Ordered, that Extract from these Proceedings be sent to the acting Joint Criminal Judge at Tinnevelly for his information.-

(Sent in No. 1667)

Read

J. H.

29th July 1840.

Read letter dated 14th Instant from the Provincial Court of Circuit in the Western Division transmitting translations of the Criminal Reports for the months of June last, submitted by the Temporary Sudr Ameen of Surcy.-

(Here enter J. H. No. 1362 of 1840.)

Report No. V Case No. 23-1. The Court of Foujdaree Adalut require to be informed of the ground on which the sentences recorded in the 2nd 3rd and 4th prisoners in this case were passed. The sentences of the 2 latter prisoners differing so much with that passed on the 2nd prisoner in severity of the punishment to which the prisoners are to be subjected, the reason of the difference should have been specified in the Report. The Provincial Court of Circuit will obtain and submit an explanation from the Principal Sudr Ameen on this point.-

Case No. 26. 2. It appears to the Court of Foujdaree Adalut that the Principal Sudr Ameen would have been justified in committing to trial the prisoners in this case on the evidence adduced, but under the circumstances represented, they resolve to direct that a copy of it as it stands in the report, and of this parah, be sent to the Court of Circuit in the Western Division, with directions to call for the proceedings held in the

case

case and papers upon it such orders as may appear to them proper, with reference to the provisions of Section XXIV Regulation X of 1816, reporting the result for the information of the Foujdaree Udalut.

3rd And adverting to the explanation afforded by the Head Police of Coopak of the detention of the case in the Talook, the Court of Foujdaree Udalut direct that a copy of it be also sent with a copy of this parah to the Magistrate, who will be pleased to advise the Police Officer in question that whenever a delay occurs in consequence of a reference to the Magistracy, the Circular Order No. 62 dated 26th February 1836 requires that a communication shall accompany the case, explaining that such has been the cause of the detention and shewing why the reference has been made.

Ordered, that Extract from these proceedings be sent to the Provincial Court of Circuit in the Western Division by precept returnable in 5 days, from and after its receipt.

(Sent following precept No. 1068)

Ordered also, that copy of parah 3rd of these proceedings be sent to the Magistrate of Canara for his information and future guidance.

(Sent No. 1069)

JW

JW

JW

30th July 1840

to the imprisonment adjudged against him in the preceding case.

3. This Proceeding is at variance with the orders of the Sudder Adalut of the 28th October 1823 contained in paras 3 and 4 of their Circular Order of that date, a prisoner brought before a Criminal Judge charged with two or more offences cannot regularly receive more than one Sentence. The Court however do not deem it necessary to disturb the judgment passed against the prisoner here referred to as the imprisonment adjudged against him falls short of that competent adjudicable by the Criminal Court under the provisions of Clause fourth Section III Regulation VI of 1822.

4 And adverting to the Circular Order of the 8th December 1831 the Court observe that the names of the prisoners in Case No 8 should have been entered in red ink.

Ordered that Extract from these proceedings be sent to the Officiating Joint Criminal Judge at Cochin by precept returnable in 5 days.

Sent following precept at 5 P.M.

Read

30th July 1840

Read letter dated the 9th instant from the Principal Sudr Ameen at Chapoor submitting the Criminal Reports of that Court for the month of June last.

(Here enter F.H. No 1358 of 1840)

In this Case the prisoners are

Case No 24

1 charged with having beaten the prosecutor Sulloch worth 7 Rupees and a half with Stones and thereby caused its death and were sentenced by the Principal Sudr Ameen under the provisions of Section VII Regulation X of 1816 to pay a fine of 6 Rupees each or in default thereof to be imprisoned with labor in and about the Jail for and during the period of one and a half Calendar months.

And in the column of remarks

2 the Principal Sudr Ameen has observed that "it is clear from the Evidence, and all the "circumstances of the case, that the prisoners "did not beat the animal with a malicious "intention of killing it, but merely to frighten "it so that it may not again come into the "Compound of their master, but it is also obvious "that in doing so, the prisoners exercised an

unjustifiable

30th July 1840

"unjustifiable degree of violence which deserves
"to be punished."

"As a mere wantonness of this
"kind is not provided for by the Cattle Law*
"but only acts of malice and thefts- the case
"must be disposed of under Section VII Regulation
"X of 1816."

* Clause 1st Section VIII Regulation XIII of 1832- Clause 4th Section III Regulation VI of 1822 and Section III Regulation VI of 1824-

3. The Court of Foujdaree Adalut observe that if the case does not come within the scope of Section VIII Regulation XIII of 1832, and the malicious intention is not established, it does not appear to them that the prisoners are punishable at all for a Criminal offence. The Court accordingly resolve to direct that the Prisoners be released from confinement, or that the fines be returned in the event of their having been paid.

4. The Prosecutor should be instructed to seek his remedy for the loss he may have sustained by a Civil action-

Ordered, that Extract from these proceedings be sent to the Principal Sudr Amen at Hatsapore for his information and guidance by precept returnable in five days-

(Sent following Precept No. 1074)

JS

Sept. JD

F. W.-

Friday
31st July 1840

At a Court of the Foujdaree Adalut-

Present:

John Bird Esqre 1st Puisne Judge-
Alexr Duncan Campbell Esqre 2d Puisne Judge-
Henry Dickinson Esqre 3d Puisne Judge-

Read letter dated the 24th Instant from the Acting 2nd Judge of the Provincial Court of Circuit for the Centre Division- transmitting an English translation of the record in Case No. 1 of the Sillhet 1st Supplemental Calendar for the 3d Quarterly Sessions of 1840-

(Here enter No. 1429)

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

Mr Bird and Mr Campbell-

"Dey Kalun"

is sufficient to convict him of manslaughter, for which the penalty of Deyutt is awardable under the Mahomedan Law as declared in futwas of their Law Officers, do convict him thereof, and, with reference to the provisions of

of Clause Second Section XV Regulation XII of 1802 do 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 one year.—

(Sent following letter No. 1081)

Read letter dated the 8th Instant from the Magistrate of Chittagong submitting copies of letters from the Joint Magistrate of that District having reference to an order of the Acting 2nd Judge presiding at the 4th Quarter Sessions 1840 directing that certain fines levied from the Defendants in Case No. 13 of the punishment Calendar for the 4th Quarter Sessions 1840 should be reduced in amount.—

(Here enter No. 1311)

The Court of Zuzjalaree Adalut observe that the circumstances represented in this correspondence should in the first instance have been urged in a return addressed to the Acting 2nd Judge of the Provincial Court of Circuit, who may thereupon see grounds to retract his order.—

2. Until this course of proceeding has been adopted by the Magistrate and the Acting 2nd Judge has formally refused to modify the orders issued by him under date the 30th April 1840 the Court

Court of Zuzjalaree Adalut decline to interfere.—

Ordered, that Extract from these proceedings be forwarded to the Magistrate of North Arcot for his information and guidance.—

(Sent in No. 1082)

Read letter dated the 10th Instant from the 2nd Judge late on Circuit in the Western Division submitting copies of the Canara Calendars for the 4th Sessions of 1840.—

(Here enter No. 1354)

Cases No. 12.— 1. The prisoner concerned in Case No. 12 appears to have been charged with the crime of Robbery by open violence as defined in Clause 4th Section III Regulation XV of 1803, and the prisoner having been convicted by the Mahomedan Law Officer and declared liable to discretionary punishment, the Court of Zuzjalaree Adalut, with reference to their Circular Order No. 56, desire the 2nd Judge late on Circuit will explain the grounds of the Sentence awarded by him under Clause Seventh Section II Regulation XV of 1803, which Clause applies exclusively to Cases of conviction and Sentence to discretionary punishment in crimes to which neither the Code of Regulations nor

the

31st July 1810.

the Mahomedan Law, have annexed any specific penalty.

Case No. 19. 2. The prisoner in Case No. 19 has been convicted of having stolen two boxes containing gold and Silver ornaments, ready cash &c. valued at Rupees 716-9-a-t-a 2h.

3. The 2nd Judge explains that the prisoner "is a young man, and there appeared on the trial reason "to believe that he had been drawn into the commission "of the Theft in question by one Sham Dutt who was "released on security by the Criminal Court. It was "also much in the Prisoner's favor that immediately "on being questioned by the Potail in consequence of the "suspicion entertained by the Prosecutrix he confessed "the crime and pointed out the spot where the stolen "property had been buried, the whole of which was "thus recovered - tho' it consisted almost entirely of jewels "gold and Silver ornaments and ready cash, and had "been stolen three days before - the two boxes containing "it appearing" not to have been "even opened".

4. Under these circumstances the 2nd Judge submits his opinion that the prisoner will be adequately punished by imprisonment and hard

hard labor for three years.

5. The Court of Foujdaree Udalut concurring in opinion with the presiding Judge, resolve to authorize that Officer to pass the mitigated Sentence above indicated upon the prisoner.

"Ramah"

Case No. 21. 6. The prisoner in Case No. 21 has been convicted of having stolen property valued at Rupees 35-1-. but the proceedings in the Trial affording strong grounds for believing that the prisoner was not a principal in the Theft, but invited to join the principals merely because from the greater distance of this prisoner's house from the Prosecutor's, his assistance was likely to be of use in concealing the stolen property, and the prisoner appearing to have received but a very trifling portion of the stolen property, which little he had given up - the presiding Judge submits that he will be sufficiently punished by a Sentence of imprisonment for 3 years.

7. The Court of Foujdaree Udalut resolve to accede to the recommendation of the presiding Judge and accordingly they authorize that Officer to pass the Sentence indicated above on the prisoner.

"Augudy bettoo Penna Shetty"

Sr

31st July 1810.

Case No. 4. Supl. Cal. 8.

In Case No. 4 of the Supplemental Calendar the 1st prisoner is charged with having kidnapped the 1st Witness, a girl, and sold or given her to an Arab who took her to Muscat.

9. The 2nd prisoner is charged with having been accessary to the crime.—

10. The 2nd Judge postponed the Trial to the next Sessions because he was of opinion that before it is brought to Trial the Calendar should be submitted to the Court of Foujdaree Udalut.—

11. The 2nd Judge submits that it appears very questionable whether as the Case now stands a conviction could be had against the 1st prisoner.

12. The 2nd Judge states that it appears from the papers forwarded to the Court, that the child was delivered over to the British Agent at Muscat, by the Arab named Abdool Bin Khalif, who stated that he had purchased her from one Syeerce, a servant of Syed Jaffer, a Dallal at Mangalore;- that it appears to him essential to the conviction of the 1st prisoner that the facts here alleged should be adduced in evidence, whereas at present they are only collected from the letter of the Resident in the Persian Gulf, who does not appear to have been taken a deposition from the

31st July 1810.

Arab above named, and Mr Anderson questioned how far it would be just to compel that person to give evidence.—

13. The points therefore which the 2nd Judge particularly submits to the Foujdaree Udalut are first "whether the evidence of the Arab who is "said to have purchased or received the 1st Witness "from the 1st prisoner is or not indispensable- and "secondly whether if it be so, it might not be sufficient "to obtain thro' the proper channels, that person's "deposition instead of requiring his personal attendance "at the Trial."

14. As regards the 2nd prisoner the presiding Judge submits his opinion that there is not sufficient evidence to warrant his being brought to trial as an accessary and recommends accordingly that he should be released.—

15. The Court of Foujdaree Udalut concur in opinion with the 2nd Judge that under the circumstances of the Case it would be useless putting the 2nd prisoner on his trial, and they desire therefore that he be discharged from confinement.—

16. As regards the 1st prisoner, the

Court

Court of Foujdaree Udalut are of opinion that he should be tried on the evidence forthcoming against him, and the Moonshee of the additional Sub-Collector's Cutcherry named Bonifrace Fernandez should be examined on behalf of the prosecution.

17. Enquiry also should be made as to the truth of the Statement made by the 1st witness that her parents are residing at Cottoor in order to their being examined before the Criminal Court, and every endeavour should be made to discover the "Pillaver woman" referred to in the 2nd answer of the 1st witness's deposition of the 25th April 1840; and the circumstances referred to at the conclusion of the Assistant Magistrate's Memorandum should if possible be proved at the Trial.—

Ordered, that Extract from these proceedings be forwarded to the 2nd Judge of the Provincial Court of Circuit in the Western Division for his information and guidance by precept returnable in 10 days from and after its receipt.—

(Sut following precept No. 1083)

Read Statement, dated the 20th Instant from the Joint Criminal Judge of Masulipatam, of the amount realized by the

the labor of the Prisoners in the 2nd Quarter of 1840.—

(Here enter No. 1426.)

Read letter dated the 22nd Instant from the Acting 1st Judge of the Provincial Court of Circuit in the Northern Division, submitting the original death warrant in Case No. 1 on the Masulipatam Supplemental Calendar for the 2nd Quarter Sessions of 1840 which has been duly executed.—

(Here enter No. 1431.)

Read Statement dated the 1st Instant from the Criminal Judge of Salem, of the amount realized by the labor of the Prisoners in the 2nd Quarter of 1840.—

(Here enter No. 1436.)

Read return, dated the 1st Instant from the Officer commanding at Vellore, of the Convicts in the Jail at Ootacamund for the month of June 1840.—

(Here enter No. 1438.)

Read return dated the 17th Instant from the Principal Sudr Ameen at Honore, to precept of the Court of Foujdaree Udalut dated the 6th Instant conveying their observations and orders on the Honore Criminal

Criminal Reports for the months of May last

(Here enter No. 1443)

Read letter dated the 23rd Instant from the 1st Judge of the Provincial Court of Circuit in the Southern Division submitting copy of the Calendar of Persons who have been committed by the Joint Criminal Judge at Trichinopoly to take their trial at the 3rd Quarterly Sessions of 1840.-

(Here enter No. 1449)

Read letter dated the 25th Instant from the 2nd Judge on Circuit in the Southern Division reporting having received a 2nd Supplimental Calendar from the Criminal Judge of Tellore dated 25th July 1840

(Here enter No. 1450)

Read letter dated the 24th Instant from the 2nd Judge on Circuit in the Southern Division reporting the opening of the 2nd Sessions of 1840 at Madura on the 23rd Instant and the state of the Calendar-

(Here enter No. 1453)

Read further return dated the 27th Instant from the Criminal Judge of Chittoor, to the precpt of the Foujdaree Adalut of the 4th July 1840 conveying their observations and orders on the Criminal Reports for the month of May 1840.-

(Here enter No. 1459)

Read letters dated the 11th and 21st Instant from the Acting 1st Judge late on Circuit in the Centre Division submitting copies of the Cuddalore 1st and Supplimental Calendars for the 1st Sessions of 1840.-

(Here enter No. 1353 and 1419)

Also read letter dated the 21st Instant from the Acting 1st Judge late on Circuit in the Centre Division submitting a copy of his remarks and of the Fatwah of the Law Officer recorded on Case No. 17 of the Cuddalore Calendar for the 1st Sessions 1840.-

(Here enter No. 1402)

Case No. 3

1. In Case No. 3 the prisoner "Moonyen" stood charged with having attacked the prosecutor on the Highway and with having struck him with a Cudgel on the Head and wounded him, and robbed him of property to the value of Rupee 1-1-7.-

2. The prisoner having previously been a person of good character, and the violence offered, small- the Acting 1st Judge recommends a mitigated sentence of 8 years imprisonment with hard labor in irons.-

The

3. The Court of Zoujdaree Udalut under the authority vested in them by Clause 3rd Section III Regulation I of 1825 resolve to accede to the recommendation of the presiding Judge, and accordingly authorize that Officer to pass the mitigated Sentence above indicated upon the prisoner

"Moonesyen"

Case No 11 — 4 In Case No 11 two prisoners stood charged with gang robbery — the value of the property stolen amounting to 12 Annas —

5. The Case being proved against the prisoners they were sentenced under Clause 3rd of Section IV Regulation XV of 1803 to 14 years imprisonment with hard labor in irons —

6. The Case does not appear to have been attended by any circumstances of aggravation, and adverting to the small value of the property stolen, the Court of Zoujdaree Udalut are of opinion that the Sentence passed by the Court of Circuit is too severe, and that the ends of justice will be attained by a Sentence not exceeding 8 years imprisonment with hard labor in irons —

7. Should the Acting 1st Judge upon further consideration concur in this view, the Court of

Zoujdaree Udalut authorize him in that event, to pass Sentence of 8 years imprisonment with labor in irons upon the prisoners

"Mostteyan"

and

"Shunpeen"

but should he be unable to do so, he will be pleased to submit an English translation of the record of the trial for the consideration and final orders of the Court of Zoujdaree Udalut —

Case No 12. 8. In Case No 12 the prisoner named Nagen Nord charged with having attacked the prosecutrix and her sister on the Highway with having beaten them and robbed them of property to the value of Rupees 5 —

9. The Acting 1st Judge explains that the prisoner, who was only armed with a Stick, came and after some slight maltreatment, the object of which was to frighten and prevent the prosecutrix and her Sister crying out, took some jewels from their persons of small value — he submits therefore that a Sentence of 8 years imprisonment with labor will be a sufficient punishment —

10. The Court of Zoujdaree Udalut concur

concur in opinion with the Acting 1st Judge, and accordingly they authorize him to pass the mitigated Sentence of 8 years imprisonment with labor in irons on the prisoner.

"Kagan"

Case No. 15.- 11. The Court of Inquiry does not think it will not disturb the Sentence that has been passed by the Court of Circuit on the prisoner concerned in Case No 15, but adverting to the instrument used, and the part of the body on which the wound was inflicted, the presumption must be that the prisoner stabbed the deceased with intent to kill.-

Case No. 18.- 12. The Court of Inquiry does not think it appears from the remarks communicated to the Magistrate of South Arcot by the Acting 1st Judge on the subject of the conduct of the Police towards the prisoners concerned in Case No 18, but with reference to para: 4 of the proceedings of the Court of Circuit of the 8th Instant, the Court of Inquiry does not desire that the Magistrate of South Arcot be enjoined to call the special attention of the Tahsildar of Tirumanalay to the Circular Order No 117 prohibiting the issue of Blank Warrants.-

13. The 5th prisoner in this Case is stated

to have suffered some injury while in the hands of the Village Police, which caused his arm to mortify, and it became necessary after the man's arrival at Court to amputate the limb a little below the shoulder, in which condition the prisoner appeared to stand his Trial.-

14. The Acting 1st Judge explains that the prisoner's arms had been tied above his elbow, and he had had stocks on his hands of about 10 lbs weight, but the marks of injury were not such as to develope the cause in a medical point of view, but the parties on the side of the prosecution declared that the prisoner when in the stocks was refractory and attempted to escape, and that he struck his stocks against a stone and in this way injured his arm;- the Acting 1st Judge, in his proceedings addressed to the Magistrate, remarks, that the cause "of his "using violence unless in consequence of some "bodily pain is not apparent- nor does the cause "of his being placed in the stocks satisfactorily "appear- He had confessed, and according to "some statements had engaged to point out property "at Cilaparday- but "as he did not point out any "property at that Village," the Acting 1st Judge

Suggests

concur in opinion with the Acting 1st Judge, and accordingly they authorize him to pass the instigated Sentence of 8 years imprisonment with labor in irons on the prisoner.

"Kagu"

Case No 15.— 11. The Court of Inquiry Ceylon finell not disturb the Sentence that has been passed by the Court of Circuit on the prisoner concerned in Case No 15 but adverting to the instrument used, and the part of the body on which the wound was inflicted, the presumption must be that the prisoner stabbed the deceased with intent to kill.—

Case No 18.— 12. The Court of Inquiry Ceylon do not approve of the remarks communicated to the Magistrate of South West by the Acting 1st Judge on the subject of the conduct of the Police towards the prisoners concerned in Case No 18, but with reference to para: 4 of the proceedings of the Court of Circuit of the 10th Instant, the Court of Inquiry Ceylon do not desire that the Magistrate of South West be required to call the special attention of the Tahsildar of Tinnevelly to the Circular Order No 117 prohibiting the issue of Blank Warrants.—

13. The 5th prisoner in this Case is stated

to have suffered some injury while in the hands of the Village Police, which caused his arm to mortify, and it became necessary after the man's arrival at Court to amputate the limb a little below the shoulder, in which condition the prisoner appeared to stand his Trial.—

14. The Acting 1st Judge explains that the prisoner's arms had been tied above his elbow, and he had had stocks on his hands of about 10 lbs weight, but the marks of injury were not such as to develope the cause in a medical point of view, but the parties on the side of the prosecution declared that the prisoner when in the stocks was refractory and attempted to escape, and that he struck his stocks against a stone and in this way injured his arm;— the Acting 1st Judge, in his proceedings addressed to the Magistrate, remarks, that the cause "of his "using violence unless in consequence of some "bodily pain is not apparent— nor does the cause "of his being placed in the stocks satisfactorily "appear— He had confessed, and according to "some statements had engaged to point out property "at Cilaspardy— but "as he did not point out any "property at that Village," the Acting 1st Judge

suggested

Suggested to the Magistrate that it was "probable the
"promise was extorted by coercion, and the violence which
"he is said to have used, to have had for its object to
"free himself from the pain he was enduring."

15. The result of any further enquiries
made by the Magistrate as to the cause of the injuries
sustained by this 5th prisoner the Court of Poydaree
Udalut desire may be communicated for their inform-
-ation, and, if necessary, for their orders, and in the
mean time the Acting 1st Judge will call the
attention of the Magistrate of South Coast to the
Circular Order of the Poydaree Udalut of the 29th
April 1836 No. 66 and 4th December 1839 No. 113

16. The Court of Poydaree Udalut desire
also an explanation from the Magistrate of South
Coast of the circumstance stated by the Acting 1st
Judge, that Corawars in that part of the Country
"are a proscribed race, and every Robbery whose
"perpetrators are unknown is imputed to them."

17. The Court of Poydaree Udalut
perceive that the case of the two Corawars stated
to be "now standing as prosecutors before the
"Criminal Court, who were seized on no ground of
"suspicion except that of being Corawars, and
afterwards

"afterwards severely burnt in order to make them
"confess to a Robbery with which it was afterwards
"proved they had no connexion" forms Case No. 1.
of the Supplemental Calendar, the prisoner in
which case has been convicted and punished by a
Sentence of 7 years imprisonment and hard labour

Adverting to the order of Govern-
-ment of the 9th May 1836 No. 402, the Court of
Poydaree Udalut direct that a copy of paras:
12 to 17 of these proceedings and of Case No. 18.
of the first Calendar and of Case No. 1. of the
Supplemental Calendar, now under review together
with copy of the Acting 1st Judges letter of the 13th
Instant, be furnished to the Chief Secretary to
Government for the purpose of being laid before
the Right Honorable the Governor in Council.

(Sent in No. 1084)

Ordered further that Extract from
these proceedings be forwarded to the Acting 1st
Judge of the Provincial Court of Circuit in the
Centre Division for his information and guidance
by precept returnable in 10 days from and
after its receipt.

(Sent following precept No. 1085)

Read again Extract from the Minutes of Consultation No 283 under date the 16th April 1840 recorded on examination of the general Statement shewing the manner in which the services of the Convicts in the several Jails within this Presidency were disposed of during the half year ending the 31st December 1839.

(Here enter No 778.)

Read letters dated respectively the 15th, 25th, and 26th Ultimo and the 1st and 2nd Instant from the Provincial Courts of Circuit in the Western, Northern, Southern, and Centre Divisions, forwarding with reference to para 4 of the Proceedings of the 31st Instant Extract of the 30th April last, copies of reports received from the Criminal and Joint Criminal Judges and Officers in charge of Jails, as to what number of Convicts may be made available for employment under the rules printed at Page 432 of the Official Gazette of 1837.

(Here enter Jt. Nos 1186-1263-1225-1269-and 1278.)

Read letter dated the 8th Instant from the Criminal Judge of Combaconum, submitting an account shewing what quantity of Paper has been manufactured and what expended for the last two years.

(Here enter No 1305.)

Read

Read also returns from the several Officers in charge of Prisoners in this Presidency shewing the manner in which the services of the Convicts were disposed of during the half year ending the 30th June last.

(Here enter Nos 1400-1347-1385-1536-1474-1384-1373-1376-1490-1390-1331-1643-1408-1409-1681-1510-1549-1442-1330-1548-1503-1386-1427-1412-1489-1337-1538-1375-1308-1423-1416-1458-1414-1439-1391-1491-1399-1517-1644-1267-1415-1413-1550-1519-1440-and 1441.)

It appears from the reports submitted

Western Division. by the Officers in charge of the Jails in the Western Division, that the number of Convicts in the Jail at Calicut, available for employment on such public works as may appear to Government desirable, is about 53.

Tellicherry. 2. From the Jail at Tellicherry 50 Convicts have been lately transferred to the Military authorities at Cannanore, and the number remaining in confinement are stated to be required for making necessary repairs to the Roads &c. at this Station.

Mangalore 3. Of the number of working Convicts in the Jail at Mangalore, 60 have agreeably to this Court's letter of 20th May 1839, been placed at the disposal of the Officer Superintending the construction

construction of the Military Buildings at that Station, and the labor of the remaining 83 is stated to be absolutely required for the purpose of keeping in repair the roads &c.a in & Mangalore, and in its immediate vicinity.-

Honore

4. The whole of the Convicts in the Jail at Honore available for employment on the public Roads, have been applied for by the Joint Magistrate of North Canara, for the purpose of being employed under his Superintendence, under the Orders of Government of the 15th of May 1838.-

5. The Judges of the Zillah Adalut are of opinion, that the Convicts in this Division ought not to be removed to the Districts beyond the Ghauts, on account of the difference in Climate; and further they beg to suggest that all those who now or hereafter can be spared from the Jails at Malabar, may be applied to the formation of the road between Tellicherry and Coimbatore, which though of much importance, as the communication by Sea is interrupted by the Monsoon during a considerable portion of the year, is yet reported to be in a very bad State of repair.-

Northern Division.- 6. The several Officers in charge of Convicts in the Northern Division state that the number under their respective charges are fully occupied

occupied on necessary public works, and that none can be conveniently made available for employment elsewhere.-

Southern Division.- 7. The reports received from the Southern Division shew that of the number of Convicts at present in confinement in the Jail at Madura, 161 can be placed at the disposal of Government; that about

Tinnevelly 35 are available for transfer from the Jail at

Combaconum.- Tinnevelly; that the Criminal Judge of Combaconum has under his charge 43 capable of being employed on the public Roads or other public works, under the rules above mentioned, and the Acting Joint Criminal

Coimbatore.- Judge of Coimbatore has 21 Convicts capable of being similarly employed.-

8. The number of Convicts remaining

Salem in the Jail at Salem is stated by the Criminal Judge of that Station, to be required for the necessary repairs of the roads and other important public works; and at

Trichinopoly- Trichinopoly all available Convicts are stated to be employed in constructing a Bridge, under the orders of the Revenue authorities and in other necessary works.-

9. The Criminal Judge of Combaconum in his letter above alluded to, remarks that "as Paper must be made somewhere, and we can make "it

"it much cheaper than we can ever buy it, nothing will
"be gained by any change in the system at this Jail- the
"same remarks," he continues, "apply exactly to the manu-
"facture of cloths, with the additional argument, that
"we have had to purchase weavers looms, and have
"employed weavers from among the Prisoners from
"Cuddalore for the express purpose of working the
"looms for the Jail cloths."-

10. The Judges of the Foujdaree Adalut are of opinion, that it would not be advisable to discontinue the manufacture of the above articles at the Jail at Combaconum; and beg therefore to suggest that in the local allotment to be made by Government a sufficient number of Convicts may be retained at Combaconum for the purpose of continuing such small manufactories at that station.-

Centre Division.

11. The Reports from the Centre Division shew that from the Jail at Chittoor 23 Convicts may be made available for employment under the above-mentioned rules, but it is stated that none can be spared from the Jails at Chingleput, Cuddalore, and Bellary.-

Chittoor

Chingleput.

Cuddalore.

Bellary.

12. At Cuddapah there are 247 Convicts fit for employment on public works, but the Judge of the Foujdaree Adalut observe that the Criminal Judge of Cuddapah represents the roads at that station to be in a wretched condition, and apparently to have been utterly neglected for many years- He states that one of the principal thoroughfares "is not passable in wet weather "without the greatest difficulty, and also retains the water "for months after rain has ceased to fall;" and begs that he may be permitted to retain the whole number of convicts above-mentioned, and apply their labor in improving the roads at that station-

13. Under the circumstances represented by the Criminal Judge, the Court of Foujdaree Adalut are of opinion that it would not be advisable to remove any of these Convicts from the Jail at Cuddapah.-

14. Adverting to the remarks of the Criminal Judge of Bellary, recommending the discontinuance of the manufacture of Paper in that Jail, the Court of Foujdaree Adalut observe that in their Proceedings under date 3d. April last, positive orders were passed prohibiting the manufacture of Paper and Cloths in any but the five Jails specified in para 3 of those Proceedings, and accordingly the Criminal Judge of Bellary should have forthwith adopted measures for the discontinuance in his Jail of any such Manufacture.-

15. The Court of Foujdaree Adalut take

thus

this opportunity of laying before the Right Honorable the Governor in Council the general Statement made up to the 30th June 1840, shewing the number of Convicts in confinement in the several Jails within the Madras Presidency, and the number allotted to each description of work, as with this Statement before them the Government will be better able to determine whether the services of any of the Convicts employed in the provinces can be transferred to more useful labour &c.

Ordered, that Extract from these Proceedings be forwarded to the Chief Secretary to Government for the purpose of being laid before the Right Honorable the Governor in Council for his orders.

(Sentin No. 1086)

Ordered also, that Para 4th of these Proceedings be sent to the Criminal Judge of Bellary for his information and guidance.

(Sentin No. 1087)

Read letter dated 13th Instant from the Acting 1st Judge on Circuit in the Centre Division stating for the information of the Judges of the Foujdaree Udalut that he has received from the Joint Criminal Judge of Cuddalore a Supplemental Calendar of 1 Case which has been tried and decided.

(Rese enter No. 1334.)

F. U.

Saturday,
1st August 1840.

At a Court of the Foujdaree Udalut,
Present,

John Bird Esqre. ——— 1st Puisne Judge,
Alexr. Duncan Campbell Esqre. 2d Puisne Judge,
Henry Dickinson Esqre. ——— 3d Puisne Judge,

Read again letter dated the 28th June from the Acting 1st Judge on Circuit in the Centre Division, transmitting an English translation of the records in Case No. 39 on the Bellary Calendar 1st Sessions of 1840.

(Rese enter Fl. No. 1241 of 1840)

Read also return dated the 20th Ultimo from the Acting 1st Judge on Circuit in the Centre Division to the precept of the Foujdaree Udalut, dated the 8th Ultimo directing him to forward a copy of the Medical Officer's Certificate in Case No. 39 of the Bellary Calendar 1st Sessions 1840.

(Rese enter Fl. No. 1397 of 1840)

Mr. Bird 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

Chinnegandoo

is sufficient to convict him of the crime of wounding, for which according

according to the Mahommedan Law as declared in the Futwas of their Law Officers, discretionary punishment is awardable, do convict him thereof, and with reference to the provisions of Clause third, Section VII, Regulation XII of 1803, adjudge him to be imprisoned and kept to hard labor in irons on the public roads, or other public works for and during the period of ten years.

/ Sent following letter No 1089 /

Read letter dated the 27th Ultimo, from the Acting 3d Judge on Circuit in the Centre Division, transmitting an English translation of the record in case No 23 on the Cuddapah Calendar for the 2d Sessions of 1840.

/ Here enter F.C. No 1467 of 1840 /

Mr Bird and Mr Campbell

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

Bosspana Sreeramulpah

is sufficient to convict him of the crime of murder, do convict him thereof, and, under the provisions of Section X Regulation VIII of 1802, do sentence him to suffer death, by being hanged, at the usual time and place of execution.

/ Sent following letter No 1090 /

Read

Read the Criminal Reports submitted by the Criminal Judge of Salem for the month of June last.

/ Here enter F.C. No 1411 of 1840 /

Case No 98.

1 The Judges observe that Veeriah a prisoner in Cases Nos 95 and 98 is stated to have been committed in No 98, to take his trial before the Court of Circuit, on a charge of having stolen a calf worth annas 12, which was tied in the cattle Shed of the Prosecutor's field.

2 Adverting to the charge brought against this prisoner in Case No 95, the Court are of opinion that if no aggravating circumstances attended the commission of the theft in case No 98, his commitment for trial before the Circuit Court in this case was unnecessary.

Ordered that Extracts from these Proceedings be sent to the Criminal Judge of Salem for his information and guidance.

/ Sent No 1091 /

Read Letter dated the 13th July 1840, from the Criminal Judge of Bellary submitting the Criminal Reports of that Court for the month of June last.

/ Here enter F.C. No 1357 of 1840 /

Case No 95.

1 Adverting to the order of the Criminal Judge

1st August 1840

Judge in this case in which the prisoners charged with having killed Jungum Sharabkiah and his wife, have been released, the Court of Zoujdaree Udalut direct that a copy of it as it stands in the report, and of this parah, be sent by the Criminal Court to the Magistrate, who will be exhorted to ascertain whether there may not be found evidence, either by the offer of conditional pardon, or rewards or otherwise, to bring to justice the perpetrators of these murders.—

2 That reports do not appear to call for any further remarks from the Court of Zoujdaree Udalut—

Ordered accordingly that Extract from these Proceedings be sent to the Criminal Judge of Bellary for his information and guidance.—

/Sent in Ct. 1092/ 2

Cd. W.

WB

WB

P. No.

Monday 3d. August 1840.

At a Court of the Zoujdaree Udalut.

Present

John Bird Esquire——1st. Puisne Judge

Alexr. Duncan Campbell Esqre 2d. Puisne Judge.

Henry Dickinson Esquire—3d. Puisne Judge.

Read Miscellaneous Petition presented on the 29th June 1840 by Veerasawmy Iyengar of Cuddalore—

/Fine Enter No. P. No. 65 of 1840/

The Petitioner represents that he is the elder brother of Dasrhachary, Prisoner in Case No. 1. of the Cuddalore Calendar for the 1st Sessions of 1840, who he alleges has been unjustly sentenced to imprisonment with hard labour in irons by the Court of Circuit.—he prays the Court will accordingly order the release of his younger brother, the prisoner above alluded to.—

The Calendar containing this Case has passed under the review of the Court of Zoujdaree Udalut who see no ground to doubt the propriety of the Conviction and punishment of the Prisoner in question. The petition is accordingly rejected.

Ordered, that Extract from these proceedings

1st August 1840

Judge in this case in which the prisoners charged with having killed Jungum Sharabriah and his wife, have been released, the Court of Zoujdaree Udalut direct that a copy of it as it stands in the report, and of this para: be sent by the Criminal Court to the Magistrate, who will be exhorted to ascertain whether there may not be found evidence, either by the offers of conditional pardon, or rewards or otherwise, to bring to justice the perpetrators of these murders.—

2 These reports do not appear to call for any further remarks from the Court of Zoujdaree Udalut.—

Ordered accordingly that Extract from these Proceedings be sent to the Criminal Judge of Bellary for his information and guidance.—

/Sent in Nº 1092/

W.

W.

P.

F. N.

Monday 3d August 1840.

At a Court of the Zoujdaree Udalut.

Present

John Bird Esquire ——— 1st Puisne Judge

Alexr Duncan Campbell Esqre 2d Puisne Judge.

Henry Dickinson Esquire 3d Puisne Judge.

Read Miscellaneous Petition presented on the 29th June 1840 by Veerasawmy Iyengar of Cuddalore.—

/Fine Enter No. F. Nº 65 of 1840./

The Petitioner represents that he is the elder brother of Dasrhachary, Prisoner in Case Nº 1. of the Cuddalore Calendar for the 1st Sessions of 1840, who he alleges has been unjustly sentenced to imprisonment with hard labour in irons by the Court of Circuit.— he prays the Court will accordingly order the release of his younger brother, the prisoner above alluded to.—

The Calendar containing this Case has passed under the review of the Court of Zoujdaree Udalut who see no ground to doubt the propriety of the Conviction and punishment of the Prisoner in question.— The petition is accordingly rejected.—

Ordered, that Extract from these proceedings

proceedings be furnished to the Petitioner on his application.

Read again Miscellaneous petition presented on the 6th. Ultimo, by Brence of the Zillah of Bellary.

/Here enter Mr. P. F.M. No. 69 of 1840/

Read also Return dated the 20th. Ultimo, from the Acting 1st. Judge on C[redacted] in the Centre Division, submitting the information called for in the Proceedings of the Tonjdaree Udalut of the 13th. Ultimo, relative to the above petition.

/Here enter F.M. No. 1398./

1. The object of the above Petition has been stated in Tonjdaree Udalut's Proceedings of the 13th. Ultimo.

2. The Court of Tonjdaree Udalut are satisfied with the orders passed by the Court of Circuit in the Centre Division in the case therein referred to, and do not consider any further investigation or proceedings necessary.

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

Read letter dated 13th. July 1840 from the Criminal Judge of Chittoor, transmitting the Criminal

Criminal Reports of that Court for the month of June last.

/Here enter F.M. No. 1340./

Suppl. Report. Case No. 73.

1. In this case 3 prisoners charged, the 1st. and 2d. with having opened an arrack Shop and sold arrack without license, and the 3d. with having caused the 1st. and 2d. prisoners to sell arrack in the place specified without a license have been each sentenced by the Pundit Sudr Ameen to pay a fine of 5. Rupees or in default to be imprisoned with hard labor for 3 weeks under the provisions of clause 9th. Section VI. Regulation I. of 1820.

2. With reference to the abstract of the evidence given in the Report, the Court of Tonjdaree Udalut resolve to request the Criminal Judge to refer to the depositions recorded in the Case in order that he may ascertain whether there are sufficient grounds to justify the Sentence passed by the Pundit Sudr Ameen, and if in his opinion punishment of the prisoners was not warranted by the evidence adduced the Criminal Judge will direct that the fine be returned in the event of its payment, but should the Sentence of imprisonment awarded in default of the payment have been undergone by the prisoners

and

and which the Court observe will have expired before the
receipt of these orders, the Criminal Judge will point
out to the Pundit Sudr Ameen his error, reporting for
the information of the Tonjdaree Udalut what he may
have done in pursuance of that order.

Case No. 97. 3. Under the circumstances of this case,
the Court of Tonjdaree Udalut resolve to direct that
a copy of it as it stands in the report, and of this
parah, be sent to the Judge presiding at the Chittor
Quarterly Sessions from this Office, with directions
to call for the proceedings held in the Case, and pass
in 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 Tonjdaree Udalut.

Case No. 98. 4. Two prisoners are charged in this
case with having assaulted and wounded the wife
of the 1st prisoner and killed her, and thrown her
body into a pool, and were released, the Criminal
Judge observing "whatever surmise may be created to
"the disadvantage of the prisoners by their adulterous
"intercourse, and the Prosecutor's account of their
"hostility to the deceased, the record does not contain
"sufficient grounds for subjecting them to security as
"involved in strong suspicion."

The

5. The Court resolve to direct that copy
of the case as it stands in the Report, and of this parah
be sent by the Criminal Judge to the Magistrate, who
will be exhorted to ascertain whether there may not be
found evidence either by the offer of rewards or otherwise
to bring to justice the perpetrators of this atrocious mur

Case No. 113. 6. With reference to the plea set up
his defence by the prisoner in this case, the Court
of Tonjdaree Udalut direct that a copy of this case
also, and of this parah be sent by the Criminal
Judge to the Magistrate, who will be pleased to explain
whether there is any truth in the allegation of the
prisoner, and if so, the circumstances under which
batta was withheld from him.

Report No. V 7. The grounds stated in support of
Case No. 114. the order of the requisition of Security from the 1st pri-
soner in this Case do not appear to the Tonjdaree
Udalut sufficient. If therefore the Moodty Sudr
Ameen should have no further explanation to offer
the prisoner should be released, if in Jail, or the
bail bonds cancelled if any have been entered into.

Case No. 116. 8. The attention of the Court of
Tonjdaree Udalut has been particularly attracted to
the very trifling punishment awarded to the prisoners

in

in Case No. 116, who have been convicted of having "rehand two Convicts" and they observe that the Criminal Judge has omitted to forward the Special Report required by their Circular Order No. 42 of the 27th April 1835 on the Escape of the two prisoners named Pynee and Cooper.

Case No. 117. 9. In Case No. 117 it is observed that the Criminal Judge has omitted to enter in the Report the offence with which the prisoners are charged. The Court accordingly direct that this omission be now supplied.

Case No. 121. 10. Two prisoners are charged in Case No. 121 with having permitted the Escape of a prisoner entrusted to their charge, and were sentenced by the Pundit Sudr Ameen to be imprisoned for two months with labor under the provisions of Section V. Regulation XIII. of 1832.

11. This Sentence was, it appears, over ruled by the Criminal Judge, and the prisoners directed to be released.

12. The Court of Fouzdaree Adalut desire to be informed of the grounds of the order of the Criminal Judge dated the 25th June 1840.

Ordered, that Extract from these Proceedings be sent to the Criminal Judge of Chittoor

by

by precept returnable in 5 days from and after its receipt.

/ Sent following Precept No. 1095 /

Ordered also, that Extract from these proceedings (para. 3.) be sent to the Judge presiding at the Chittoor Quarterly Sessions for his information.

/ Sent in No. 1096. /

Read again Extract from the Minutes of Consultation under date the 25th May and order of Government dated 2d July 1840 No. 296/529 intimating to the Court of Fouzdaree Adalut, with reference to paras 2 and 3. of their proceedings of the 30th April last, that "the Right Honorable the Governor "in Council is of opinion that pending the consideration in the Public Department of the most expedient "mode of supplying Country Paper for the Public "Service, the manufacture of that Article should be "restricted to one or two Jails, and accordingly requesting the Judges of the Fouzdaree Adalut to select* the "Stations at which it is to be carried on, and to give "directions that none but Convicts who are unfit "for labor on the roads shall be employed on this work."

* Nellore Chingleput

/ Here enter Nos. 1045 and 1292 /

The

3d August 1840.

1.

The Provincial Court in the Northern Division were accordingly desired to call upon the Criminal Judge of Nellore to report whether the paper Mill at that Station can be worked by "Convicts who are unfit for labor on the Roads", and if "so what quantity of paper can be supplied for the public Service by means of such class of Convicts at present in Confinement at Nellore.

2.

The Provincial Court of Circuit in the Centre Division, were required to call for similar information from the Acting Criminal Judge at Chingleput as to the quantity of paper that can be manufactured in his Jail by means of Convicts who are unfit for labor on the Roads.

3.

The Criminal Judge of Nellore reports that Paper cannot be manufactured by convicts "unfit for labor on the roads, as beating the materials, "removing them from water Pits, and glazing the "paper, can only be done by strong able bodied Convicts". that "of the 207 Convicts now in the Jail at Nellore "there are only about 15. who are unfit for labour on "the roads", and he accordingly requests to be furnish-ed with instructions whether the manufacture of Paper should be immediately stopt or continued as

before

F. 11.

3d August 1840.

before

4

The Acting Criminal Judge of Chingleput reports "that four Prisoners, who are quite "fit for hard labour on the Roads are employed in the "Paper Manufactory, as they are the only Prisoners who "understand its manufacture, the rest, 19. in number, "employed in preparing the pulp carrying water &c "are taken from the Transport Prisoners detained in "this Jail, till Government procures Shipping for their "removal, at present the paper made is Cartridge "paper, as required by the Superintendent of Stationary "and the quantity per diem, nine Quires, whilst the "usual sized Country paper is being made the quantity "per diem is 18 Quires.

5.

From these returns it appears that the Paper Mills at Nellore and Chingleput cannot be worked by means of Convicts "who are unfit for labor "on the roads," and accordingly the further orders of Government are solicited as to the mode in which Country and Cartridge Paper for the Public Service is to be provided.

Ordered, that Extract from these proceedings be forwarded to the Chief Secretary to Government for the purpose of being laid before the

Right

1.

The Provincial Court in the Northern Division were accordingly desired to call upon the Criminal Judge of Nellore to report whether the paper Mill at that Station can be worked by "Convicts who are unfit for labor on the Roads," and if "to what quantity of paper can be supplied for the public Service by means of such class of Convicts at present in Confinement at Nellore.

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The Provincial Court of Circuit in the Centre Division, were required to call for similar information from the Acting Criminal Judge at Chingleput as to the quantity of paper that can be manufactured in his Jail by means of Convicts who are unfit for labor on the Roads.

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The Criminal Judge of Nellore, reports that Paper cannot be manufactured by convicts "unfit for labor on the roads, as beating the Materials, "removing them from water Pits, and glazing the "paper, can only be done by Strong able bodied convicts." that "of the 207 Convicts now in the Jail at Nellore "there are only about 15. who are unfit for labour on "the roads," and he accordingly requests to be furnished with instructions whether the manufacture of Paper should be immediately stopt or continued as

before

F. U.

3d August 1840.

before

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The Acting Criminal Judge of Chingleput reports "that four Prisoners, who are pronounced "fit for hard labour on the Roads are employed in the "Paper manufactory, as they are the only Prisoners who "understand its manufacture, the rest, 19 in number, "employed in preparing the pulp, carrying water &c. "are taken from the Transport Prisoners detained in "this Jail, till Government procure Shipping for their "removal; at present the paper made is Cartridge "paper, as required by the Superintendent of Stations, "and the quantity per diem, nine Quires, where the "usual sized Country paper is being made the quantity "per diem is 18 Quires.

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Ordered, that Extract from these proceedings be forwarded to the Chief Secretary to Government for the purpose of being laid before the

Right

3d August 1840.

1.

The Provincial Court in the Northern Division were accordingly desired to call upon the Criminal Judge of Nellore to report whether the paper Mill at that Station, can be worked by "Convicts who are unfit for labor on the Roads," and if "to what quantity of paper can be supplied for the public Service by means of such class of Convicts at present in Confinement at Nellore.

2.

The Provincial Court of Circuit in the Centre Division, were required to call for similar information from the Acting Criminal Judge at Chingleput as to the quantity of paper that can be manufactured in his Jail by means of Convicts who are unfit for labor on the Roads.

3.

The Criminal Judge of Vellore, reports that Paper cannot be manufactured by Convicts "unfit for labor on the roads, as beating the Materials, "removing them from water Pits, and glazing the "paper, can only be done by Strong able bodied Convicts." that "of the 207 Convicts now in the Jail at Vellore "there are only about 15. who are unfit for labour on "the roads," and he accordingly requests to be furnished with instructions whether the manufacture of Paper should be immediately stopt or continued as

before.

F.11.

3d August 1840.

before.

4

The Acting Criminal Judge of Chingleput reports "that four Prisoners, who are quite "fit for hard labour on the Roads are employed in the "Paper Manufactory, as they are the only Prisoners who "understand its manufacture, the rest, 19 in number, "employed in preparing the pulp, carrying water &c. "are taken from the Transport Prisoners detained in "this Jail, till Government procures Shipping for their "removal, at present the paper made is Cartridge "paper, as required by the Superintendent of Stationary "and the quantity per diem, nine Quires, whereas the "usual sized Country paper is being made the quantity "per diem is 18 Quires.

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From these returns it appears that the Paper Mills at Nellore and Chingleput cannot be worked by means of Convicts "who are unfit for labor "on the roads," and accordingly the further orders of Government are solicited as to the mode in which Country and Cartridge Paper for the Public Service is to be provided.

Ordered, that Extract from these proceedings be forwarded to the Chief Secretary to Government for the purpose of being laid before the

Right

3.

3d August 1840.

Right Honorable the Governor in Council

/ Sent in No. 1097 /-

Tuesday
4th August 1840.

At a Court of the Foujdaree Adawlut

Present.

John Bird Esquire 1st Puisne Judge

Alexr Duncan Campbell Esqre 2d Puisne Judge

Henry Dickinson Esquire 3d Puisne Judge

Read letter dated 16th July 1840 from the Acting Criminal Judge of Cuddapah submitting the Criminal Report of that Court for the month of June last.

(Here enter Ft 16 No 1394 of 1840.)

Suppl. Report Case No 51. 1. With reference to the remarks recorded by the Acting Criminal Judge in this case that the Prosecutors were not sent to the Court the Court of Foujdaree Adawlut are desirous of being informed of the measures which were adopted by the Criminal Court to procure their attendance, and under what circumstances the case was disposed of previous to their appearance before the Criminal Court.

Case No 61. 2. Under the circumstances of this case, the Court of Foujdaree Adawlut direct that a copy of it as it stands in the Report, and of this parah, be sent by the Criminal Court

Court to the Acting 3rd Judge on Circuit who will be pleased to call for the proceedings held in the case and 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 Sunjdaree Udalut.—

Report V. Case No. 105. 3. The object of the reference made by the Police Officer to the Magistrate in this case not having been stated the Court direct that a copy of the case as it stands in the report, and of this para: be sent by the Criminal Court to the Magistrate who will be pleased to require the attention of the Head Police of Coleoontlah to the injunction of the Circular Order No. 62 dated 26th February 1836 in future similar cases.—

4. And adverting to the sentence passed on the prisoner the Court of Sunjdaree Udalut are of opinion with reference to the severe mutilation inflicted on the Prosecutrix, that the Prisoner should have been committed to trial. The Court accordingly resolve to call on the Acting Criminal Judge to explain the grounds

grounds on which he considered himself justified in adjudging the punishment awarded in this case.—

Case No. 111. 5. The prisoner in this case is charged with having wounded the Prosecutor with a hunting hatchet on the fingers of his left hand and on conviction was sentenced to pay a fine of five Rupees or in default to be imprisoned for 3 months under the provisions of Section VII Regulation X of 1816.

6. The Court observe that the amount of the fine imposed on the prisoner was altogether insufficient unless the act of violence committed by the prisoner was proved to have been slight.—

Case No. 113. 7. They also consider the punishment adjudged in Case No. 113 in which the prisoner is charged with having attacked the Prosecutor and given him three blows on the neck on the back and on the right hand with a stick from which blows the bone of his right hand was fractured to be inadequate, and observe that it was not competent to the Pundit Sudr Ameen to pass sentence in

in the case of the charge was fully substantiated against the prisoner - The Court therefore desire that the Pundit Sudr Ameen be called on to explain whether the fractures charged in the case was proved.-

8. The Pundit and Moofty Sudr Ameen do not appear to view these cases in the serious light they deserve.-

9. The Court further require an explanation of the circumstances under which the prisoner who was apprehended in case No 113 on the 4th June. was detained for 3 days in the village - the Criminal Judge will accordingly be directed to forward a copy of the case as it stands in the report, and of this Parah, to the Magistrate, who will be pleased to submit direct to the Foujdaree Udalut the necessary explanation on this point.-

Case No 117. 10. The Court of Foujdaree Udalut do not clearly understand the offence on which the prisoners are accused in Case No 117 the charge as at present worded is not intelligible, they accordingly require a more full and clear statement of the specific crime charged

charged against the prisoners.-

11. The Court at the same time require to be made acquainted with the object and necessity of the reference made by the Police Officer in this case to the Magistrate.

Cases Nos 120 and 122. 12. The Acting Criminal Judge will therefore send a copy of this case as it stands in the report as well as of cases Nos 120 and 122 to the Magistrate, who will be pleased to submit the required information on the point above specified and also explain why the prisoners in Cases Nos 120 and 122 who it is reported were apprehended at distances of 150 and 100 miles from the place where he was holding his catcherry were forwarded to him instead of being taken to the Police Officers of the Districts in which the offences were committed.-

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

(Sent following precept No 1099)

Read

Read the Criminal Reports for the month of June last submitted by the Officiating Joint Criminal Judge at Tellicherry.

(Here enter T.R. No 1401)

Case No 69.

1. The prisoner concerned in Case No 69 was charged with having in the day time opened the door of the Prosecutors house which was only ajar and stolen therefrom property valued at Rupees 1-3-2.—

2. The prisoner having been considered convicted of the charge has been sentenced to 6 months imprisonment with labor in irons.

3. Unless the prisoner was proved to have been an old offender— the Court of Foujdaree Udalut are of opinion that the sentence awarded was unnecessarily severe.—

Case No 70.

4. In Case No 70 the prisoners who were charged with having assaulted and beaten the prosecutors and the 1st prisoner with having broken the 1st Prosecutors left forearm by blows of a stick are stated to have been sentenced the 1st Prisoner to pay a fine of 100 Rupees or in default to suffer 1 years imprisonment, the 2nd 3rd and 4th to pay a fine

of 10 Rupees each or in default to suffer 1 months imprisonment, and the 5th and 10th prisoners to pay a fine of 5 Rupees each or in default to suffer 15 days imprisonment the other prisoners were released.—

5. The Court of Foujdaree Udalut observe with reference to the severe injury suffered by the 1st prosecutor that the Acting Joint Criminal Judge was not incompetent to pass sentence on the prisoners convicted in this case if the charges was fully substantiated against them.—

6. But under any circumstances the Court are of opinion that the Acting Joint Criminal Judge was not justified in condemning the prisoners before hearing the evidence for the defence, the Court accordingly resolved to set aside the sentence awarded and to direct that the witnesses for the Prisoners be cited and examined, and a new judgment passed on the consideration of this additional evidence, or should there appear no grounds for disturbing it, that the previous judgment be confirmed; and adverting to the sentence

passed

passed on the 1st prisoner the Court of Tanjore Udalut observe that under the provision of Section VII Regulation X of 1816 the prisoner should have been adjudged to suffer 6 months imprisonment and to pay a fine in lieu of which a further period of imprisonment should have been awarded the sentence in its present form is not legal.

Case No. 74. 7. The Court of Tanjore Udalut having reason to doubt the propriety of the conviction of the prisoners in this case on the evidence adduced, direct that a copy of the case as it stands in the report, and of this parah: be sent to the Provincial Court of Circuit in the Western Division, who will call for the proceedings held in the case and pass on them such orders as may appear to them proper, with reference to the provisions of Section XXIV Regulation X of 1816.

Case No. 75. 8. The prisoner in this case is convicted of having abused the Prosecutor and broken his right shoulder bone with a piece of stick and has been sentenced under Section VII Regulation X of 1816 to 6 months imprisonment

imprisonment with hard labor in irons and to pay a fine of 50 Rupees commutable if not paid to an additional imprisonment of 6 months. As the Surgeon's Certificate shews the injury sustained to be most serious and that it is unlikely to have been occasioned by a fall which the Prisoner says was the case, the Court of Tanjore Udalut are of opinion that the Acting Joint Criminal Judge should have committed for trial before the Court of Circuit the prisoner Croomban, the sentence recorded on whom seems much too lenient.

Case No. 76. 9. It does not appear clear to the Court that there is any proof that a theft was actually committed in this case and if not the Acting Joint Criminal Judge will be pleased to order the immediate release of the prisoner if in Gaol, or the annulment of his bail bonds, if any have been entered into by him.

Case furnished under Regulation X of 1832. 10. With reference to the statement shewing the instances in which the powers

powers of punishment created by Regulation X of 1832 have been exceeded, the Court of Foujdaree Adalut are of opinion that under the circumstances represented the Acting Joint Criminal Judge was not justified in punishing a convict because he could not prove the complaint preferred by him against the Jail authorities, and they observe that it is improper and injudicious to sentence him to be fed on cold water without salt for a week, such diet in their opinion might prove detrimental to the constitution of the sufferer.—

Report No. VIII 11. In consequence of Report No. VIII being omitted the Court conclude that the cases stated in Report No. V. ~~to~~ have been committed for trial before the Court of Circuit has been brought under trial and disposed of. The Court however of the omission to forward this report should have been stated in a letter forwarding the other reports, as required by Circular Order 4th September 1820.—

Ordered,

Ordered, that Extract from these proceedings be sent to the Acting Joint Criminal Judge at Tellicherry for his information and guidance by precept returnable in 5 days from and after its receipt and copy of Para: 7 sent to the Provincial Court in the Western Division.—

(Sent following precept No. 1100 & 1101)

Read return dated the 25th Ultimo from the Criminal Judge of Malabar, to the precept of the Foujdaree Adalut of the 13th July 1840, conveying their observations and orders on the Criminal Reports for the month of May 1840.—

(Here Enter No. 1473.)

Read letter dated the 1st Ultimo from the Acting Chief Magistrate and Superintendent of Police at Madras, forwarding the Report and Supplemental Report of Cases tried under Act No. XXII of 1837 for the month of June 1840.—

(Here enter No. 1477.)

Read letter dated the 25th Ultimo from the Chief Secretary to Government conveying

powers of punishment created by Regulation X of 1832 have been exercised the Court of Fouzdaree Udalut are of opinion that under the circumstances represented the Acting Joint Criminal Judge was not justified in punishing a convict because he could not prove the complaint preferred by him against the Jail authorities, and they observe that it is improper and injudicious to sentence him to be fed on cooleewater without salt for a week such diet in their opinion might prove detrimental to the constitution of the sufferer.—

Report No. VIII 11. In consequence of Report No. VIII being omitted the Court conclude that the cases stated in Report No. V. to have been committed for trial before the Court of Circuit has been brought under trial and disposed of. The cases however of the omission to forward this report should have been stated in a letter forwarding the other reports as required by Circular Order 4th September 1820.—

Ordered,

Ordered, that Extract from these proceedings be sent to the Acting Joint Criminal Judge at Tellicherry for his information and guidance by precept returnable in 5 days from and after its receipt and copy of para: 7 sent to the Provincial Court in the Western Division.—

(Sent following precept No. 1100 & 1101)

Read return dated the 25th Ultimo from the Criminal Judge of Malabar, to the precept of the Fouzdaree Udalut of the 13th July 1840, conveying their observations and orders on the Criminal Reports for the month of May 1840.—

(Here Enter No. 1473.)

Read letter dated the 1st Ultimo from the Acting Chief Magistrate and Superintendent of Police at Madras, forwarding the Report and Supplemental Report of Cases tried under Act No. XXII of 1837 for the month of June 1840.—

(Here enter No. 1477.)

Read letter dated the 25th Ultimo from the Chief Secretary to Government, conveying

4th August 1840.

concerning the observations of Government on the Circuit Report of the 3rd Judge of the Provincial Court of Circuit in the Western Division for the 1st quarterly Sessions of 1840 submitted with the Proceedings of the Fingdaree Adalut of the 29th June 1840.

(Here enter No. 1479)

Read letter dated the 29th Ultimo from the Acting 1st Judge of the Provincial Court of Circuit in the Centre Division, furnishing certain explanations with reference to the Proceedings of the Fingdaree Adalut of the 25th Ultimo held in Case No. 16 on the Chinglepet Calendar for the 1st Sessions of 1840.

(Here enter No. 1484)

Read Statement dated the 27th Ultimo from the Acting 3rd Judge on Circuit in the Centre Division of Batta paid to the Prosecutors and Witnesses for the Chittoor 2nd quarterly Sessions of 1840.

(Here enter No. 1486).

E.C.

4th

Wednesday 5th August 1840.

At a Court of the Fingdaree Adalut

Present

John Bird Esqre. ——— 1st Puisne Judge

Alexr. Duncan Campbell Esqre. — 2d Puisne Judge

Henry Dickinson Esqre. ——— 3d Puisne Judge,

Read Supplemental return dated the 14th July 1840 from the 3d Judge late on Circuit in the Southern Division submitting an English translation of the record in Case No. 3 on the Coimbatore Calendar 1st Sessions of 1840.

(Here enter E.C. No. 1356)

1. The evidence of the prosecutor and witnesses in this case appears to the Court to contain several discrepancies before therefore proceeding to pass judgment on it they deem it necessary to direct that additional evidence be submitted for their consideration.

2. It is observed that the Prosecutor and witnesses were not examined till four days after the date of the commission of the robbery, and that they then declared that they recognized the prisoners. The

Court

4th August 1840.

conveying the observations of Government on the Circuit Report of the 3rd Judge of the Provincial Court of Circuit in the Western Division for the 1st quarterly Sessions of 1840 submitted with the Proceedings of the Fouzdaree Adalut of the 29th June 1840.

(Here enter No. 1479.)

Read letter dated the 29th Ultimo from the Acting 1st Judge of the Provincial Court of Circuit in the Centre Division, furnishing certain explanations with reference to the Proceedings of the Fouzdaree Adalut of the 25th Ultimo held in Case No. 16 on the Chingleput Calendar for the 1st Sessions of 1840.

(Here enter No. 1484.)

Read Statement dated the 27th Ultimo from the Acting 3rd Judge on Circuit in the Centre Division of Batta paid to the Prosecutors and Witnesses for the Chittoor 2nd quarterly Sessions of 1840.

(Here enter No. 1486.)

E.G.

Wednesday 5th August 1840.

At a Court of the Fouzdaree Adalut

Present

John Bird Esqr. ——— 1st Puisne Judge.

Alexr. Duncan Campbell Esqr. 2d Puisne Judge.

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

Read Supplemental return dated the 14th July 1840 from the 3d Judge dated on Circuit in the Southern Division submitting an English translation of the record in Case No. 3 on the Coimbatore Calendar 1st Sessions of 1840.

(Here enter E.G. No. 1356.)

1. The evidence of the prosecutor and witnesses in this case appears to the Court to contain several discrepancies before therefore proceeding to pass judgment on it they deem it necessary to direct that additional evidence be submitted for their consideration.

2. It is observed that the Prosecutor and witnesses were not examined till four days after the date of the commission of the robbery, and that they then declared that they recognized the prisoners. The

Court

4th August 1840.

conveying the observations of Government on the Circuit Report of the 3rd Judge of the Provincial Court of Circuit in the Western Division for the 1st quarterly Sessions of 1840 submitted with the Proceedings of the Singalese Adalut of the 29th June 1840.—

(Here enter No. 1479.)

Read letter dated the 29th Ultimo from the Acting 1st Judge of the Provincial Court of Circuit in the Centre Division, furnishing certain explanations with reference to the Proceedings of the Singalese Adalut of the 25th Ultimo held on Case No. 16 on the Chingleput Calendar for the 1st Sessions of 1840.—

(Here enter No. 1484.)

Read Statement dated the 27th Ultimo from the Acting 3rd Judge on Circuit in the Centre Division of Batta paid to the Prosecutors and Witnesses for the Chittoor 2nd quarterly Sessions of 1840.—

(Here Enter No. 1486.)

E. G.

Wednesday 5th August 1840.

At a Court of the Singalese Adalut

Present

John Bird Esqr. ——— 1st Puisne Judge,

Alexr. Duncan Campbell Esqr. — 2d Puisne Judge,

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

Read Supplemental return dated the 14th July 1840 from the 3d Judge late on Circuit in the Southern Division submitting an English translation of the record in Case No. 3 on the Coimbatore Calendar 1st Sessions of 1840.—

(Here enter E. G. No. 1356)

1. The evidence of the prosecutor and witnesses in this case appears to the Court to contain several discrepancies, before therefore proceeding to pass judgment on it they deem it necessary to direct that additional evidence be submitted for their consideration.—

2. It is observed that the Prosecutor and witnesses were not examined till four days after the date of the commission of the robbery, and that they then declared that they recognized the prisoners. The

Court

Court of Enquiry Ordain therefore deem it of importance that evidence should be obtained as to what their statements may have been immediately after the occurrence.—

3.

It is stated by the Head of Police of the Colachy Talook in the Argue addressed to him as the Joint Criminal Court on the 13th December 1839; that Ayrakoy Goverdan Monegar of Pallagandapoor forwarded a report to him on the 8th of December in which he stated that hearing of the robbery that had taken place in the Prosecutors House on the 7th he proceeded to his village and having gone to the Prosecutors house, the Prosecutor at once mentioned the names of the eight Prisoners as having been recognized by him during the robbery.—

4.

If any charge was at the time committed to writing, the Court of Enquiry Ordain direct, that it be submitted for their consideration, together with the report of the Monegar &c to the Head of the Police of Colachy.—

5.

The Court also direct that the Monegar and those who were with him may be examined as to what was really stated by the Prosecutor and others when they first questioned them concerning the robbery.—

6.

On their examinations the 5th and 6th witnesses have deposed that they accompanied a Duffadar and Peons and searched the House of the 1st Prisoner when a white cummly and a bill hook were found which the Prosecutor has sworn were his.—

7.

At the time of this search neither the Prosecutor nor the 1st Prisoner was present and the latter in his examinations before the Joint Criminal Court and on his defence before the Court of Circuit declared that when the Prosecutor Son saw the Cummly and the property in his (Prisoners) House he passed them over as not being his father's property and that the identifying them was altogether an after thought...

8.

The Court are desirous that the Duffadar and Peons should also be examined as to what really occurred on the occasion of the search.—

9.

The Court of Enquiry Ordain therefore to return the English translation of the record of this case to the 3d Judge of the Provincial Court of Circuit in the Southern Division with instructions to issue a Precept to the Joint Criminal Judge at Coimbatore directing him to obtain the attendance of the

Witnesses

witnesses above specified and in the presence of the prisoners take their examination upon their solemn affirmation in the required forms.—

10.

The Joint Criminal Judge will permit the prisoners to cross examine the witnesses and to offer any thing further in their defence should they wish it at the close of their examination.—

11.

The 3d Judge will annex English translation of the additional evidence so taken to the record, and will retransmit the same for the consideration and final judgment of the Court of Cuyidara Adalut.—

12.

In the mean time the Court direct that the sentence passed on all the prisoners but the 7th be suspended.—

13.

The 7th Prisoner it is remarked confessed before the Police, and the Court see no reason to doubt that this confession was given freely and voluntarily.—

Ordered, that Extract from these Proceedings be sent to the 3d Judge late on Circuit in the Southern Division for his information and guidance by precept returnable within 20 days from and after its receipt.—

(Vide following Precept No. 1108.)

C. C.

5th August 1840.

Read letter dated the 17th 5th August C. C.
the Report to the Governor of Fort St. George at 1371,
submitting the Criminal Reports for the Months of June last.—

(Here enter C. C. No. 1418.)

Criminal Report of the acting Assistant No. I
Case No. 28.

1.

Adverting to the sentence awarded in this case in which the 4 first prisoners have been adjudged in default of paying the fine, to be confined for three Months with hard labor in irons, under Clause ninth section VI Regulation I of 1820, the Court of Cuyidara are reluctant above that in such a case as this, irons should not form part of the sentence except in the event of a special necessity arising out of the bad conduct of the prisoner or the insecurity of the place of confinement in which case the ground for such a proceeding must be recorded.—

Report No. 2.
Case No. 90.

2.

The prisoner C. Somasecka in this case has been convicted of a breach of the custom Laws. and sentenced to pay a fine of 50 Rupees. under the provisions of Section XLIV Regulation IX of 1816.—

3.

The Court observe that section XXI Regulation I of 1812. should have been quoted as the authority for the sentence awarded.—

Pith

No. 96. 4.

With reference to the remark recorded in this case the Court of Coujdaree Udalut request to be informed whether any sentence had been passed by the Head of Police of Coonarum on the prisoners and if so whether any part of the punishment adjudged had been undergone—

5. The Court of Coujdaree Udalut observe that in preparing these reports the Agent to the Governor of Fort St. George at Vizagapatam has omitted to enter any particulars of the nature of the evidence adduced in each case, they therefore deem it proper to intimate to him that in the future reports he is expected in all cases to enter an abstract not only the sentence awarded, but also the grounds on which such sentence may be founded and in case of an order for the requisition of security the Court of Coujdaree Udalut direct that the grounds of such requisition be distinctly specified.—

6. Adverting to the concluding paragraph of the Agent's letter (which it is remarked should in conformity with the Circular order of the 4th September 1820 have been numbered) the Court observe that Mr. Archibald is correct in concluding that Abstract No. 3 and 4 are to contain only the cases referible to the Coujdaree Udalut under the

the ordinary regulations and not those in which he is to pass sentence on the receipt of the Court orders agreeably to Clause 5th of the 1st of the Rules passed by Government for his guidance, but they desire that he may be informed that it is not necessary that blank statements should be forwarded, but that in lieu thereof a note should be appended to his letter certifying that the statements are blank.—

7. It would appear from the circumstances of no reports of cases disposed of by the Agent having been submitted, that that officer has delegated to his Assistants the whole of the powers of Criminal Judge vested in him by Act No. XXIV of 1839 confining himself to the performance of the duties of a Judge of Circuit.

8. In the event of cases having been disposed of by the Agent in his capacity of a Criminal Judge a report of those cases should be submitted for the consideration of the Coujdaree Udalut.—

9. The Court also observe that the Agent has omitted to forward with these reports the statement shewing the manner in which the prisoners under confinement in his charge were employed during

during the month of June last.—

Ordered, that Extract from these Proceedings be sent to the Agent to the Governor of Fort St. George at Vizagapatam by precept returnable in 5 days from and after its receipt.—

(Sent following Precept No. 1109)

Read letter dated the 3d Instt. letter from the Acting 3d Judge on Circuit in the Centre Division submitting English Translates of the Record of Case No. 1 of the Cuddapah Calendar for the 2d Sessions 1840 for the final decision of the Sudder Adawlut.—

(There enter No. 1447)

Mr. Campbell and Mr. Dickinson,

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

1st Kotsaingandoo

and

2d Koonoorgandoo

is sufficient to convict them of having made an attempt to commit a gang robbery by open violence, do convict them thereof, and, under the provisions of Clause third Section IV Regulation XV of 1803, do sentence them

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

(Sent following letter No. 1110)

Read letter dated the 22d ultimo from the Provincial Court of Circuit in the Northern Division forwarding copy of a letter from the Principal Sudder Ameen at Ichapore stating that he has been obliged to employ 4 additional Peons, for the safe custody of the Convicts in Case No. 2 of the Ichapore Calendar for the 1st Sessions of 1840; and requesting that sanction may be obtained from Government, for their temporary employment.—

(There enter S.D.A. No. 1454.)

1. Before submitting to Government for sanction, the application of the Principal Sudder Ameen at Ichapore, the Judges of the Sudder Adawlut direct, that Mr. Sharkey be called upon to report the total amount of expense that may be incurred, on account of the employment of the additional 4 Peons.

2. The Judges are also of opinion that the

5th August 1840.

the transfer of the convicts abovementioned to Chingleput should be effected without delay—

Ordered, that a Extract from these Proceedings be sent to the Provincial Court of Circuit in the Northern Division for their information and guidance by precept returnable in 6 days from and after its receipt.—

Sent following Precept No. 1111/

F. U.

Monday
6th August 1840.

At a Court of the Foujdaree Adalut

Present,

John Bird Esqre ——— 1st Puisne Judge
Alexr Duncan Campbell Esq 2nd Puisne Judge
Henry Dickinson Esqre ——— 3rd Puisne Judge.

Read further Return dated the 24th ultimo from the 2nd Judge late on Circuit in the Western Division to the precept of the Foujdaree Adalut of the 26th June 1840 transmitting an English translation of the record in Case No 1 on the Honore Calendar for the 1st Session of 1840.

/Here enter F. U. No 1466/

The Court of Foujdaree Adalut

Mr Campbell and Mr Dickinson

in a deliberate consideration of all the circumstances of the case in evidence before them being of opinion that the proof against the prisoner

1st Bhundury Madea

is sufficient to convict him of the crime of wounding committed in the pursuance of theft for which according to the Mahomedan

Law

6th August 1840.

Law as declared in futwas of their Law officer
discretionary punishment is awardable, and the
prisoners

2nd Mungaly
and
3rd Comarpeke Poorsoo

of being accessories thereto, do convict them
thereof and under the provisions of Clause third
Section VIII Regulation XV of 1803 adjudge the
prisoner

1st Plumdary Madoo

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

2nd Mangaly
and
3rd Comarpike Poorsoo

to be imprisoned and kept to hard labor in irons
for and during the period of two years each
the said sentences to take effect
from the 30th April 1840

Sent following letter No 1113/

No. 110.

Friday, 7th August 1840.

At a Court of the Zillah Adalut.

Present,

John Bird Esqr. 1st Puisne Judge.
Alexr. Duncan Campbell Esqr. 2nd Puisne Judge.
Henry Dickinson Esqr. 3rd Puisne Judge.

Read return dated the 17th Ultimo from the Acting Joint Criminal Judge in the Auxiliary Court at Tellicherry, to precepts of the Zillah Adalut of the 6th Ultimo, conveying their observations and orders on the Criminal Reports for the month of May 1840.

(Vide entry No. 1120.)

With reference to para 2 of the above return, the Judge of the Zillah Adalut direct, that as the Prisoner in Case No. 60, does not appear to be a bad character, his period of imprisonment be reduced from 8 to 6 months.

Ordered, that Extract from these proceedings be sent to the Acting Joint Criminal Judge in the Auxiliary Court at Tellicherry for his information and guidance.

(Sentence No. 1105.)

Read

Read order of Government dated the 20th Ultimo, communicating copies of two letters and their enclosures addressed by the Magistrate of Vellore to the Chief Secretary to Government, under dates the 6th of February and 2nd Ultimo, commenting on the little assistance rendered by the Head of Police of the Budwail Talook, towards apprehending the Gang traced to that part of the Cuddapah District, who are supposed to have been concerned in the attack on the Talook Treasury at Rayaur - desiring accordingly that a strict enquiry is made into the conduct of the Head of Police of the Budwail Talook as represented by Mr. Stanhouse, and directing the Court of Zoujdaree Adalut to report the result, with their opinion thereon, for the consideration and orders of Government.-

(Fore enter No. 1452)

1 The Court of Zoujdary Adalut are of opinion that the orders of Government can be best fulfilled by directing the Provincial Court in the Centre Division to institute a strict enquiry into the conduct of the Head of Police of the Budwail Talook on the occasion referred to, and for this purpose it may be necessary that they should require the attendance before them of that person as well as of the Head of Police and such Police

Officer of Police of the Rayaur Talook, and of the Peons of the Vellore District who traced the Gang to the Budwail Talook with any other persons they may deem requisite.-

2. In communicating to the Court of Zoujdaree Adalut the result of the investigation now ordered, the Provincial Court will ascertain and report the opinion entertained by the Magistrate of the District of the general conduct of the Head of Police of Budwail

3. The Court of Zoujdaree Adalut are perceive that the Acting Magistrate of Cuddapah has been instructed by Government immediately to suspend this Head of Police from Office, pending the enquiry ordered to be made into his conduct.-

Ordered that Extract from these proceedings together with copies of the papers which accompanied the order of Government of the 20th Ultimo be forwarded to the Provincial Court of Circuit in the Centre Division for their information and guidance.-

(Sentin No. 1117)

Read letter dated the 27th Ultimo from the 2nd Judge late on Circuit in the Western Division, forwarding for the information of the

Judges

7th August 1840.

Judges of the Tongdaree Udalut's copies of a communication from the Principal Sub-Assistant of Honore, and of its enclosure relative to Case No. 1 of the Honore additional Calendar for the 1st Sessions of 1840.

(Here enter F.U. No. 1188.)

1. The Principal Sub-Assistant of Honore reports, that the two Prisoners on Case No. 1 referred to above, who were sentenced by the Judges of the Tongdaree Udalut to transportation for life, are declared by the Medical Officer not to be in a fit state of health, to proceed on their journey to Chingleput.

2. Under these circumstances, the Judges of the Tongdaree Udalut direct, that the Prisoners Hanje Hungo Shetty and Ganiga Timmappa, be detained at Honore until such time as they may be able to travel without danger.

Ordered, that Extract from these Proceedings be sent to the 2nd Judge late on Circuit in the Western Division for his information and guidance.

(Sent in No. 1118.)

J. No.

Saturday 8th August 1840.

At a Court of the Tongdaree Udalut.

Present;

John Bird Esquire — 1st Puisne Judge.

Alexr. Duncan Campbell Esqre. — 2nd Puisne Judge.

Henry Dickinson Esqre. — 3rd Puisne Judge.

Read letter dated the 10th July 1840 from the Provincial Court of Circuit in the Centre Division, submitting an English translation of the record of the trial in Case No. 40 on the Cuddapah Calendar for the 2nd Sessions of 1839.

(Here enter F.U. No. 1315.)

Read also return and supplemental return dated respectively the 23rd and 30th Ultimo from the Provincial Court of Circuit in the Centre Division, to the precept of the Tongdaree Udalut of the 15th Ultimo, directing them to obtain and submit with the least practicable delay the result of the Proceedings instituted against the 4th witness Boodaingandoo in the case above recorded.

(Here enter F.U. No. 1424 and 1482.)

Mr. Bird and Mr. Campbell.

1. In this case two prisoners were charged

charged before the late Acting Judge with having with some others attacked the Prosecutor near a tope and robbed him of cloths valued at Rupees 15 1 annas 8.—

2. The Law Officer of the Court of Circuit declared the 1st prisoner convicted of Highway robbery on strong presumptive proof, and the 2d " of the suspicion of the said crime.— The Judge on Circuit recording his concurrence in this futwah ordered the release of the prisoners on their furnishing two sureties in the sum of 30 Rupees each surety for the period of two years.—

3. The Court of Fouzdaree Udalut observing in the 9th parah: of their Proceedings of the 7th November last that the Acting Judge has erred in considering the finding of Zeem i ghalib by the Futwa of the Mahomedan Law Officer of the Court of Circuit tantamount to an acquittal, directed the reference of this case for their final judgment as far as regarded the 1st " prisoner acquitted under the mistaken view above stated.—

On

4. On a deliberate consideration of all the circumstances of the case as exhibited in the record of the trial, the Court of Fouzdaree Udalut being of opinion that the proof against the 1st " prisoner

Davatee Gurdeegaudoo

is insufficient for his conviction do acquit him of the crime charged, and considering that there are not any grounds for demanding security from him, direct that he be unconditionally set at liberty.—

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

(Sent following precept No. 1124)

Read return dated the 23d " Ultimo from the Acting Criminal Judge of Canara, to the precept of the Fouzdaree Udalut of the 13th " July 1840, on review of the Criminal Reports for the month of May last:—

(Here enter F. R. No. 1460)

1. With reference to para: 2. of the above

above return, the Court of Sinjdarees Udalut observe, that the delay which occurred in disposing of Case No. 62, has not been satisfactorily accounted for by the Acting Criminal Judge of Canara, inasmuch as the sentence imposed by the Sudr Ameen Moorthy, does not require "confirmation" by the Criminal Judge.—

(Sentence No. 1125)

Read return dated the 27th Ultimo from the Acting 4th Judge of the Provincial Court of Circuit in the Northern Division, to the precept of the Sinjdarees Udalut of the 14th July 1840, conveying their observations and orders on the Primary and Supplemental Calendars of the Masulipatam 3d Quarterly Sessions of 1840.—

(Here enter No. 1485)

Read letter dated the 25th Ultimo from the 3d Judge on Circuit in the Northern Division, submitting for the consideration and final sentence of the Sinjdaree Udalut the record of the trial in Case No. 2 on the Sellore Primary Calendar for the 2d Sessions of 1840.—

(Here enter No. 1468.)

F. C.
8th August 1840.

Read letter dated the 28th Ultimo from the 2d Judge on Circuit in the Northern Division, forwarding some further communications from the Criminal Court in Case No. 2 on the Sellore Primary Calendar for the 2d Sessions of 1840.—

(Here enter No. 1469)

Mr. Campbell
and
Mr. Dickinson.

The Court of Sinjdaree 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 Goorookoola Pedda Veeradoo
2d Eya Poottaloogaudoo
3d Goorookoola Chena Veeradoo
and
5th Toopaukoola Dungauregaudoo.

is sufficient to convict them of the crime of murder, committed in the prosecution of robbery by open violence, do convict them thereof, and under the provisions of Clauses first and fifth Section IV. Regulation XV of 1803 sentence the Prisoner

5th Toopaukoola Dungauregaudoo.

to

above returns, the Court of Fouzdaree Udalut observe, that the delay which occurred in disposing of Case No. 62, has not been satisfactorily accounted for by the Acting Criminal Judge of Canara, inasmuch as the Sentence passed by the Sud Ameen Hourly, does not require "confirmation" by the Criminal Judge.—

(Sent in No. 1125)

Read returns dated the 27th Ultimo from the Acting 1st Judge of the Provincial Court of Circuit in the Northern Division, to the precept of the Fouzdaree Udalut of the 14th July 1840, conveying their observations and orders on the Primary and Supplemental Calendars of the Masulipatam 3rd Quarterly Sessions of 1840.—

(Here enter No. 1485)

Read letter dated the 25th Ultimo from the 3rd Judge on Circuit in the Northern Division, submitting for the consideration and final sentence of the Fouzdaree Udalut the record of the trials in Case No. 2 on the Nellore Primary Calendar for the 2d Sessions of 1840.—

(Here enter No. 1468.)

F. C.
8th August 1840.

Read letter dated the 28th Ultimo from the 2d Judge on Circuit in the Northern Division, forwarding some further communications from the Criminal Court in Case No. 3 on the Nellore Primary Calendar for the 2d Sessions of 1840.—

(Here enter No. 1469)

Mr. Campbell
and
Mr. Dickinson.

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 prisoners

1st Goorookoola Pedda Veeradoo
2d Oya Poottaloogaudoo
3d Goorookoola Chena Veeradoo

and

5th Toopaukoolar Dungaureegaudoo.

is sufficient to convict them of the crime of murder, committed in the prosecution of robbery by open violence, do convict them thereof and under the provisions of Clauses first and fifth Section IV Regulation XV of 1803 sentence the Prisoner

5th Toopaukoola Dungaureegaudoo.

to

to suffer death by being hanged at the usual
time and place of execution and the prisoners
1st Coroo Koola Pedda Veeradoo
2d Ega Poottaloogaudoo
and
3d Goroo Koola Chena Veeradoo
to be transported to such place or places
beyond Seas as the Governor in Council shall
appoint, there to be imprisoned and kept
to hard labor in irons on the public roads
or other public works, for, and during the
period of their natural lives - and being -
further of opinion that the proof against
the prisoner

4th Pallooy Venkategaudoo
is insufficient to convict him of Robbery by
open violence, they do convict him thereof, &
under Clause third Section IV Regulation
XV of 1803 - they sentence the said
4th Pallooy Venkategaudoo
to be imprisoned & kept to hard labor
in irons on the public roads or other public
works, for, and during the period of fourteen years
(Vide following letter No 1126)

Read

Read letter dated the 29th
Ultimo from the Acting 3d Judge on Circuit
in the Centre Division, reporting his intention
to open the 2nd Sessions of 1840 at Dollay
on the 31st August 1840.

Entd

(Here enter No 1487)

Read letter dated the 31st
Ultimo from the acting 3d Judge on Circuit
in the Centre Division submitting with
reference to the Proceedings of the Tongdaree
Adalut of the 11th July, an Extract from the
proceedings of the Court of Circuit respecting
Case No 94 on the Cuddapah Criminal
Report for the month of May 1840.

(Here Enter No 1501.)

Read return dated the 31st
Ultimo from the Criminal Judge of Dollay
to the precept of the Tongdaree Adalut of
the 13th July 1840 conveying their observations
and orders on the Criminal Report for
the month of May 1840.

(Here Enter No 1515.)

Read letter dated the 3d Ultimo
from

8th August 1840.

from the Provincial Court of Circuit in the Centre Division forwarding with reference to the Proceedings of the Tongdaree Udalut dated the 11th Ultimo an Extract from the Proceedings of the Court of Circuit held on case No. 76 of 1840 on the Criminal file of Chittoor.—

(Here enter No. 1532.)

Read letter dated the 3rd Instant from the Provincial Court of Circuit in the Centre Division forwarding with reference to the Proceedings of the Tongdaree Udalut dated the 11th Ultimo an Extract from the Proceedings of the Court of Circuit held on Case No. 78 of 1840 on the Criminal file of Chittoor.—

(Here enter No. 1533.)—

J. No.

Monday
10th August 1840. At a Court of the Tongdaree Udalut

Present,

JWB — John Bird Esqr. — 1st Puisne Judge
AD — Alexr. Duncan Campbell Esqr. — 2nd Puisne Judge
Henry Dickinson Esqr. — 3rd Puisne Judge

Read letter dated the 31st ultimo from the Provincial Court of Circuit in the Centre Division, transmitting an English translation of the Record in Case No. 42 on the Bellary Calendar for the 2nd Sessions of 1839.—

(Here enter J. No. 1492.)

The Court of Tongdaree Udalut

Mr. Bird and Mr. Campbell on a deliberate consideration of all the circumstances of the case in evidence before them being of opinion that the prisoners

1st. Damogah

and

2nd. Ballakullogah

are not convicted of the crime of murder on presumptive proofs or on the evidence of credible witnesses, or on their own confessions, do acquit them thereof, and under the provisions of

Clause

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

(Sent following letter No. 1131)

Read letter dated the 15th ultimo from the 3d Judge late on Circuit in the Northern Division, Submitting Copies of the Vizagapatam Primary and Supplemental Calendars for the 1st Sessions of 1840.

(Hereunto No. 1389)

Case No. 1. 1. The Court of Foujdaree Udalut see great reason to doubt the propriety of the unconditional release of the prisoner concerned in Case No. 1. and accordingly they resolve to direct the 3d Judge of the Provincial Court of Circuit in the Northern Division to submit an English translation of the record of the trial for their consideration and orders.-

Case No. 10. 2. The 3d Judge is required to report the nature of the instructions issued to the Criminal Judge in view to prevent the possibility of the prisoner Peeracapilly Ramannah doing further mischief.-

3. The Court of Foujdaree Udalut observe that the 3d Judge has neglected to

Submit

10th August 1840.

Submit with this Calendar Copies of the Futwahs delivered by the Mahomedan Law Officer on the several Trials held before the Court of Circuit at Vizagapatam.-

Ordered, that Extract from these proceedings be forwarded to the 3d Judge of the Provincial Court of Circuit in the Northern Division for his information and guidance by precept returnable in 7 days, from and after its receipt.-

(Sent following Precept No. 1132)

Read letter dated the 28th Ultimo from the 3d Judge late on Circuit in the Southern Division, transmitting the Statement required by the Circular Order No. 4 dated 5th July 1834 for the 1st Sessions 1840.-

(Hereunto No. 1500)

The Court of Foujdaree Udalut having observed great delay in the dispatch of certain cases exhibited in the Statements forwarded with the above letter, particularly those sent in July, resolve to call upon the 3d Judge to submit an Explanation as to the cause of such delay, for the

information

information of this Court.

Ordered, that Extract from these proceedings be sent to the 3d Judge late on Circuit in the Northern Division for his information by precept returnable in 5 days, from and after its receipt.

(Sent following Precept No 1133)

Read Letter dated the 3d Instant from the Criminal Judge of Nellore, submitting Copy of a Warrant issued by the 2d Judge on Circuit in the Northern Division, and requesting the orders of the Court as to the disposal of the prisoner sentenced to banishment.

(Here enter No 1520)

The Court of Foujdaree Udalut directed that the prisoner

"Rompullee Yanady"

be removed to the Jail at Chingleput, there to be imprisoned agreeably to the terms of his Sentence.

Ordered, that Extract from these proceedings be forwarded to the Criminal Judges of Nellore and Chingleput for their information and guidance respectively.

(Sent in No 1134 & 1135)

Read letter dated the 31st Ultimo from the Criminal Judge of Salem, bringing to the notice of the Court of Foujdaree Udalut that an extensive Gang Robbery occurred in the Taloork of Paramully on the night of the 7th January 1840 Committed by nearly 100 persons of whom thirty five persons have been already apprehended, but some of the Chief ringleaders being yet at large, and the conviction of others in confinement not being attainable by means of the evidence forwarded to the Criminal Court, suggesting that the prisoners named "Chinna Cottie" (the 6th prisoner in the said Case) who has confessed himself an accessary, but whose share in the transaction was small, and induced by compulsion, of a nature exercised by a Master over his Servant, be admitted as an approver on the part of the Crown on the terms and conditions specified in Section XX Regulation VIII of 1802.

(Here enter No 1526)

The Court of Foujdaree Udalut having maturely considered the circumstances represented

represented in the letter from the Criminal Judge of Salem now recorded, resolve under the authority vested in them by Section XII Regulation XIII of 1832 to sanction the offer of a pardon to the prisoner

Chenna Cotti

on the terms and conditions specified in Section XX Regulation VIII of 1802.

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

(Sent in No. 1135)

Read Miscellaneous petition presented on the 27th ultimo by Soondra Lal, late Jail Jeon of the Zillah Court of Cuddapah.

(Here enter F. 16. M.P. No. 78 of 1840.)

The Petitioner states, that on the death of his Father, he made application to Mr. Angelo, then Judge of the Zillah of Cuddapah for leave of absence to proceed to his native Country for the purpose of performing funeral ceremonies in honor of his deceased Parent - that his request was refused by the Zillah Judge, and in consequence he resigned his situation as Jail Jeon, which he had held for 7 or 8 years.

He

2. He therefore prays, that as there are many situations at present vacant in the Jail at Cuddapah, the Judges of the Foujdaree Udalut will be pleased to issue orders to the Acting Zillah Judge, directing him to restore the situation to Petitioner.

3. Before passing a final decision on the above petition, the Judges of the Foujdaree Udalut direct that the Acting Criminal Judge of Cuddapah, be requested to submit a report of the circumstances connected with the removal of Petitioner from the Jail Establishment at Cuddapah

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

(Sent in No. 1137)

Read again Petition presented on the 13th April 1840 by Moonebhadra Iyenar of the Zillah of Chittoor.

(Here enter F. 16 M.P. No. 42 of 1840)

Read also return dated the 15th ultimo, and supplemental return dated the

27th

10th August 1840.

27th Ultimo, from the 3d Judge of the Provincial Court of Circuit in the Centre Division, to precept of the Foujdaree Udalut of the 29th June 1840, directing that the Proceedings submitted by the Joint Magistrate of Chittoor to the Court of Circuit, relative to the foregoing petition, be forwarded for the consideration of the Foujdaree Udalut.

/Here enter F. U. Nos. 1345 and 1457/

1. On a deliberate consideration of the Proceedings of the Joint Magistrate of Chittoor, relative to the above petition, the Court of Foujdaree Udalut are of opinion, that the decision passed thereon by him was perfectly correct, and ought not to be disturbed.

2. They therefore direct that the prayer of the Petition be rejected.

3. The remark contained in para 7 of this Court's Proceedings of the 29th June last, was made on the principle laid down in the Circular Order of the Sudr Udalut under date the 28th January 1830, but the order of the Court of Circuit of the 23d January last, does not come within the scope of the Circular order above referred to.-

10th August 1840.

4. Adverting to para 4 of the above Supplemental return, the Judges of the Foujdaree Udalut consider that as the English translation called for, was required for the use of this Court, the Magistrate of North Arcot should have conformed to the Provincial Court's precept of the 8th instant. The Judges desire that the attention of the Magistrate be called to the Circular Order of the Sudr Udalut of 15th March 1831.-

Ordered, that Extract from these Proceedings be sent to the 3d Judge of the Provincial Court of Circuit in the Centre Division, and Copy of paras. 1 and 2 be furnished to Petitioner on his application.

/Sent in No. 1198./

F. Vc.

Tuesday
11th August 1840.

At a Court of the Foujdaree Udalut

Present,

John Bird Esquire — 1st Puisne Judge

WS

Alexr Duncan Campbell Esqre — 2d Puisne Judge

Henry Dickinson Esquire — 3d Puisne Judge

Read return dated the 29th Ultimo from the 3d Judge late on Circuit in the Southern Division, to the Precept of the Foujdaree Udalut of the 8th Ultimo, directing him to submit an English translation of the record of the trial in case No. 8 on the Salem Calendar for the 1st Sessions of 1840.

(Here enter F. Vc. No. 1493.)

Mr. Bird and Mr. Dickinson

1. With this return the 3d Judge tenders up an English translation of the trial in question.—

2. The Court of Foujdaree Udalut having duly considered the proceedings held in the case above mentioned, see no grounds for disturbing the sentence passed by the Court of Circuit.—

Ordered, that Extract from these proceedings be sent to the 3d Judge of the Provincial

Provincial Court of Circuit in the Southern
Division for his information.—

(Sent in No. 1142)

Read again the Reports for
the month of April 1840, submitted by the
Criminal Judge of Cuddapah.

(Here enter J. No. 1468.)

Read letter dated the 25th
Ultimo from the Acting Magistrate of
Cuddapah, submitting the explanation called
for on Proceedings of the Tenjore Udalut of
the 25th May last re letter to Cuda No. 28
of the above Criminal Reports.—

(Here enter J. No. No. 1475.)

1. With reference to Cuda No. 58, the
Judges of the Tenjore Udalut in the Court by
Proceedings above alluded to, directed that
the Acting Magistrate of Cuddapah should
report what notice he may have taken of
the alleged gross misconduct of the Native
Police.—

3. The explanation however submitted
to this Court by Mr. Lavie being confined to

to an explanation of the circumstances under
which the case was forwarded by the Native
Police to the Criminal Court, the Judges of
the Tenjore Udalut direct that the Acting
3rd Judge on Circuit in the Centre Division,
be called upon to make strict inquiries
into the charge of severe ill treatment advanced
by the 5th Witness in Case No. 58. and submit
a full report thereon, for the information
of the Court of Tenjore Udalut with as
little delay as possible.—

Ordered, that Extract from the
Proceedings be sent to the Acting 3rd Judge
on Circuit in the Centre Division for his
information and guidance.—

(Sent in No. 1143)

Read letter dated the 30th
Ultimo from the Acting 1st Judge late on
Circuit in the Centre Division, submitting
the Chingleput Supplimental Calendar
for the 1st Sessions of 1840.—

(Here enter No. 1495.)

Read letter dated the 29th Ultimo
from

11th August 1840.

from the 2d Judge on Circuit in the Southern Division, reporting his intentions to open the 3rd Sessions of 1840 at Tinnevelly on the 31st August 1840.-

(Here enter No. 1496.)

Read letter dated the 29th Ultimo from the 3d Judge on Circuit in the Western Division, reporting the opening of the 2d Sessions of 1840 at Calicut on the 29th Ultimo and the state of the Calendar.-

(Here enter No. 1516.)

Read letter dated the 1st Instant from the 1st Judge of the Provincial Court of Circuit in the Western Division, transmitting the original Death Warrant &c. in Case No. 1 on the 2d Additional Calendar of the Joint Criminal Judge of Malabar for the 2d Quarter Sessions of 1840.-

(Here enter No. 1542.)

No. 1.

Wednesday, 12th August, 1840.-

At a Court of the Foujdaree Udalut.

Present,

John Bird Esquire — 1st Puisne Judge,

Alexr Duncan Campbell Esqr — 2d Puisne Judge,

Henry Dickinson Esquire — 3d Puisne Judge,

Read letter dated the 8th Instant from the Acting 3d Judge on Circuit in the Centre Division transmitting an English translation of the record in Case No. 26 on the Cuddapah Calendar for the 2d Sessions of 1840.-

(Here enter No. 1554.)

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

1st Gondla Ramoodoo

2nd Saunum reddy Timmadoo

3rd Conda Gungooloo

4th Sheddy Ramoodoo

and

5th Tumbooree Yellooguadoo

is sufficient to convict them of the crime of gang

going robbery, by open violence, accompanied with aggravating circumstances, do commit them thereof, and, under the provisions of Clause first Section V Regulation VIII of 1831, and Clause Second Section IV Regulation XV of 1803, do sentence them to be transported to such place or places beyond Seas, as the Governor in Council shall appoint, there to be imprisoned and kept to hard labor, in irons, on the public roads or other public works, for, and during the period of their natural lives.

(Sent following letter No. 1148)

Read letter dated the 27th Ultimo from the Acting Criminal Judge of Chingleput, requesting that the Judges of the Sowdaree Adalut, will be pleased to submit a recommendation to Government, that the Jail at that Station, may be supplied from the Government stores, with 8 Pans or Copper Kettles, holding about 6 Seers each, to be used in cooking rice for the Convicts in Jail.—

(Here enter F.No. No. 1465.)

1. The Acting Criminal Judge of Chingleput represents that the system of cooking rice for the Prisoners in a body instead of allowing each to cook for himself has been found fully to answer in the Cuddalore Jail.—

2. The Judges of the Sowdaree Adalut direct, that the joint Criminal Judge of Cuddalore be requested to report to this Court the system said to prevail in the Jail under his charge for preparing the food to be served out to the Prisoners in confinement in it. The joint Criminal Judge will also state whether this system was established and how it has been found to answer; and whether the rice is boiled and served out to the Prisoners indiscriminately or whether they are classed and rice cooked for them according to their separate Castes. The Joint Criminal Judge will likewise inform the Court where the Kettles in which the rice is boiled were obtained and at what cost.

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

(Sent in No. 1149) Read

12th August 1840.

Read letter dated the 29th Ultimo from the Criminal Judge of Malabar transmitting the Criminal Reports of that Court for the month of June last.—

(Here enter F.No. No. 1534.)

Supplemental Report Case No. 78

1. The Prisoners in this case have been before the Criminal Court since the 28th April last, and in explanation of the delay in the disposal of the case it is stated that "a Yadust was sent to the Magistrate on the "16th May for the attendance of the Prosecutor "whence an answer received on the 30th stating "that the wound of the Prosecutor is not healed "and it will take a month more to enable "him to attend the Court."—

2. The Court of Tanjore Udalut are of opinion that the Criminal Judge should again address the Magistrate regarding the attendance of the Prosecutor in the event of his not having done so previous to the receipt of these instructions.—

Case No. 91 and 95.

3. The Court of Tanjore Udalut see reason to doubt the propriety of the manner in which the cases noted in the margin have been

F.No.

12th August 1840.

disposed of by the Criminal Court, and they accordingly resolve to direct that a copy of those cases as they stand in the report and of this Parah: be sent by the Criminal Judge to the 3d Judge on Circuit in the Western Division who will call for the Proceedings held therein and 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 Tanjore Udalut.—

Case No. 87.

4. The Court consider the punishment adjudged on the prisoner in this case who was convicted of having stolen property valued at Rupees 26-6-5 from the house of the Prosecutor to be very lenient.—

Case No. 113.

5. In case No. 113 the prisoner is charged with having in the daytime on the 3rd June 1840 been found in possession of 6½ bottles of arrack valued at 1 Fanam 14 Annas without a licence, and was on conviction sentenced by the Assistant Criminal Judge to pay a fine of 2½ Rupees or suffer 15 days imprisonment

imprisonment under the provisions of Section IV Regulation V of 1831.—

6. The Court of Sunjdaree Udalut observe that the provisions cited in support of the sentence are inapplicable. Section XV Regulation I of 1820 should have been quoted.—

Cases Nos. 114 and 115.

7. The prisoner in Case No. 115 charged with stealing two calves was also charged in the preceding case with stealing a young bullock and sentenced by the Sudr Ameen Roofly to 10 months imprisonment and to 50 lashes.—

8. This sentence was however after-wards reduced to 4 months imprisonment with labor on the ground of the theft not having been attended with any aggravating circumstances.—

9. The Court of Sunjdaree Udalut see reason from the entry of the case in the Report to doubt the sufficiency of the evidence for the conviction of the prisoner but if he was convicted on both charges they are of opinion that he deserved the full

punishment awarded by the Sudr Ameen.—

10. Under the doubt entertained by them they resolve to direct that the 3rd Judge on Circuit in the Western Division be ordered to call the proceedings and pass on the Cadet 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 this Court.—

Case No. 116.

11. Adverting to the remarks by the Assistant Criminal Judge on this case the Court of Sunjdaree Udalut direct that a copy of it, and of this Parah, be sent by the Criminal Court to the Magistrate, who is to inquire into the conduct of the Head of Police of Paulghat, and report direct to the Sunjdaree Udalut what notice he has considered it necessary to take of it.—

Case No. 117.

12. The Court observe that the Criminal Judge has omitted to specify in the charge where the robbery in this case is stated to have occurred.—

Ordered, that Extract from this

13th August 1840.

these proceedings be sent to the Criminal Judge of Malabar by precept returnable in 5 days from and after its receipt.

(Sent following precept No 1158)

Ordered also, that Extract from these proceedings (Nos. 3, 7, 8, 9 and 10) be sent to the 3d Judge on Circuit in the Western Division, for his information.—

(Sent in No 1161)

Read return dated the 5th Instant from the Acting Criminal Judge of Canara to the precept of the Tellicherry Adalut of the 23d Ultimo conveying his observations and Orders on the Criminal Reports for the month of June last.—

(Here enter No 1559.)—

Ct. 16.

Thursday, 13th August, 1840.

At a Court of the Tellicherry Adalut.

Present

John Bird Esqre ——— 1st Puisne Judge

Alexr. Duncan Campbell Esqre — 2d Puisne Judge,

Henry Dickinson Esqre ——— 3d Puisne Judge,

Read letter dated the 4th August 1840 from the Acting 1st Judge Cutcherry on Circuit in the Centre Division submitting for the consideration and final sentence of the Tellicherry Adalut the record of the trial in Case No 19 on the Bellary Calendar for the 1st Session of 1840.—

(Here enter C. C. No 1530 of 1840.)

Mr. Bird, and Mr. Dickinson, The Court of Tellicherry 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

Cheemapah

is sufficient to convict him of manslaughter, for which the penalty of Deyut is awardable under the Mahomedan Law, as declared in futwas of their Law Officers, do convict him thereof, and, with reference to the provisions of Clause second Section XV Regulation VII of

of 1802, do sentence him to be imprisoned and kept to labor suitable to his age in irons, on the public roads or other public works for and during the period of (3) three years.

1. The Court of Enquiry [illegible] are of opinion that it is abundantly proved that the deceased was beaten with a stick and kicked by the prisoner in a most savage manner, and that her death was the consequence of the injury she then received.—

2. They also see no reason to believe that the prisoner intended to kill the girl, and consider it equally clear that if she had received efficient medical treatment death might not have ensued. But these circumstances do not in the judgment of the Court take away from the responsibility which attaches to the Prisoner.—

3. As it however appears that he is a very old man, the Court are of opinion that ends of justice will be satisfied by a punishment of three years imprisonment.—

Ordered accordingly, that Extract from these Proceedings be sent to the Acting 1st Judge Circuit in the Centre Division.—

Extract following letter No 1157.

Read letters from the Magistrate of Ballarat dated respectively the 24th and 30th Instno.—

(Here enter No 1476 and 1522.)

1. In his letter of the 24th Instno the Magistrate states that in consequence of the Acting 1st Judge when on Circuit in the Centre Division having suggested the removal of the Larcenium and Olivia Buffalo=dar, who appeared as the 4th and 8th witnesses on behalf of the prosecution in Case No 21 of the Ballarat Calendar for the 1st Sessions of 1840, he (the Magistrate) in deference to the orders of the Court of Circuit dismissed the said Police officers, but considering it proper he should have the means of forming his own opinion of the conduct of his late Police on the occasion in question, he had applied to the Criminal Judge to furnish him with the proceedings of the Criminal Court in the said Case No 21, but the proceedings in question having been forwarded to the Circuit Court, and the Acting 1st Judge late on Circuit in the Centre Division not having caused the proceedings to be furnished to him, the application to that effect

effect was made by the Magistrate to Mr. Swinton on the 26th June last, the Magistrate requests the orders of this Court on the subject, adding, that the Surakeeum Syed Mohoodeen has hitherto borne a very high character as an Police Officer.—

Also read letter dated the 6th Instant from the Acting 1st Judge of the Provincial Court of Circuit in the Centre Division, submitting a further correspondence between himself and the Magistrate of Bellary in respect to the Surakeeum Syed Mohoodeen and Police Cuffedar Mahomed Roosain of the Kurpunhully District.—

(Here enter Pro. No. 1540.)

With the above papers the Acting 1st Judge submits a copy of his proceedings under date the 5th August 1840 directing that a copy of the Criminal Court's proceedings in the case referred to above be forwarded to the Magistrate of Bellary, in view to enable him to institute an enquiry into the conduct of his police servants:- accordingly no further order is at present necessary with reference to the Magistrate's letters of the 24th and 30th Ultimo.—

Ordered, that Extract from these proceedings be forwarded to the Acting 1st Judge of the Provincial Court of Circuit in the Centre Division and to the Magistrate of Bellary for their information respectively.—

(Sent in Dis. Nos. 1158 & 1159)

S. U.

Friday, 14th August 1840.—

At a Court of the Sudder Adalut.—

Present,

Sir John Bird Esqre. ——— 1st Puisne Judge.
Hon.ble Duncan Campbell Esqre. 2nd Puisne Judge.
Henry Dickinson Esqre. 3rd Puisne Judge.

Read Supplemental return dated the 17th Ultimo from the 3rd Judge late on Circuit in the Southern Division, to precept of the Sudder Adalut of the 8th June 1840- forwarding an English translation of the proceedings in Case No. 8 on the Coimbatore Calendar for the 1st Sessions of 1840.—

(Here enter S.U. No. 1382.)

1. On a deliberate consideration of all the Proceedings held in the above case, the Judges of the Sudder Adalut are of opinion, that there is no doubt, the Prisoner did on the 6th March 1840 forswear himself in personating his brother; but that there exists no proof of corrupt intention on his part; or of wilful perjury as charged in the indictment.—

2. The Judges would further observe, that the indictment is not drawn up at all according

14th August 1840.

according to form, and the Prisoner is not been charged therein, with having on the 6th March 1840 falsely sworn himself to be his brother - on the contrary, the charge is founded exclusively on his deposition of the 29th January 1840, the substance of which seems to be true.-

3. Under these circumstances the Judges of the Supreme Court consider the prosecution to have been injudicious, the commitment improper, and the conviction unwarrantable -

4. They therefore resolve to overrule the Sentence passed by the Hon. Harrington, the 3rd Judge late on Circuit in the Southern Districts, and to direct that the Prisoner

Mullicherry

be forthwith released from confinement. -

Ordered, that a Copy of these Proceedings be sent to the 3rd Judge late on Circuit in the Southern Division for his information and guidance.

(Sent in No. 1163.)

Read letter dated the 29th Ultimo from the South Criminal Judge at Cuddalore, reporting that before complying with the requisition

of the Magistrate of South Arcot for 25 Prisoners to complete the gang ordered to be employed on the Causeway across the Backwater at Maracanum, he considers it proper to report the present numerical state of his Jail, and to state that of the 25 Convicts applied for are to be furnished to the Magistrate, he the Criminal Judge will be unable to keep in order the roads and bridges at Cuddalore, as these are to be kept in repair the work must be accomplished by turning the weavers on to the roads or by giving up the manufacture of paper altogether, and reporting that he will also be obliged to request the Military Board some assistance for which they have applied in enlarging the Catholic Chapel for the use of the Prisoners at Cuddalore.

(Here enter No. 1511.)

1. The Court of Foujdary Adalut having apprized Government in their Register's letter of the 28th of May last that the number of Convicts ordered under date the 15th of April last to be transferred to Maracanum for the purpose

of

of Lascars employed on the Causeway and Bridge across the backwater at that place would be completed immediately after the termination of the S.W. Monsoon of 1840 at Cuddalore, the Judges have considered it proper to instruct the Joint Criminal Judges at Cuddalore immediately to adopt the necessary measures for transferring 25 able-bodied Convicts to the charge of the Magistrate of South Arcot.

2. With regard to the manufactures of cloth in the Jail at Cuddalore, the Joint Criminal Judge has been informed that the employment of Convicts in the Jail under his charge, on works of this description is not to be discontinued; but with respect to the manufacture of paper in the Jail at Cuddalore, the Court of Foujdaree Adalut have directed that, for the present at least convicts be not employed in such labor at Cuddalore - as under the orders of Government of the 25th May 1840 at Vellore and Chingleput have been selected by the Court of Foujdaree Adalut as the Stations to which the manufacture of that article is to be restricted, the Joint Criminal Judge at Cuddalore has however been instructed to communicate to the Acting Judge at Chingleput his suggestions for the manufacture

of Paper from Rice Straw, under of paper of this description of which a specimen is enclosed for the Public Service, the Court of Foujdaree Adalut will direct the transfer from Cuddalore to Chingleput of any Convicts necessary to instruct others in the process.-

3. The letter now under consideration contains however a proposition for constituting the Jail at Cuddalore "an inside working Jail," and the Joint Criminal Judge states that much benefit would be derived by the employment of Convicts in weaving and making paper on a large scale, for which purpose the Jail at Cuddalore is already fitted with workshops and machinery.-

4. This scheme of transferring Prisoners from other Jails for the purpose of being employed in manufactures at Cuddalore, would appear to be opposed to the views entertained by Government as to the mode in which Convicts can be best employed "so as to afford the most remunerating "return to Government and the greatest benefit to the "community," but the Court of Foujdary Adalut deem it proper nevertheless to lay a copy of Mr. Baynes' letter of the 29th Ultimo before the Right Honorable

See Minutes of Consultation under date the 16th April 1840.-

Honorable the Governor in Council, for his consideration and orders, as under proper management the employment of a large number of Convicts at Cuddalore, in the manner suggested, might prove a measure of expediency—

Ordered, that Extract from these proceedings be forwarded to the Chief Secretary to Government, for the purpose of being laid before the Right Honorable the Governor in Council—

(Sent in No. 1164)

Read letter dated the 5th Instant from the Criminal Judge of Nellore, submitting for the consideration of the Judges of the Sudder Adalut copy of a letter from the Assistant Surgeon of the Zillah reporting his opinion that the prisoner named "Durra Venkadoo" who was tried in No. 78 of 1839 for an Assault on his wife, and acquitted in the Month of October of the same year on the ground of insanity, is a fit subject for the Lunatic Hospital at Madras

(Here enter No. 1537)

1. Upon consideration of the Report made by the Assistant Surgeon regarding the state of mind of the prisoner Durra Venkadoo

the Court of Sudder Adalut desire that this person be forwarded under proper custody to the Superintendent of Police at Madras in order to his being lodged in the Lunatic Hospital accordingly—

2. The prisoner will of course be accompanied by the requisite certificate of the European Medical Officer on his case—

Ordered accordingly that Extract from these proceedings be forwarded to the Criminal Judge of Nellore for his information and guidance by precept returnable in 7 days from and after date of his precept—

(Sent following precept No. 1165)

Read letter dated the 31st Ultimo from the Agent to the Governor of Fort St. George at Gingee, transmitting the original draft warrant in case No. 20 on the file of the Agent to the Governor of Fort St. George at Gingee—

(Here enter No. 1539)

Read letter dated the 1st August 1840 from the Provincial Court of Circuit in the Western Division, forwarding the Statements shewing the amount realized by the labor of Prisoners in the last Quarter of required by the Circular Order No. 88

(Here enter No. 1543) Read

th th August 1840

Read return dated the 6th Instant from the Criminal Judge of Chittoor, to precept of the Sanjidarree Adalut of the 3rd Instant, conveying their observations and orders on the Criminal Reports for the month of June last—

(Here enter No. 1555.)

Read return dated the 5th Instant from the Criminal Judge of Madura, to the precept of the Sanjidarree Adalut of the 29th July 1840, conveying their observations and orders on the Criminal Reports for the month of June last—

(Here enter No. 1561.)

Read letter dated the 8th Instant from the 2nd Judge on Circuit in the Southern Division, reporting that a Supplemental Calendar consisting of two cases with three Prisoners has been presented by the Criminal Judge of Madura—

(Here enter No. 1571.)

Read letter dated the 10th Instant from the Provincial Court of Circuit in the Centre Division forwarding with reference to the Proceedings of the Sanjidarree Adalut dated the 3rd Instant an Extract from the Proceedings of the Provincial Court of Circuit held on case No. 77 of 1840 on the Chittoor Criminal file—

(Here enter No. 1574.)

P.B.

Saturday 15th August 1840.

Present,

John Bird Esqre ——— 1st Puisne Judge,

Alexr Duncan Campbell Esqre 2d Puisne Judge,

Henry Dickinson Esqre ——— 3d Puisne Judge,

Read letter dated the 30th ultimo from the 2d Judge on Circuit in the Southern Division, submitting copies of the Primary and 1st and 2d Supplemental Calendars of the Zillah of Nellore for the 2d Sessions of 1840.—

(Here enter No. 1494.)

Case No. 4. 1. In Case No. 4 of the primary Calendar two prisoners have been convicted of the crime of Highway Robbery, but "under the circumstance of the Robbery not "having been aggravated by any personal injury," the presiding Judge recommends that the punishment prescribed by Law be reduced to "8 years imprisonment with hard labour in irons with corporal punishment "of 100 Lashes."—

2. The Court of Sanjidarree Adalut resolve to accede to the recommendation of the presiding Judge, and accordingly authorize that Officer to pass

pass the mitigated sentence above indicated upon the prisoners

"Erookoo Eimmadoo"

and

"Jimmoolagoottie Eimmadoo".

Case No. 5. 3. In Case No. 5 also two prisoners have been convicted of the crime of Highway Robbery, but the the commission of the Robbery does not appear to have been attended by any circumstances of aggravation, yet each prisoner has been sentenced to the full measure of punishment prescribed for such offence by the Regulations.—

4. The Court of Zoujdaree Udalut having duly considered the circumstances of the Case, are of opinion that the ends of justice will be attained by a sentence not exceeding 8 years imprisonment, and corporal punishment to the extent of 100 lashes, and should the 2d Judge on further consideration concur in this view, the Court of Zoujdaree Udalut authorize him in that event to pass such mitigated sentence upon the prisoners

"Maurem-reddy Lutchmegaudoo"

and

"Chagerla Ragaudoo"

that should he be unable to do so, he will submit an English translation of the Record for the consideration of the Court of Zoujdaree Udalut.—

Case No. 8. 5. The prisoner charged in Case No. 8 with Highway Robbery has been acquitted by the presiding Judge, and the order for his release from confinement will not be disturbed by the Court of Zoujdaree Udalut, but adverting to the evidence as abstracted in the Calendar, the Zoujdaree Udalut entertain no doubt of the prisoner's guilt, and they consider that the 2d Judge erred therefore in directing his unconditional release.—

1st Supplemental Calendar Case No. 2. 6. In Case No. 2 of the 1st Supplemental Calendar, the three prisoners charged with robbery by the Highway have been acquitted by the Court of Circuit, but the presiding Judge considering their unconditional release would be unsafe has directed the Criminal Judge "to take security from each "of the prisoners in the sum of 50 Rupees, in two "sureties of 25 Rupees each, for 2 years."—

7. The Court of Zoujdaree Udalut are of

of opinion that the requisition of security in this instance is excessive, and if enforced to the full extent demanded by the Court of Circuit would be tantamount to a sentence of imprisonment for the full period of the requisition; accordingly they resolve to direct the 2d Judge to issue an amended sentence, in which the security to be demanded from the prisoners should be reduced to two sureties of 10 Rupees each.—

Cases Nos. 3. 4. 5 and 6. 8.

In Cases Nos. 3. 4. 5 and 6 of the 1st Supplemental Calendar, the prisoners have all been convicted on four distinct charges of Robbery, but all the Robberies, it is stated took place at or near "the same spot, and within the space of little "beyond one hour".—

9. The prisoners are represented to have been "Excisors obtaining their means of livelihood by "peeling off the Bark of the Cocoanuts for Dye, and in "collecting Honey, and that having no food for 3 days "they were impelled to plunder"—the presiding Judge adds that "no person received any injury from them "when plundered", and he recommends therefore that the

the prescribed punishment be mitigated to six = imprisonment with hard labor in irons for the period of 8 years.—

10. The Court of Sudder Adawlut in consideration of the prisoners in question having been impelled by hunger and want to commit the crimes laid to their charge, resolve under the authority vested in them by Clause 3d Section III Regulation I of 1825 to authorize the 2d Judge to pass the mitigated sentence of 4 years imprisonment with hard labor in irons on the prisoners.

1. "Pudda Bungaroo Gandoo."
2. "Makala Condroo Gandoo."
3. "Coolee Lutchmee Gandoo."—

2d Supl. Calendar 11. Case No. 1.

The Court of Sudder Adawlut are of opinion that the grounds recorded by the 2d Judge for the release of the Prisoners, in the Case noted in the margin, without trial, were insufficient to justify the discharge of the parties.—

12. The Court of Sudder Adawlut see no reason to distrust the evidence of the prosecutrix corroborated as it was very strongly by the 2d witness, and

and materially by that of the 3d and 5th witnesses; and under this view of the evidence, they direct that the 2d Judge will cause the reapprehension of the prisoner in view to his being brought to trial at the next Sessions of Gaol Delivery;— Any further enquiry that may be deemed necessary being ordered to be made by the Criminal Court before the arrival of the Court of Circuit.—

13. The presiding Judge will also relieve the Assistant Criminal Judge from the censure pronounced in the proceedings of the Court of Circuit of the 27th ultimo) to be conveyed to him thro' the Criminal Judge, for having committed the case for trial by the Court of Circuit.—

Ordered, that an extract from these proceedings be forwarded to the 2d Judge on Circuit in the Northern Division for his information and guidance by precept returnable in 7 days from and after its receipt.—

(Sent following Precept No. 1166.)

Circular

Circular Order

No. 122.

Read letter dated 18th July 1840 from the Assistant General Superintendant of Thuggee and Joint Magistrate of Vizagapatam, submitting with reference to the Proceedings of the Coujdaree Adalut of the 27th June last on confirmation of his remarks relative to the result of the trial in Case 23 of the Vizagapatam Calendar for the 2d Sessions of 1839, and stating that as the evident meaning of Act XXX of 1836 is that only an initiated Thug can belong to a Gang of Thugs, submitting his request to be informed what would constitute initiation, & according to the Law, if it is not to be considered proved by accompanying the Gang on expeditions.—

(Here enter S.G. No. 1430.)

1. Under a party amenable to punish= = ment under Act XXX of 1836 it is essential, in the opinion of the Coujdaree Adalut, that the person accused should be proved to have belonged to a Gang of Thugs, at an age when the act can be considered voluntary on his part, and when he is capable of

of understanding where the object of the gang is; but this liability cannot be considered to extend to infant children, and others who like the prisoners in the case above referred to, were not themselves members of the Gang, — had no participation in the acts committed and were not in any way aiding and abetting in the Commission of the crime of Thuggee.—

2. The Court are of opinion that "initiation" technically so called, is not at all necessary to constitute the offence described in the Act in question.

Ordered, That Extract from these proceedings be circulated to the 4 Provincial Courts, to be by them communicated for the information of the subordinate Courts and Magistrates and of all the Officers in the Thuggee Department.—

Sent following Circular Order No. 1167.

Read Extract from the Minutes of Consultation dated the 28th July 1840 No. 358/603, requesting the Judges will suggest any means that may occur to them for providing the parties acquitted in Case No. 20 on the Vizagapatam Calendar for the 2d Sessions of 1839 with such employment as they may be found

to be qualified for, with a view to their removal to a distance, from the haunts of the associates in crime of their parents.—

(Para ante No. 1478.)

1. The Court of Sudder Adawlut cannot recommend that these youths should be employed as Peons in the General Police, or Judicial Department in the Provinces, and the Judges are unable to suggest any means for their employment at the Presidency.—

2. Captain Vallancey also reports that he has "no mode of procuring situations for them"; it remains therefore for Captain Vallancey to suggest the employment for which they may be fit, and to state whether they cannot be employed in the Thug Department, where they would be known, and watched.—

Ordered accordingly that Extract from these proceedings be forwarded to Captain Vallancey the Assistant General Superintendant in the Thug Department for his information and guidance, and that a copy thereof be forwarded

to

to the Chief Secretary to Government, for the information of the Right Honorable the Governor in Council.—

(Sent in No. 1168 & 1169)

Read letter dated the 8th August 1840 from the Provincial Court of Circuit in the Centre Division, submitting for the consideration and final sentence of the Cayadoree Udalut an English translation of the record of the trial in Case No. 9 on the Caddapah Calendar for the 2nd Session of 1840.—

(Here enter P.L. No. 1541)

1.

The Court of Cayadoree Udalut observe that Nambom Prolegandoo Lutchmagandoo and Ketchegandoos are said to have been in company with the Prosecutor at the time of the robbery, and the Prosecutor in his examination before the Court of Circuit declared that they had mentioned the names of the robbers to the Curnam and Reddy of Ryacotta.—

2.

The Court of Cayadoree Udalut deem it proper to direct that the evidence of the three persons above named, and of the Reddy and Curnam be taken and added to the record, for which purpose

the

the record will be returned to the Provincial Court of Circuit in the Centre Division, whose duty it will be to issue a precept to the Acting Criminal Judge of Caddapah, requiring him to make the necessary applications to obtain the attendance of the witnesses in question, and also to obtain the attendance of Reddy Chinnapa, Nadimee Condapa and Cheenda Eminoogaree Chinnapa, who are recorded at page 36 to have been present when the Prisoners secured upon the property, and in the presence of the 1st and 2nd Prisoners & to examine them on the points above stated, allowing the prisoners to put such questions to them as they may think proper, and taking down any thing further that they may have to offer in their defence, annexing authenticated English translations of the additional evidence thus taken to the original record, which the Provincial Court of Circuit will retransmit thereunto, with as little delay as possible to the Court of Cayadoree Udalut.—

Ordered

15th August 1840.

Ordered, that a Extract from the proceedings be sent to the Provincial Court of Circuit in the Centre Division by first opportunity in 25 Days, from and after its receipt.—

(Sent following Receipt No 1170)

F.U.

Monday, 17th August, 1840.

At a Court of the Foujdaree Udalut.

Present,

John Bird Esqre. ——— 1st Puisne Judge,

Alexr. Duncan Campbell Esqre. — 2d Puisne Judge,

WB Henry Dickinson Esqre. ——— 3d Puisne Judge,

Read a Miscellaneous petition presented on the 29th June last by Maharajah Vencata Narrasoo Mookhtyar Vakeel in behalf of Saib Swa Lod of the Zillah of Guntoor.—

(Vide intra F.U. M.P. No 61 of 1840)

The Petitioner adverts to his former petition No 118 of 1838, and prays that the Court of Foujdaree Udalut will take it into their consideration, and issue orders, prohibiting Vencata Krishnah Row from having any thing to do with the property in dispute belonging to the Vaspareddy Estate, restoring to him (Petitioner) the house of Agency containing his own and the Vaspareddy property, and remitting the fine of Rupees 50 levied from him by the Court of Circuit in the Northern Division.—

2 It appears from an Extract from the proceedings of the Court of Circuit in the Northern Division

Division, for the 1st Sessions of 1838, dated the 8th June, filed with Miscellaneous Petition No. 126 of 1838, that the 3d Judge on circuit, in disposing of a Petition from Saik Sera Laul, observed, that several parts were couched in disrespectful language towards the Collector of Guntoor, and therefore directed the fine complained of, to be levied from the Petitioner.—

3 The Judges of the Sonjdaree Udalut observe, that the Petitioner has neglected to submit a copy of the Petition, upon which the fine was adjudged and they direct therefore, that he be referred to the former order of this Court of the 29th June 1840; and again informed, that until this Petition be filed, the Court are unable to decide whether the fine imposed by the 3d Judge on circuit in the Northern Division, be just, or otherwise.—

4 Regarding the other requests contained in the above Petition, the Court of Sonjdaree Udalut direct, that the Petitioner be referred to paras. 30, 31 and 32 of their Proceedings under date the 23d March last, and informed that the decision therein contained is final.—

Ordered that the prayer of the Petition be

rejected, and extract from these proceedings be furnished to the Petitioner on his application.—

Read letter dated the 8th Instant from the 3d Judge on circuit in the Western Division forwarding translations of the record in case No. 72 on the Calicut Calendar for the 2d Sessions 1840.—

/Here enter S.H. No. 1583 of 1840/

Mr. Campbell and Mr. Dickinson

The Court of Sonjdaree 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

"Pilalollatil Unni Chundan"

is sufficient to convict him of the crimes of murder and Arson, do convict him thereof, and, under the provisions of Section X Regulation VIII of 1802, do sentence him to suffer death, by being hanged, at the usual time and place of execution.—

/Sent following letter No. 1177/

Read Miscellaneous petition presented on the 13th Ultimo by M Soobba Naicken of the Zillah of Madura.—

/Here enter S.H.M.P. No. 75 of 1840/

The Petitioner adverts to a former petition

Division, for the 1st Sessions of 1838, dated the 8th June, filed with Miscellaneous Petition No. 126 of 1838, that the 3rd Judge on circuit, in disposing of a Petition from Saik Seva Laul, observed, that several parts were couched in disrespectful language towards the Collector of Guntoor, and therefore directed the fine complained of to be levied from the Petitioner.—

3 The Judges of the Sovdaree Adalut observe, that the Petitioner has neglected to submit a copy of the Petition upon which the fine was adjudged and they direct therefore, that he be referred to the former order of this Court of the 29th June 1840, and again informed, that until this Petition be filed, the Court are unable to decide whether the fine imposed by the 3d Judge on circuit in the Northern Division, be just, or otherwise.—

4 Regarding the other requests contained in the above Petition, the Court of Sovdaree Adalut direct, that the Petitioner be referred to paras. 30, 31 and 32 of their Proceedings under date the 23d March last, and informed that the decision therein contained is final.—

Ordered that the prayer of the Petition be

be rejected, and extract from these proceedings be furnished to the Petitioner on his application.—

Read letter dated the 8th Instant from the 3d Judge on circuit in the Western Division, forwarding translations of the record in Case No. 12 on the Calicut Calendar for the 2d Sessions 1840.—

[Here enter S.H. No. 1583 of 1840]

Mr Campbell and Mr Dickenson

The Court of Sovdaree 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 "Pilalollatil Unni Chundan" is sufficient to convict him of the crimes of murder and Arson, do convict him thereof, and, under the provisions of Section X Regulation VIII of 1802, do sentence him to suffer death, by being hanged, at the usual time and place of execution.—

[Sent following letter No. 1177]

Read Miscellaneous petition presented on the 13th Ultimo by M Soobba Naicken of the Zillah of Madura.—

[Here enter S.H.M.P. No. 75 of 1840]

The Petitioner adverts to a former petition

Division, for the 1st Sessions of 1838, dated the 8th June, filed with Miscellaneous Petition No. 126 of 1838, that the 3d Judge on circuit, in disposing of a Petition from Sait Sree Laul, observed, that several parts were couched in disrespectful language towards the Collector of Guntoor, and therefore directed the fine complained of to be levied from the Petitioner.—

3 The Judges of the Sooj dawe Udalut observe, that the Petitioner has neglected to submit a copy of the Petition, upon which the fine was adjudged and they direct therefore, that he be referred to the former order of this Court of the 29th June 1840, and again informed, that until this Petition be filed, the Court are unable to decide whether the fine imposed by the 3d Judge on circuit in the Northern Division, be just, or otherwise.—

4 Regarding the other requests contained in the above Petition, the Court of Sooj dawe Udalut direct, that the Petitioner be referred to paras. 30, 31 and 32 of their Proceedings under date the 23d March last, and informed that the decision therein contained is final.—

Ordered that the prayer of the Petition

be rejected, and extract from these proceedings be furnished to the Petitioner on his application.—

Read letter dated the 8th Instant from the 3d Judge on circuit in the Western Division, forwarding translations of the record in case No. 12 on the Calicut Calendar for the 2d Sessions 1840.—

/Here enter S.R. No. 1583 of 1840/

Mr. Campbell and Mr. Dickinson

The Court of Sooj dawe 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 "Pilalollatil Unni Chunden" is sufficient to convict him of the crimes of murder and Arson, do convict him thereof, and, under the provisions of Section X. Regulation VIII of 1802, do sentence him to suffer death, by being hanged, at the usual time and place of execution.—

/Sent following letter No. 1177/

Read Miscellaneous petition presented on the 13th Ultimo by M Soobba Naicken of the Zillah of Madura.—

/Here enter S.R. M.P. No. 75 of 1840/

The Petitioner adverts to a former petition

Division, for the 1st Sessions of 1838, dated the 8th June, filed with Miscellaneous Petition No. 126 of 1838, that the 3d Judge on circuit, in disposing of a Petition from Sait Seva Laul, observed, that several parts were couched in disrespectful language towards the Collector of Guntoor, and therefore directed the fine complained of to be levied from the Petitioner.—

3 The Judges of the Sovy dauee Adalut observe, that the Petitioner has neglected to submit a copy of the Petition, upon which the fine was adjudged and they direct therefore, that he be referred to the former order of this Court of the 29th June 1840, and again informed, that until this Petition be filed, the Court are unable to decide whether the fine imposed by the 3d Judge on circuit in the Northern Division, be just, or otherwise.—

4 Regarding the other requests contained in the above Petition, the Court of Sovy dauee Adalut direct, that the Petitioner be referred to paras. 30, 31 and 32 of their Proceedings under date the 29th March last, and informed that the decision therein contained is final.—

Ordered that the prayer of the Petition be

rejected, and extract from these proceedings be furnished to the Petitioner on his application.—

Read letter dated the 8th Instant from the 3d Judge on circuit in the Western Division, forwarding translations of the record in case No. 72 on the Calicut Calendar for the 2d Sessions 1840.—

/Here enter S.R. No. 1583 of 1840/

Mr Campbell and Mr Dickinson

The Court of Sovy dauee 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 "Pilalollakil Unni Chundan" is sufficient to convict him of the crimes of murder and Arson, do convict him thereof, and, under the provisions of Section X Regulation VIII of 1802, do sentence him to suffer death, by being hanged, at the usual time and place of execution.—

/Sent following letter No. 1177/

Read Miscellaneous petition presented on the 13th Ultimo by M Soobba Naicken of the Zillah of Madura.—

/Here enter S.R. M.P. No. 75 of 1840/

The Petitioner adverts to a former petition

Division, for the 1st Sessions of 1838, dated the 8th June,
filed with Miscellaneous Petition No. 826 of 1838, that the 3rd
Judge on Circuit, in disposing of a Petition from Saik
Isva Laud, observed, that several parts were couched
in disrespectful language towards the Collector of
Guntoor, and therefore directed the fine complained of
to be levied from the Petitioner.—

3 The Judges of the Sonjdaree Adalut
observe, that the Petitioner has neglected to submit a
copy of the Petition, upon which the fine was adjudged
and they direct therefore, that he be referred to the
former order of this Court of the 29th June 1840, and be
again informed, that until this Petition be filed, the
Court are unable to decide whether the fine imposed by
the 3d Judge on Circuit in the Northern Division be
just, or otherwise.—

to Regarding the other requests contained
in the above Petition; the Court of Sonjdaree Adalut
direct, that the Petitioner be referred to paras 30, 31
and 32 of their Proceedings under date the 23d March
last, and informed that the decision therein contained
is final.—

Ordered that the prayer of the Petition
be

be rejected, and extract from these proceedings be
furnished to the Petitioner on his application.—

Read letter dated the 8th Instant
from the 3d Judge on Circuit in the Western Division
forwarding translations of the record in case No. 72
on the Calicut Calendar for the 2d Sessions 1840.—

/Here enter S.R. No. 1583 of 1840/

Mr Campbell and Mr Dickinson

The Court of Sonjdaree 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
"Pilalollatil Unni Chundan"
is sufficient to convict him of the crimes of murder and
Arson, do convict him thereof, and, under the provisions
of Section X Regulation VIII of 1802, do Sentence him
to suffer death, by being hanged, at the usual time
and place of execution.—

/Sent following letter No. 1177/

Read Miscellaneous petition presented
on the 13th Ultimo by M Soobia Naicken of the
Zillah of Madura.—

/Here enter S.R. M.P. No. 75 of 1840/

The Petitioner adverts to a former
petition

17th August 1840

petition addressed to the Court of Zoujdaree Udalutty Sappal on the 21st July 1832 requesting that the Judges of the Zoujdaree Udalut would take into consideration his (Petitioners) strenuous exertions in apprehending the ringleaders of the disturbances, which took place in Dindigal in the year 1828, and issue orders directing that a reward and Situation should be conferred upon him for his Services.

2

He further states that a reward of Rupees 200 was subsequently granted to him, but that no Situation has been conferred upon him, and prays that the Judges of the Zoujdaree Udalut will be pleased to appoint him to some situation in any of the Zillahs, (excepting Madura) within the Jurisdiction of the Provincial Court for the Southern Division.

3

The Judges of the Zoujdaree Udalut observe that the Petitioner has by his own showing received a reward of 200 Rupees for his services, and direct that he be informed, that the Court of Zoujdaree Udalut, have no reason of affording him any employment.

Ordered that the Petition be rejected and Extract from these proceedings be furnished to the

Petitioner

2

F. R.

17th August 1840.

Petitioner on his application in

Read Miscellaneous petition

presented on the 27th Ultimo by Ledda Ramasawmy and Chinna Ramasawmy Jail Peons at Gundy

(Here enter F. H. M. P. No. 81 of 1840)

1

The Petitioners represent themselves to have been formerly Jail Peons in the Zillah of Cuddapah, and State that they were transferred to Gundy for the purpose of carrying on the works at the Breakwater; that having been subsequently transferred to the Red Hills and placed under the orders of Captain Morgan, that Gentleman in 1838, directed them to return to their Zillah, they being relieved by other Peons, but on their expressing a wish to remain under his orders, permitted them to do so; that in 1839, Captain Worster in accordance with the order, that Peons should be changed, once in two years, directed them (the Petitioners) to return to their Zillah; that thereupon they presented a petition to the Military Board, requesting permission to remain at Gundy; but were again desired by Captain Worster to return to their Zillah or deliver up their belts.

They

2.

They further state that conformably to Captain Worster's order, they delivered up their bills and they pray that the Judges of the Foujdaree Udalut will be pleased to take their grievances into consideration, and restore to them their Situations.

3

The Judges of the Foujdaree Udalut are of opinion that the Petitioners ought to have returned to their Zillah in obedience to Captain Worster's directions, and having voluntarily thrown up their employments, they see no reason whatever for interfering in the case.

Ordered that the prayer of the Petition be rejected, and Copy of these Proceedings be furnished to the Petitioners on their application.

Read letter dated the 5th Instant from the 3d Judge on Circuit in the Western Division reporting that in Case No. 13 of the Calicut Calendar for the 2d Sessions of 1840, the prisoners are charged with having gone deliberately to the house of an old woman aged 75, for the express purpose of murdering her, which they accomplished by squeezing and twisting her neck, beating her with a stone, and other violence, the 3d Judge adds that although very strong Suspicion

Suspicion attaches to the 1st 2d and 3d prisoners the evidence adduced is obviously insufficient for their full conviction, and as it is highly desirable for the furtherance of the ends of justice, that the Principals in so foul a Murder should be brought to punishment, he suggests, that the 4th prisoner who does not appear to have taken any active part in the Commission of the Murder, should for that purpose be admitted as an approver, under the provisions of Section XX Regulation VIII of 1802, and recommends that the Criminal Judge of Malabar may be authorized to tender an offer of pardon to the said Prisoner, on his fulfilling the conditions required.

(Here enter F. H. No. 1560 of 1840)

The Court of Foujdaree Udalut having maturely considered the circumstances represented in the letter from the 3d Judge on Circuit in the Western Division now recorded, resolve under the authority vested in them by Section XII Regulation XIII of 1832 to Sanction the offer of a pardon to the Prisoner "4th Kalatora Cokapen"

on

on the terms and conditions specified in Section XX —
Regulation VIII of 1802 —

2 The 3d Judge on Circuit in Submitting this application, has omitted to Specify in his letter, the name of the person whom he proposes should be — admitted as an approver —

3 It has been repeatedly ruled, that the offer of a conditional pardon, can be made only to persons on whose behalf a Specific application by name may be Submitted and but that the Court of Sonjdaree Udalut were enabled by reference to the Calicut Criminal Reports for the Month of May 1840, to learn the name of the individual now proposed to be — admitted as an approver, the Judges would have been obliged to withhold their Sanction to the measure until the name of the 1st prisoner had been duly reported to them —

Ordered that Extracts from these proceedings be sent to the 3d Judge on Circuit in the Western Division for his information and future guidance —

/ Sentence No 1178 /

Read

Read Miscellaneous petition presented in the 10th instant by Soobaroya Moodelly of the Zillah of Chittoor

/ Here enter Jail M.P. No 93 of 1840 /

1 The above petition is a mere repetition of the prayer contained in Miscellaneous Petition No 62 of 1840 on which an order was passed by the Court of Sonjdaree Udalut in their proceedings of the 27th July last —

2 The Court of Sonjdaree Udalut see no reason whatever for altering their decision of the 27th ultimo, and direct that the Petitioner be referred thereto —

Ordered that the Petition be rejected and Extracts from these Proceedings be furnished to the Petitioner on his application —

Ext'd 7/8

WB

WS

DR

F 26.

Tuesday, 18th August, 1840.

At a Court of the Fonjdaree Udalut.

Present,

John Bird Esquire ——— 1st Puisne Judge,

Alexr Duncan Campbell Esqre 2d Puisne Judge,

Henry Dickinson Esquire 3d Puisne Judge,

Read letter dated the 3d Instant, from the Criminal Judge of Bellary, submitting the explanation called for in the Proceedings of the Fonjdaree Udalut of the 1st instant, relative to Case No 95 of the Supplemental report for June last.

(Here enter F 26. No 1545)

The Judges of the Fonjdaree Udalut concur in the opinion expressed by the Criminal Judge of Bellary in para 3. of the above letter, and direct that the Magistrate be called upon, personally to investigate the case No 95, and endeavour by every possible means, to discover the perpetrators of the murders.

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

(Sent following Precept No 1180)

Read

18th August 1840.

Read letter dated the 11th Instant, from the Acting 3d Judge on Circuit in the Centre Division, transmitting the death warrant in Case No. 23 of the Cuddapah Calendar for the 2d Sessions of 1840 which has been executed.

(Here enter No. 1595)

Read letter dated the [redacted] Instant, from the Magistrate of Vizagapatam, submitting the explanation called for in the Proceedings of the Foujdaree Udalut dated the 27th Ultimo, relative to Case No. 35 on the Vizagapatam Criminal reports for the month of June last.

(Here enter No. 1602.)

Read letter dated the 11th Instant from the 2d Judge on Circuit in the Northern Division, reporting the opening of the Sessions at Guntoor on the 11th Instant.

(Here enter No. 1606)

Read return dated the 5th Instant from the Officiating Criminal Judge of the Auxiliary Court at Vizagapatam to the precept of the Foujdaree Udalut of the 27th July 1840 on review of the Criminal Reports for the month of June 1840.

(Here enter No. 1605.)

End. 4th.

F. U.

Wednesday 19th August 1840.

At a Court of the Foujdaree Udalut.

Present,

John Bird Esquire — 1st Puisne Judge,
Alexr Duncan Campbell Esqre — 2d Puisne Judge,
Henry Dickinson Esquire — 3d Puisne Judge,

Read letter dated the 23d Ultimo, from the Officiating Joint Criminal Judge at Vizagapatam, reporting for the information of the Foujdaree Udalut with reference to their proceedings under date the 15th July 1840, the description of prisoners comprising the 205 persons reported to be in confinement at Vizagapatam on the 31st of May last, as per the periodical State- ment before the Court the Judges could ac- count for only 187 persons.—

(Here enter No. 1471.)

It is observed that the additional number of prisoners for whom the Court of Foujdaree Udalut were unable to account, is composed of prisoners sentenced by the Agent in the Vizagapatam District, but forwarded to the Jail at Vizagapatam in view to their sentences being carried into effect-

The

The Officiating Joint Criminal Judge will in future cause a note of such Prisoners to be appended to the monthly Statement submitted to the Court of Fouzdaree Udalut.-

Ordered, that Extract from these Proceedings be forwarded to the Officiating Joint Criminal Judge of Vizagapatam for his information and guidance.-

(Section No. 1185)

Read letter dated the 6th Instant from the Criminal Judge of Salem submitting his explanation with reference to the Proceedings of the Court of Fouzdaree Udalut of the 1st Instant relatives to the Criminal Reports for the month of June last.-

(Here enter F. Ms. No. 1557.)

Adverting to the explanation afforded in the letter above recorded, the Court of Fouzdaree Udalut observe that as the Prisoners have been committed for trial in both cases, no further order is now necessary.-

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

(Section No. 1186.)

Read letter dated the 15th August 1840, from the Acting 1st Judge late on Circuit in the Centre Division, submitting for the consideration and final sentence of the Fouzdaree Udalut the record of the trial in Case No. 33 on the Bellary Calendar, for the 1st Sessions of 1840.-

(Here enter F. Ms. No. 1611 of 1840.)

Mr. Bird and Mr. Campbell.-

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,

Yerraiwadoloo

is sufficient to convict him of the crime of robbery by open violence, attended with aggravating circumstances, do convict him thereof, and, under the provisions of Clauses Second and fifth, Section IV Regulation XV of 1803, do 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 fourteen (14) Years.-

The Court of Fouzdaree Udalut agree

19th August 1840.

agree with the Presiding Judge in considering the evidence in this trial sufficient for the conviction of the prisoner, but they deem the punishment of transportation which he has proposed unnecessarily severe.—

Ordered, that Extract from these Proceedings be sent to the Acting 4th Judge late on Circuit in the Centre Division for his information.—

(Sent following letter No. 1187)

Read return dated the 4th Instant, from the Acting Joint Criminal Judge at Cochin, to the precept of the Tongdaree Udalut of the 30th July last, conveying their observations and Orders on the Criminal Reports for the month of June 1840.—

(Here enter No. 1552.)

Read letter dated the 5th Instant, from the Acting Joint Criminal Judge of Cochin, transmitting the Criminal Reports for the month of July 1840.—

(Here Enter No. 1553.)

Ex. 76.

175

Thursday 20th Augt 1840.

No. 76.

At a Court of the Tongdaree Udalut

Present

John Bird Esquire ——— 1st Puisne Judge
Alexr Duncan Campbell Esquire 2d Puisne Judge
Henry Dickinson Esquire 3d Puisne Judge

175

Read letter dated the 28th Ultimo from the 3d Judge late on Circuit in the Northern Division, forwarding an English translation of the Record in Cause No. 1 of the Supplimental Calendar of Vizagapatam for the 1st Sessions of 1840.

(Here enter No. 1573.)

Mr Bird. and Mr Dickinson.

The Court of Tongdaree 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

Kasamasetty Nookee

is sufficient to convict her of the Crime of Kidnapping for which according to the Mahommedan Law as declared in fatwas of their Law Officers, discretionary punishment is awardable, do convict her thereof, and with reference to the provisions of Clause third, Section VII, Regulation XX of 1803, Sentence her to be imprisoned and kept to labor suitable to her sex, on the public roads

roads, or other public works for and during the period of four years.-

(Sent following letter No. 1189)

Read letter dated the 10th Instant, from the Acting 1st Judge late on Circuit in the Centre Division, transmitting an English translation of the Record in Case No. 27 of the Bellary Calendar for the 1st Sessions of 1840.

(Here enter No. 1572.)

The Court of Sonjdaree 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

Nubbee Said

is sufficient to convict him of the Crime of Murder, do convict him thereof, but considering that under the circumstances of the case, the punishment to which the Prisoner is liable, under the provisions of Section X Regulation VIII of 1802, would in this instance be too severe, 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 labor in irons, on the public roads, or other public works, for and during the period of his natural life

(Sent following letter No. 1190)

Mr. Bird.
and
Mr. Campbell.

Adverting

Adverting to the remarks made in paras. 13 to 17 inclusive, of the above letter, the Court of Sonjdaree Adalut direct that the Criminal Judge of Bellary be called upon to state, whether the orders of the 3d April 1828 were observed with regard to the witness in the above case, and to explain, (provided the said orders were observed) why the Proceedings were not entered in the Record laid before the Circuit Judge.

Ordered, that Extract from these Proceedings be sent to the Acting 1st Judge late on Circuit in the Centre Division for his information and guidance by precept returnable in 8 days from and after its receipt.-

(Sent following Precept No. 1191.)

Read letter dated the 10th Instant, from the Acting 3d Judge on Circuit in the Centre Division, forwarding translations of the Record of Case No. 27 of the present Calendar for the final adjudication of the Higher Court.-

(Here enter No. 1582.)

Mr. Bird
and
Mr. Campbell.

The Court of Sonjdaree Adalut, on a deliberate consideration of all the circumstances of the case in evidence before them, bring of opinion that the proof against the Prisoner

Vameegaudoo

is

is sufficient to convict him of the crime of murder, do convict him thereof, but considering that under the circumstances of the case, the punishment to which the Prisoner is liable under the provisions of Section X Regulation VIII of 1802, would in this instance be too severe, 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 labor in irons, on the public roads, or other public works, for and during the period of his natural life.

(Sent following Letters Nos 1192)

Read Letter dated the 12th Instant from the Acting 1st Judge late on Circuit in the Centre Division, transmitting an English translation of the Record in Case No 15 on the Bellary Calendar for the 1st Sessions of 1840.

(Here enter No 1589)

Mr Bird and Mr Dickinson

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

Achamah

is sufficient to convict her of the crime of Murder, do convict her thereof, and under the provisions of Section

Section X. Regulation VIII. of 1802 Sentence her to suffer death by being hanged at the usual time and place of execution.

(Sent following letter No 1192)

Read Extract from the Proceedings of the Provincial Court in the Centre Division under date the 30th June last, submitting copy of a correspondence between the Acting Magistrate of Cuddapah and the Magistrate of Bellary, regarding the apprehension of certain individuals in the District of Bellary.

(Here enter F.U. No 1284)

1. It appears from the above Extract, that Vasadava Row a Goomastah, and Balgeha-loo a Police Vakeel, in the Cutcherry of the Royachoty Tahsildar addressed a letter on the 5th April last to the Tahsildar of Dhurmavoroom in the Bellary District, informing him that their houses had been plundered on the 26th January 1840 by a Gang of Robbers, and requesting the said Tahsildar to send Kristnappah a Goomastah in his Cutcherry, and five others who were reported to be concerned in the Robbery, to the Head of Police of Royachoty for the purpose of being examined on the subject.

Together

2.

Together with this letter, a warrant was sent, issued by the Royachoty Tahsildar, and directing the Dhurmavarum Tahsildar to trace the "thieves who had committed the robbery, and to produce "all the suspicioned persons together with the property "found upon them".

3.

The Dhurmavarum Tahsildar however refused to act on this illegal and prohibited warrant, or to comply with the request contained in the letter addressed to him by Vasudava Row, and upon this arose the correspondence above alluded to, between the acting Magistrate of Cuddapah, and the Magistrate of Bellary.

4.

The Court of Sunjdaree Udalut concur in opinion with the Provincial Court of Circuit that the conduct of the Dhurmavarum Head of Police was on this occasion perfectly correct.

5.

The proper course to be adopted in order to procure the apprehension of a person resident in a different Zillah, is for the Magistrate to apprize the Magistrate of the neighbouring Zillah by letter of the grounds existing for the apprehension of the individual, which, as explained in the Circular Order of the 28th October 1824, would be sufficient with reference to

Section XIII Regulation IX of 1816, to authorize the latter Officer to issue a warrant for his apprehension.

Had this rule been observed by the

6.

Magistrate of Cuddapah, all the irregularities observable in the proceedings of his Police Officers would have been avoided, and the progress of public business would not have been thus obstructed by a voluminous and unnecessary correspondence.

The Judges of the Sunjdaree Udalut

7.

observe from para: 5 of Extract from Proceedings of the Provincial Court, that Vasudava Row and Balaahalee were not authorized to write to the Dhurmavarum Tahsildar, and they are of opinion that the Magistrate of Cuddapah should be directed to check such irregularities on the part of the said Goomastah and Police Vakeel.

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. 1194.)

Read return dated the 11th Instant made by the (acting) 1st Judge late on Circuit in the Centre Division, with reference to the Proceedings of the Sunjdaree Udalut under date the 28th Ultimo, reporting

reporting that he has examined the proceedings in Case No. 26 of the Chingleput Criminal file for 1840, and is of opinion that the order of the Criminal Court demanding Security from the Prisoner concerned in that Case, should be annulled.

(Here enter F.R. No. 1600)

The Judges of the Foujdaree Udalut, have duly considered the Statements made in the above returns, and resolve to direct, that the order requiring Security be annulled accordingly.

Ordered, that Extract from these Proceedings be sent to the Acting 1st Judge late on Circuit in the Centre Division, to be by him communicated to the Acting Criminal Judge of Chingleput for his information and guidance.

(Sent in. No. 1195)

Read return dated the 11th Instant from the Acting 3d Judge on Circuit in the Centre Division, to the precept of the Court of Foujdaree Udalut dated the 28th Ultimo, directing him to send for the Proceedings held in Case No. 48 of the Cuddalore Criminal Reports for the month of June last, and pass such orders on it, as may appear proper with reference to the Provisions of Section XXIII Regulation X of 1816. reporting the result for the information of the Court

of Foujdaree Udalut.

(Here enter F.R. No. 1601)

In the above return the Acting 3d Judge on Circuit reports that he sent for the Proceedings in Criminal Case No. 48, and being of opinion that the Sentence of the Acting Joint Criminal Judge of Cuddalore in ordering the 1st Prisoner to be imprisoned, was incorrect, he has issued orders to the Joint Criminal Judge to release him.

2. The Judges of the Foujdaree Udalut direct that the Acting 3d Judge on Circuit in the Centre Division be informed that his Proceedings in this Case were not legal. Under Section XXIII. Regulation X. of 1816 it is not competent to a Single Judge on Circuit to direct the release of a prisoner whom he may consider to have been improperly detained in confinement. The Acting 3d Judge on Circuit should have limited himself to recording his opinion as to the course which should be adopted, directing the Criminal Court to submit such opinion along with the record of the Trial to the Court of Circuit, collectively, for their orders on the case, and if they concurred in opinion with the Judge on Circuit, the release of the Prisoner should have been the act of the Collective Court under the powers vested in them by Section XXIV. Regulation X. of 1816.

Ordered

20th August 1840.

Ordered, that Extract from the Proceedings be sent to the Acting 3d Judge on Circuit in the Centre Division, for his information and guidance by Precept returnable in 10 days from and after it's receipt.

(Sent following Precpt No. 1196
Read return under date the 11th Instant from the Acting 3d Judge on Circuit in the Centre Division to Extract from Tondaree Udalut's Proceedings of the 11th Instant.

(Here enter No. 1618.)

In the above return Mr. Horsley states that as the Sessions at Cuddapah closed on the 11th instant, it will not be possible for him to make the enquiries ordered by the Court of Tondaree Udalut in their Proceedings above alluded to, relative to Cash No. 58, of the Cuddapah Criminal file.

2. The Judges of the Tondaree Udalut direct, that the Acting 3d Judge be informed, that he is not required to hold the investigation in person, but that he should issue such orders as he may deem proper, in order to ascertain whether the alleged ill-treatment was actually suffered by the first witness in the above case, and subsequently report the result for the information of the Court of Tondaree Udalut.

20th August 1840.

Ordered, that Extract from the Proceedings be sent to the Acting 3d Judge on Circuit in the Centre Division for his information and guidance.

(Sent in No. 1197.)

Friday
21st August 1840.

At a Court of the Foujdaree Udalut

Present

John Bird Esquire — 1st Puisne Judge
Alexr Duncan Campbell Esqr — 2d Puisne Judge
Henry Dickinson Esqr — 3d Puisne Judge

Read supplemental return dated the 21st July 1840 from the 3d Judge late on Circuit in the Southern Division to the precept of the Foujdaree Udalut of the 8th January last conveying their remarks and orders on the Coimbatore Calendar for the 1st Sessions of 1840.—

(Here enter F. No. 1117 of 1840)

Mr Bird and Mr Dickinson.

1. With this return the 3d Judge submits an English translation of the record of the trial in Case No. 12 on the Coimbatore Calendar for the 1st Sessions of 1840 which was called for in their proceedings above quoted.—

2. The Prisoner was charged with having murdered his wife by assaulting her with bludgeons & kicking her and being convicted of manslaughter by the 3d Judge was sentenced to 7 years imprisonment.—

In

3. In the 2nd paragh. of his return the Presiding Judge remarks that the Court of Foujdaree Udalut will observe that no evidence exists of any blows having been struck in a part likely to have caused death which had the death of the deceased been the object of the Prisoner would doubtless have been the case and as to the burning of the body the fear of consequences, however unintentional and unlooked for the result of the beating may well account for it in an ignorant individual like the Prisoner not given to much calculation or reflection.-

4. The Court of Foujdaree Udalut consider it proved beyond a question that the prisoner killed his wife and then carried her body and buried it in a hole-and as it is impossible that the trifling wounds on the shoulders and fingers could have occasioned her death there is in their judgment the strongest presumption that he beat her cruelly.-

5. It appears to the Court that the crime committed by the prisoner was to all intents

intents and purposes murder and in proceeding to dispose of the case the 3rd judge has erred in judgment.-

6. The Court of Foujdaree Udalut do not however deem it proper now to disturb the sentence which has been passed on the prisoner by the Judge on Circuit.-

Ordered, that Extract from these proceedings be sent to the 3rd judge late on Circuit in the Southern Division for his information.-

(Sent in No. 1198.)

Read letter dated the 8th Ultimo from the Acting 1st judge on Circuit in the Centre Division submitting for the consideration and final sentence of the Foujdaree Udalut an English translation of the record of the trial in Case No. 7 on the Cuddalore Calendar for the 1st Sessions of 1840.-

(Here enter F. C. No. 1313 of 1840.)

The Court of Foujdaree Udalut

Mr. Dyd
and
Mr. Dickinson

on a deliberate consideration of all the circumstances of the case in evidence before them being of opinion that the proof against

against the prisoner

Sevagungay

is sufficient to convict her of having exposed her child for which according to the Mahommadan Law as declared in the fetwa of their Law Officers discretionary punishment is awardable do convict her thereof and sentence her to be imprisoned and kept to labor suitable to her sex for and during the period of six Calendar Months (6).—

1. Mr Lewis on the ground that a Woman cannot be expected under the circumstances and considerations which arise out of them to take a much better course than the prisoner adopted, and that severity would encourage females in similar situations to destroy their illegitimate offspring is of opinion that her punishment has already been sufficient and that she ought to be released.—

2. The Court of Zillah Udalut do not consider it necessary that the punishment in this case should be severe, but they cannot accede to the Acting 1st Judge's recommendation

recommendation that the prisoner should be released without punishment at all.—

3. Adverting to the reasoning in the 10th and 11th paras: of his letter in which the Court of Zillah Udalut entirely concur there appears to them no practice more pernicious than that of holding out to females in this country the encouragement of impunity for exposing and abandoning their new born infants.—

4. If the temptation to which they are exposed is strong it needs the more to be counterbalanced by the fear of punishment. Morally speaking the strength of temptation from education habits, ignorance and distressed circumstances may be taken into account as palliations of an offence but to make allowances for them in the eye of the law as a ground of exemption from punishment is to encourage crime by adding to all these other incentives the hope of impunity and withdrawing the salutary check of fear precisely in the very cases where it is most needed.—

5. The Court of Zillah Udalut are

are of opinion that the Acting 1st Judge has gone too far in remarking in the 11th paragraph of his letter that "the death of the child which took place immediately after it reached the Court is as clearly traceable to the Tahsildar as if he had killed it with his own hand".

6. It certainly would have occurred to any considerate mind that the proper course would have been to deliver the child to its mother for sustenance, and the arguing an objection to do so on the grounds that it would be dangerous under the procedure of it previously and then to send the infant a distance of 30 miles to the Criminal Court shows a want of considerate regard and is a measure of folly and stupidity greatly reflecting on the conduct of the Tahsildar; but the Court do not consider him to have been guilty of a folly, or of a measure of inhumanity, either of which shows that he is incapable of appreciating what he owes to the situation in which he stands - nor do they concur in the strong that such a man ought not any longer to be permitted to hold that situation.—

It

7. It appears that his conduct was immediately taken notice of by the Magistrate and his Head Assistant in their orders of the 8th of November and 28th of October respectively and the Court trust that the measures adopted by the Magistrate will have the effect of preventing similar negligence in future and of stimulating the Tahsildar to a more energetic vigorous and considerate execution of the important duties entrusted to him.—

Ordered, that Extract from these proceedings be sent to the Acting 1st Judge late on Circuit in the Centre Division for his information.—

(Sent following letter No. 1199)

Read letter dated the 10th August 1840 from the 2nd Judge on Circuit in the Southern Division transmitting for the consideration and final sentence of the Court of Faujdaree Udalut the English translation of the record of the trial in Case No. 6 on the Madura Calendar for the 2nd Sessions of 1840.—

(Vide entry F. Co. No. 1608 of 1840.)

The

21st August 1840.

Mr Bird

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 prisoners

1st Coringan

and

2d Awmoogham

are not convicted on presumptive proof or on the evidence of credible witnesses, or on their own confessions, of the crime of murder, do acquit them thereof, and, under the provisions of Clause Sixth Section II Regulation XV of 1803, direct that they be set at liberty.

1. It appears to the Court of Foujdaree Udalut that the evidence affecting the prisoners in this case is not worthy of the least credit.—

2. The only witness whose evidence can be considered of importance, as affecting the prisoners, is the 1st, who stated that he was attracted by a noise to a hut in the field of the deceased where he found the deceased lying wounded, who on being questioned as to the causes of the state in which

F.46.

21st August 1840.—

which he was, muttered that the sons of Dermal, (mentioning no names) had wounded him.—This declaration unsupported as it is by other evidence is altogether insufficient for conviction.—

3. The statements of the second witness before the several tribunals before which he was examined are so replete with contradictions as to be utterly worthless as evidence.—

4. The Court of Foujdaree Udalut have accordingly concurred with the Law Officer of the Court of Circuit in his verdict of acquittal, and being of opinion that there are not sufficient grounds for even the detention of the prisoners on a requisition of security, have directed their unconditional release.—

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

(Sent following letter No. 1207)

Read letter dated the 3d August 1840 from the Agent to the Governor

of

of Fort St. George at Vizagapatam submitting for the consideration of the Sunjdaree Udalut with reference to their proceedings of the 25th July 1840 an English translation of the trial in Case No. 11 on the 2nd Quarterly Calendar with the necessary explanation regarding the non examination of witnesses to certain points.-

(Here enter No. 1578 of 1840.)

Mr Campbell and Mr Dickinson. 1. In their proceedings of the 25th July last, the Court of Sunjdaree Udalut expressing their opinion that the evidence adduced against the prisoner in Case No. 11 as abstracted in the Calendar was not sufficient to justify his conviction of having been concerned in the Upang robbery committed in the village of Nagarapoopallum on the 3rd December 1839 directed that an English translation of the trial be submitted for their consideration.-

2. A deliberate consideration of the proceedings now submitted do not in any degree tend to alter the opinion already expressed by the Court in their proceedings above quoted,

and

and they observe that the evidence against the prisoner is not sufficient even for his detention on a demand of security and they accordingly direct that the prisoner

Coomaram Moottegaudoo

be set at liberty.-

Ordered, that Extract from these proceedings be sent to the Agent to the Governor of Fort St. George at Vizagapatam for his information and guidance by precept returnable in 5 days from and after its receipt.-

(Sent following precept No. 1201)

Read return dated the 11th Instant from the Acting 1st Judge of the Provincial Court of Circuit in the Centre Division, to the precept of the Sunjdaree Udalut dated the 31st Ultimo conveying the observations and orders on the Cuddalore Calendar for the 1st Sessions of 1840.-

(Here enter No. 1586.)

Read letter dated the 7th Instant from the 2nd Judge late on Circuit in the Western Division, transmitting the

death

Death warrant in Case No. 1 on the Mangalore Additional Calendar for the 1st Session of 1840 which has been executed.—

(Here enter No. 1598.)

Read return dated the 19th Instant from the Provincial Court of Circuit in the Western Division to the precept of the Tonjdaree Udalut of the 29th July last conveying their observations and orders on the Sirey Criminal Reports for the month of June 1840.—

(Here enter No. 1603.)

Read letter dated the 8th Instant from the 2nd Judge late on Circuit in the Western Division, transmitting the State-ment required by Circular Order No. 71.—

(Here enter No. 1604.)

Entd.

F. 76.

Saturday— 22nd August 1840.

At a Court of the Tonjdaree Udalut—

Present

John Bird Esquire ——— 1st Puisne Judge—
Alexr. Duncan Campbell Esqre. 2d Puisne Judge—
Henry Dickinson Esquire— 3d Puisne Judge—

Read letter dated the 15th Instant from the Provincial Court of Circuit in the Centre Division sub-mitting for the consideration and final sentence of the Tonjdaree Udalut an English translation of the record of the trial in Case No. 18 on the Bellary Calendar for the 2nd Session of 1839.

(Here enter No. 1612.

Mr. Bird and Mr. Dickinson

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

1st Condameedee Chennoogadoo
2d L. Lingadoo
4th C. Soonkadoo
5th M. Ramadoo
6th Fakeerooganadoo
7th T. Tippooganadoo
8th C. Ramadoo
9th Casegadoo
10th Lobakasrgadoo
11th Ersgadoo
and
12th Chinna Casrgadoo

2d

is sufficient to convict them of the crime of gang robbery by open violence attended with murder, do convict them thereof, and, under the provisions of Clauses first and fifth Section IV. Regulation XV. of 1803, do sentence them to be imprisoned and kept to hard labour in irons, on the public roads or other public works, for and during the period of (14) fourteen years; but being of opinion that the prisoner,

3d. C. Chinnoogadoo

is not convicted on presumptive evidence, or on the evidence of credible witnesses or on his own confession of the crime charged, they do acquit him, and, under the provisions of Clause Seventh, Section II. Regulation XV. of 1803, direct that he be set at liberty.

1.

The whole of the prisoners in this case when examined before the Head of Police confessed the crime of proceeding in a gang and plundering a grain field, though they denied that they had assaulted or beaten any body. They acknowledged however that two of their party not apprehended had slung stones at all persons who approached the field.

2.

This confession all the prisoners confirmed before the Criminal Court, excepting the 3d. prisoner; against whom, there is nothing whatever in Evidence save his Police confession, even which the acting Judge has omitted to prove at the trial.

Ordered

22d. August 1840.

Ordered that Extract from these Proceedings be sent to the Provincial Court in the Centre Division for their information and guidance.

/ Sent following letter No. 1207 /

Read letter dated the 21st. Ultimo, from the Acting 2d. Judge of the Provincial Court of Circuit in the Centre Division, submitting copy of the Second Supplemental Calendar for the Chittoor 3d. quarterly Sessions of 1840.

/ Here enter No. 1433 /

Case No. 1.

The prisoner in Case No. 1, noted in the margin, is charged with having wounded the Prosecutor on his throat, belly, and between the fingers of his left hand, with a Knife, with intent to kill him, or do him some grievous bodily harm.

The prisoner was fully convicted by

2.

the Court of Circuit but in consideration of the wounds inflicted on the prosecutor being very slight, the presiding Judge sentenced the prisoner to 3. years' imprisonment with labor in irons.

Adverting to the intent of the prisoner,

3.

and the part of the body on which the blows were inflicted, it cannot be doubted but that death would have ensued had the instrument used been a good one, and accordingly the Judges of the Fouzdaree Adalut are of opinion that

that the punishment awarded by the presiding Judge was lenient.

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

(Sent in No. 1208)

Read Extract from the Proceedings of the Provincial Court of Circuit in the Centre Division under date the 10th. Instant requesting instructions as to the nature of the investigation they are called upon to make relating to the Robbery of the Rawoor Talook Cutcherry in Nellore.

(Vide order No. 1581.)

1 The enquiry ordered to be made by the Provincial Court of Circuit, is, as regards the conduct of the Head of Police of the Budwail Talook, 1st. as to whether the said Head of Police did or did not, in the instances noticed by Mr. Stonhouse in paras 3, 4 and 5, of his letter to Government of the 2d. July 1840, impede the Police Officers of the Nellore District in their pursuit thro' the Budwail Talook of the persons supposed to have attacked the Rawoor Talook Treasury, or, 2dly, if no actual impediments were thrown in the way

way of the Police of the District of Nellore, whether the Police of the Budwail Talook gave that assistance in the efforts made to discover the perpetrators, which the local Police in general, and the Head of Police in particular, were bound to afford.

2 This enquiry should be made by the Provincial Court of Circuit itself, not however as an ordinary judicial investigation, but under the general controlling authority, vested in the Provincial Courts over the District Police.

3 And in order to prevent any unnecessary detention of the Police Officers, whom the Provincial Court may consider requisite should be examined, it will be advisable that the Magistrate of Nellore should be required to forward to the said Provincial Court in the Centre Division, together with the Police Officers of his own District, all other persons residing within the limits of his jurisdiction whom he may consider necessary should be examined in support of the representations made by him against the Police of the District of Cuddapah, contained in his letters to Government of the 4th. February and 2d. July 1840.

Ordered, that Extract from these proceedings

that the punishment awarded by the presiding Judge was lenient.

Ordered, that Extract from these proceedings be forwarded to the acting 2d Judge of the Provincial Court of Circuit in the Centre Division for his information and future guidance.

(Sent in No. 1208)

Read Extract from the Proceedings of the Provincial Court of Circuit in the Centre Division under date the 18th Instant requesting instructions as to the nature of the investigation they are called upon to make relating to the Robbery of the Ravoor Talook Cutcherry in Nellore.

(Hire enter No. 1581.)

1 The enquiry ordered to be made by the Provincial Court of Circuit, is, as regards the conduct of the Head of Police of the Budwail Talook, 1st as to whether the said Head of Police did or did not, in the instances noticed by Mr. Stonhouse in paras 3, 4 and 5, of his letter to Government of the 2d July 1840, impede the Police Officers of the Nellore District in their pursuit thro' the Budwail Talook of the persons supposed to have attacked the Ravoor Talook Treasury, or, 2dly, if no actual impediments were thrown in the way of the Police of the District of Nellore, whether the Police of the Budwail Talook gave that assistance in the efforts made to discover the perpetrators, which the local Police in general, and the Head of Police in particular, were bound to afford.

2 This enquiry should be made by the Provincial Court of Circuit itself, not however as an ordinary judicial investigation, but under the general controlling authority, vested in the Provincial Courts over the District Police.

3 And in order to prevent any unnecessary detention of the Police Officers, whom the Provincial Court may consider requisite should be examined, it will be advisable that the Magistrate of Nellore should be required to forward to the said Provincial Court in the Centre Division, together with the Police Officers of his own District, all other persons residing within the limits of his jurisdiction whom he may consider necessary should be examined in support of the representations made by him against the Police of the District of Cuddapah, contained in his letters to Government of the 4th February and 2d July 1840.

Ordered, that Extract from these proceedings

proceedings be forwarded to the Provincial Court of Circuit in the Centre Division for their information and guidance and copy to the Magistrate of Nellore for his information.

(Sent in No. 1209 to 1210)

Read letter dated the 29th. Ultimo, from the Provincial Court of Circuit in the Southern Division submitting for the orders of the Court of Foujdaree Udalut copy of a letter from the Magistrate of Trichinopoly with copy of the Extract which accompanied it; and requesting to be instructed on the question, whether the late Head of Police of Odiarpolliem who has been represented by the Joint Criminal Judge of Trichinopoly to have (thro' friendship for an offender,) obstructed the Course of justice, can be prosecuted criminally by the Magistrate, with a view to his punishment, and, if so, under what regulation, proceedings against such Ex Police Officer should be held.

(Here enter No. 1199.)

The Provincial Court of Circuit Submit their opinion that the conduct of the late Head of Police, as represented by the Magistrate, has rendered him liable to a prosecution for abuse of authority, and that it is competent to the Magistrate to institute proceedings against David pillay under Section III. Regulation III. of 1819.-

2. The Court of Foujdaree Udalut gather from the Magistrate's letter of the 21st July 1840 that the late Head of Police of Odiarpolliem is chargeable only with neglect of duty; his conduct on the occasion in question does not appear to render him liable to a criminal prosecution for abuse of authority contemplated in Section III Regulation III of 1819, neither does there appear to be any injured party prepared to prefer such a charge before the Magistrate.- See C.O. 6th April 1820.

3. "Obstructing the course of justice," in the manner contemplated by the Provincial Court, is an Offence punishable by the Mahomedan Law, only in the event of the Prosecutor being subjected to any loss, or injury, by the Suppression of his complaint; but if David pillay has been already dismissed, or removed from the Public Service, the Court of Foujdaree Udalut do not see the necessity of any proceedings being held by the Magistracy in view to the further punishment of that individual.-

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

(Sent in No. 1211)

Minut

22d August, 1840.

Minute of the 2d Judge—

I am compelled to dissent from these proceedings; because I concur with the Provincial Court in deeming it a high abuse of authority in the late Head of Police, to screen, for a whole year, from justice, the offender who has been convicted of obliging a man to take up a bar of red hot iron; and think that such crime is punishable under the law quoted by them; and because I deem it most objectionable to hold out that dismissal is to exempt Ex-Officers of Police from the punishment the law annexes to all crimes of this kind, committed by them whilst in Office. Their discharge never was intended to screen those who screened others from justice.

Signed A.D. Campbell
21st August 1840.

Monday,
24th August, 1840.

At a Court of the Foujdaree Udalut.

Present,

John Bird Esqre ——— 1st Puisne Judge,
Alexr Duncan Campbell Esqre — 2d Puisne Judge,
Henry Dickinson Esqre ——— 3d Puisne Judge,

Read Miscellanious petition presented on the 27th ultimo with six enclosures by Lagadala Moonyapun of the Zillah of Chittoor—

Here enter F.C. M.P. No 77 of 1840

Read also Miscellanious petition presented on the 3d instant by the Same party—

Here enter F.C. M.P. No 85 of 1840

The Complainant States that about three months previous to the date of his first petition, the Moneyar and certain others of his village pulled down his shop in the Chittoor bazaar, wherein he had carried on trade for the last 35 years, and plundered it of goods and money, to the value of about Rupees 56 / fifty six / that thereupon he preferred a complaint to the Head of Police, who Summoned the parties, but delayed the examination of the case, that Subsequently, he presented a petition to the Head Assistant Magistrate, complaining of this neglect on

on the part of the Head of Police, that that Officer treated the matter with great indifference and dismissed the complaint. He then presented a petition to the Judge presiding at the Quarter Sessions, by whom he was directed to institute a Suit in the Civil Court.—

2 The Petitioner therefore prays that the Court of Zoujdaree Udalut will be pleased to take into consideration all the papers connected with the case and issue a precept to the Magistrate of the Zillah of Chittore through the Centre Provincial Court, instructing him to receive from Petitioner a list of the Witnesses for proving the circumstances set forth above; to enter into an inquiry regarding the circumstances of the case; and forward it to the Criminal Court for trial.—

3 In the second petition, after recapitulating the circumstances urged in his former complaint, the Petitioner states that he has lately received a letter from his younger Brother, in which he says, that the Tahsildar had summoned him to his presence, obtained from him by force, some kind of writing, and intended again to break down the Shop.—

4th The Petitioner therefore requests the Court of Zoujdaree Udalut to issue a precept to the Centre Provincial

Court, strictly enjoining them to prohibit the destruction of the said Shop, until an order shall have been passed by the Court of Zoujdaree Udalut on the prayer of his petition.—

5. The Judges of the Zoujdaree Udalut are of opinion that the order passed by the Acting 3d Judge regarding the above Petition, was perfectly correct, and direct that the Petitioner be informed, that if the Police authorities have exceeded their powers in destroying property belonging to him, the Civil Court is open to him for the recovery of damages.—

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

Read Miscellaneous Petition presented on the 3d Instant by the Puchaiyeddy of the Zillah of Nellore requesting with reference to the order passed by this Court under date the 20th Ultimo, upon his petitions Nos 63 and 64 to be furnished with a copy of the original record of the Trial in Case No 8 of the Nellore Calendar for the 1st Sessions of 1840.—

/ Here enter M.P. No 87./

The Court of Zoujdaree Udalut.—

desire

desire the Petitioner be informed that his application for copy of such papers should be made to the Provincial Court of Circuit in the Northern Division.

Ordered that the above be communicated to the Petitioner and that Extract from these proceedings be furnished to him on his application.

Read Miscellaneous petition presented on the 10th instant with one enclosure by Soobbiah of the Zillah of Chinglepute.

(Here enter S.R. M.P. No 90 of 1840)

The object of the foregoing petition is to induce the Judges of the Sungdaree Udalut to issue orders for the return of a fine of Rupees 14/ fourteen, which was levied upon the Petitioner by the Magistrate of Chinglapute, on a complaint preferred against him by his opponent in suit No 102 of the file of the Zillah Court of Chinglepute, and to instruct the said opponent that he is no more to interfere with his house grounds.

2 The petitioner also states that he complained to the Provincial Court of Circuit for the Centre Division regarding the injustice of the fine, but that no notice whatever was taken of his petition.

3 Under these circumstances, the Judges of the Sungdaree Udalut resolve, before passing any final decision on the prayer of the Petition, to direct that the Provincial Court of Circuit be called upon to forward without delay, an explanation of the statements made by the Petitioner, for the information of the Courts of Sungdaree Udalut.

Ordered that Extract from these proceedings be sent to the Provincial Court of Circuit in the Centre Division for their information and guidance, and that a copy be furnished to the Petitioner on his application.

(Sent in No. 1213)

Read return dated the 17th instant, from the Acting Criminal Judge of Cuddapah, to Extract from the proceedings of the Court of Sungdaree Udalut under date the 10th instant, directing him to submit a report of the circumstances connected with the removal of the Petitioner in No 78 of 1840 from the Jail establishment at Cuddapah.

(Here enter S.R. No. 1652 of 1840)

1 Under the circumstances stated in the above return, the Court of Sungdaree Udalut resolve to direct that the prayer of the Petitioner

Nundoolal

Nundoolal be rejected.—

Ordered accordingly, and that a copy of these Proceedings be furnished to the Petitioner on his application.—

Read again Miscellaneous Petitions presented on the 30th March and 27th April 1840 by Vencataroya Pillay Mookteyar Vakeel on behalf of Dasayee Dhanapala Comara Kristnama Setty and 16 others.—

/Here enter M.P. Nos. 34 and 49 of 1840/

Read also counter Petitions presented on the 27th April, 4th of May and the 7th of July respectively by Bellum Veerasawmy Chetty Mookteyar Vakeel on behalf of Suma Summuppa of the Zillah of Chittoor.—

/Here enter M.P. Nos. 32, 56, and 68 of 1840/

Read also Miscellaneous Petition presented on the 27th July 1840 by Mookteyar Vakeel Vencataroya Pillay on behalf of Dasayee Danapala Comara Kristnamah Chetty and 16 others of the Zillah of Chittoor.—

/Here enter M.P. No. 80 of 1840/

Read return dated 21st July 1840 from the Provincial Court of Circuit in the Centre Division to the precept of the Sungdaru Udalut of the 13th ultimo directing them to Submit copies of the Sakeed No. 32 which

which is stated in Petition No. 34. to have been issued on the 26th April 1839. by the Magistrate of Chittoor to the Head of Police and of the return and its enclosures received from the Magistrate to the precept of the Court of Circuit of the 29th November 1839 as referred to in the Proceedings of the Court of Circuit of the 24th December 1839.—

/Here enter F.H. No. 1003 of 1840/

It appears that the Petitioners in Nos. 34, 49 and 80 of 1840 laying claim to a Shop situated in Moroogasamy pettah which had been occupied for 7 years by Summuppa chetty the counter petitioner demanded the payment of certain russoums which Summuppa resisted and was in consequence subject to many annoyances and his trade obstructed. a complaint was accordingly lodged before the Head Assistant Magistrate, who on an inquiry held into the case advised the Petitioners if they had claim to the Shop to prosecute it in the Civil Courts and warned them of the consequences of any further interfering with the trade of the counter petitioners: but Dasayee Danapala Comara Kristnamah having resumed the former troublesome conduct towards Summapah, was fined 50 Rupees by the Head Assistant Magistrate.—

Against

24th August 1840.

2 Against this order of the Head Assistant Magistrate the Petitioners afterwards appealed to the Court of Circuit, who in an order dated the 24th December last were "of opinion, that the interference of the Court of Sessions "was not called for, and observed, that the order of the "Head Assistant Magistrate, that a Suit should be filed "under the circumstances of the opposite party having held the warehouse for 7 or 8 years, was obviously a correct order, and the subsequent interference of the Petitioner with the view to obtain possession by the use of force, needed him justly liable to the fine imposed. The orders of the Head Assistant Magistrate show plainly that the warehouse was in possession of the opposite party, and the Petitioner had been warned against future interference.

3 The Petitioner accordingly now prays this Court to call for the Proceedings held in the Case, to over-rule the order of the Court of Quarter Sessions, and to direct the repayment of the fine levied from them by the Magistrate, the cancelment of the order No. 32 and the decision passed by the Magistrate, and the punishment of Summuppa and others who preferred

a

J. U.

22nd August 1840.

a false complaint against them before the Magistrate.

4 The Court of Zoujdarie Udalut entirely approve of the orders of the Court of Circuit contained in the Extract from their Proceedings of the 24th December last, and they consider the order of the Head Assistant Magistrate to be perfectly correct.

5 The Petitioners were warned by the Head Assistant Magistrate on the 26th of April 1839, that if they had any claim to the Malegays occupied by Summa Summapa, they must prosecute it before the Civil Court, and must not interfere with goods going to those warehouses. The Petitioners paid no attention to this order, but again stopped goods going to the Malegays, and in doing so, used considerable force.

6 For this contempt of order and repetition of violence, they were on the 27th January 1839 fined by the Head Assistant Magistrate, and the opinion of the Court of Zoujdarie Udalut, most justly so.

7 The Court accordingly decline to interfere on behalf of these Petitioners, and direct that the prayer of Petitions No. 34, 49, and 80 be rejected, and that Extract from these Proceedings be furnished to

to the Petitioners severally on their application.—

8. The Court of Foujdaree Udalut observe, that the return submitted by the Provincial Court of Circuit, has been engrossed on the Receipt of the 13th July, transmitting an Extract from the Proceedings of the Court of Sudr Udalut, instead of that which accompanied the Proceedings relative to the Subjects now under consideration, and they direct that this irregularity be pointed out to the Register of the Provincial Court.—

Ordered that Extracts from these Proceedings be sent to the Provincial Court of Circuit in the Centre Division for their information.—

(Sent in No. 1214)

Read letter dated the 27th Ultimo from the Acting 1st Judge of the Provincial Court of Circuit in the Northern Division, reporting the opening of the Court of the 3d Quarterly Sessions of 1840.—

(Here enter S.L. No. 1480 of 1840)

Read letter dated the 27th Ultimo from the Acting 1st Judge of the Provincial Court of Circuit in the Northern Division, transmitting copy of a Statement of Batta paid to the Witnesses who attended on the Court of 3d Quarterly Sessions of 1840.—

(Here enter S.L. No. 1481 of 1840)

Read

Read letter dated the 8th Instant from the 1st Judge of the Provincial Court of Circuit in the Western Division, returning the warrant and letter which accompanied the Foujdaree Udalut's letter of the 3d Instant the requisite correction having been made in the latter.

(Here enter S.L. No. 1599 of 1840)

Pagadala Moonuppah Zillah of Chittoor, moves the Court to return the enclosures in his Miscellaneous Petition No. 77 of 1840.—

Ordered accordingly

Vencataroya Pillay, Mokhteyar Vakeel on behalf of Dasayee Danapala Kristnama Chetty and 16 others Zillah of Chittoor, move the Court to return the enclosures in Miscellaneous Petitions No. 34 and 49 of 1840.—

Ordered accordingly

The Vakeel Kristnamacharry on behalf of Komen Nair Zillah of Malabar, moves the Court to return the enclosures in Miscellaneous Petition No. 168 of 1839.

Ordered accordingly.—

F. No.

Wednesday 26th August 1840

At a Court of the Fouzdaree Udalut—

Present—

John Bird Esquire ——— 1st Puisne Judge

Alexr. Duncan Campbell Esqre 2d Puisne Judge

Henry Dickinson Esquire 3d Puisne Judge

Read letter dated the 10th Instant, from the Provincial Court of Circuit in the Centre Division, transmitting an English translation of the record in Case No. 46 on the Cuddapah Calendar for the 2nd Sessions of 1839.

/Here enter F. M. No. 1573./

1. The Court of Fouzdaree Udalut in their Proceedings of the 7th November 1839, being of opinion that the Acting Judge on Circuit, had erred in considering the finding of Zun-i-ghalib by the Futwa of the Mahomedan Law Officer of the Court of Circuit, tantamount to an acquittal, directed that the above case No. 46 should be referred for the final judgment of the Fouzdaree Udalut.

2. On a deliberate consideration however of all the circumstances of the Case, and the Proceedings held thereon, the Judges of the Fouzdaree Udalut concur with the Presiding Judge in being of opinion, that the evidence is "too meagre, and too vague

F. 76.

Wednesday 26th August 1840.

At a Court of the Foujdaree Udalut—

Present.

John Bird Esquire ——— 1st Puisne Judge

Alexr Duncan Campbell Esq re 2d Puisne Judge

Henry Dickinson Esquire 3d Puisne Judge

Read letter dated the 10th Instant, from the Provincial Court of Circuit in the Centre Division, transmitting an English translation of the record in Case No. 46 on the Caddapah Calendar for the 2nd Sessions of 1839.

(Here enter F. M. No. 1573.)

1. The Court of Foujdaree Udalut in their Proceedings of the 7th November 1839, being of opinion that the Acting Judge on Circuit, had erred in considering the finding of Zun-i-ghalib by the Futwa of the Mahomedan Law Officer of the Court of Circuit, tantamount to an acquittal, directed that the above Case No. 46 should be referred for the final judgment of the Foujdaree Udalut.

2. On a deliberate consideration however of all the circumstances of the Case, and the Proceedings held thereon, the Judges of the Foujdaree Udalut concur with the Presiding Judge in being of opinion, that the evidence is too meagre, and too vague

"vague, to cast even Suspicion on the Prisoner" and accordingly resolve to direct that the Prisoner

Markapoorum Rungadoo

be forthwith Set at liberty.

3. The Court order that Translation of the letter at page 20 be sent to the Magistrate by the Circuit Judge, with directions to enquire into the facts therein stated and to report thereon.

Ordered, that Extract from these Proceedings be sent to the Provincial Court in the Centre Division for their information and guidance.

/ Sent in No. 1219 /

Read letter dated the 13th Instant, from the Acting 3d Judge on Circuit in the Centre Division, submitting copies of a correspondence between himself and the Acting Magistrate of Cuddapah, respecting the dismissal of the Tahsildar of Chitwail from the situation of Head of Police for having extorted confessions from the Prisoners in Circuit Case No. 28 for the 2d Sessions of 1840.

/ Here enter Ftt. No. 1617 /

1. The Judges of the Fouzdaree Adalut observe that the opinion of the Acting 3d Judge on Circuit, as to the guilt of the Prisoners in Case No. 28, is so

directly

directly opposed to that of the Acting Criminal Judge who committed them for trial, that before passing any decision on the Case, they resolve to direct, that the translation of the Record of the Case be forwarded for their perusal and consideration.

Ordered, that Extract from these proceedings be sent to the Acting 3d Judge on Circuit in the Centre Division, for his information and guidance, by Precept returnable in 8 days, from and after its receipt.

/ Sent following Precept No. 1220 /

Read letter dated the 15th Instant, from the 2d Judge on Circuit in the Northern Division, forwarding the Trial in Case No. 1 on the Nellore Primary Calendar for the 2d Sessions of 1840.

/ Here enter No. 1650 /

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

Mr. Campbell and Mr. Dickinson

"Tipparauze Cristniah"

is sufficient to convict him of the Crime of Forgery, do convict him thereof, and under the provisions of Clause first Section III. Regulation VI. of 1811, sentence the prisoner

"vague, to cast upon Suspicion on the Prisoner" and accordingly resolve to direct that the Prisoner

Markapoorum Ringadoo

be forthwith Set at liberty.

3. The Court order that Translation of the letter at page 20 be Sent to the Magistrate by the Circuit Judge, with directions to Enquire into the facts therein Stated and to report thereon.

Ordered, that Extract from these Proceedings be Sent to the Provincial Court in the Centre Division for their information and guidance.

/ Sent in No. 1219 /

Read letter dated the 13th Instant, from the Acting 3d Judge on Circuit in the Centre Division, Submitting Copies of a correspondence between himself and the Acting Magistrate of Cuddapah, respecting the dismissal of the Tahsildar of Chitwail from the situation of Head of Police for having extorted confessions from the Prisoners in Circuit Case No. 28 for the 2d Sessions of 1840.

/ Here enter Fll. No. 1617 /

1. The Judges of the Sonjdaree Adalut observe that the opinion of the Acting 3d Judge on Circuit, as to the guilt of the Prisoners in Case No. 28, is so directly

directly opposed to that of the Acting Criminal Judge who committed them for trial, that before passing any decision on the case, they resolve to direct, that the translation of the Record of the Case be forwarded for their Perusal and Consideration.

Ordered, that Extract from these proceedings be Sent to the Acting 3d Judge on Circuit in the Centre Division, for his information and guidance, by Precept returnable in 8. days from and after its receipt.

/ Sent following Precept No. 1220 /

Read letter dated the 15th Instant, from the 2d Judge on Circuit in the Northern Division, forwarding the Trial in Case No. 1 on the Nellore Primary Calendar for the 2d Sessions of 1840.

/ Here enter No. 1650 /

The Court of Sonjdaree 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

Mr Campbell and Mr Dickinson.

"Tipparauze Cristniah"

is Sufficient to convict him of the Crime of Forgery, do convict him thereof, and under the provisions of Clause first Section III Regulation VI of 1811, Sentence the prisoner

prisoner to be publickly exposed in the manner commonly
denominated Tashier, to receive one hundred lashes of a
cat of nine tails, and to be banished to the district of
Chingleput - to be imprisoned in the Jail at that Station
and kept to hard labor, in irons, on the public roads
or other public works, for and during the period of five
years.-

/ Sent following letter No. 1221 /

Read letter dated the 15th Instant,
from the 1st Judge of the Court of Circuit in the
Southern Division, submitting an English translation
of the record of the trial in Case No. 1 on the Trichinopoly
Calendar for the 3d Quarterly Sessions of 1840.

/ Here enter F.U. No. 1651. /

Mr. Bird
and
Mr. Dickinson

The Court of Foujdaree Udalut, on
a deliberate consideration of all the circumstances of
the case in Evidence before them, bring of opinion that
the proof against the prisoner

"Vencataramyen"

is sufficient to convict him of the crime of wounding with
the intent to commit murder, for which, according to the
Mahommedan Law as declared in the Futwas of their
Law Officers, discretionary punishment is awardable,
do convict him thereof, and with reference to the
provisions of Clause third Section III. Regulation XV
of

of 1803, adjudge 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 labor,
in irons, on the public roads or other public works for
and during the period of his natural life.-

1. In the above letter no distinct
opinion as to the precise Sentence to be passed on the
prisoner in the case is given by the first Judge in the
Southern Division, who in this respect has not observed
the Standing orders of the Court.-

2. It appears on this trial that the
alleged confession of the prisoner before the village
authorities was reduced to writing by the village Shroff
Siff.-

3. The Court of Foujdaree Udalut
accordingly desire that this instance of inattention to the
provisions of Clause Second Section V. Regulation XI of
1816 be brought to the notice of the Magistrate of Trichinopoly
in order that measures may be taken to enforce the
observance of this part of the Regulation enacted for
the guidance of the Officers of the Village Police.

Ordered, that Extract from these
proceedings be sent to the 1st Judge on Circuit in the
Southern Division for his information.

/ Sent following letter No. 1222 /

Read

Read letter dated the 28th July 1840,
from the Agent to the Governor of Fort St. George at Ganjam,
submitting for the consideration and approval of the Court
of Foujdaree Udalut, in conformity with Clause 5th Rule 1
of the rules framed by the Government for the guidance
of the Agents to the Governor under Act No. XXIV of 1839.
a copy of the rough notes taken by him during the trial
of Case No. 38 of 1840 on his file, together with the
Statement of the grounds for the conviction of the prisoners,
and his opinion as to the punishment to be passed on
each prisoner respectively.

Here enter File No. 1626 of 1840

The Court of Foujdaree Udalut having
maturely considered the Summary of the Evidence taken by
the Agent, the Statement of his grounds for the Conviction,
and his opinion as to the punishment to be passed on
each prisoner respectively, confirm the Sentence proposed
by the Agent to be passed on the prisoners

1st Atenga Booniah.
2d Chytana Das.
3d Bagavan Booniah.
4th Sanah Booniah.
5th Madana Das.
6th Bapanee Pradan.
7th Boodee Poloyee.
8th Chundrah Poloyee.
9th Crooshnah Poloyee.
10th Lorennee Sow.

12th Ragoo Berah

12th Ragoo Berah
13th Lolah Sow
and
15th Naranoo Poloyee

and direct that they be banished to the District of
Chinglepute, to be imprisoned in the Jail at that Station
and kept to hard labor in irons, on the public roads or
other public works, for, and during the period of fourteen
(14) years. The Court further resolve to accede to
the mitigation recommended by the Agent in regard
to the 11th and 14th prisoners, and they direct that the
prisoner

11th Balah Pradan

be banished to the District of Chinglepute, to be confined
in the Jail at that Station and kept to hard labor in
irons on the public roads, or other public works, for, and
during the period of 3 years: and taking into considera-
tion the age of the prisoner

14th Broondavana Nepaho,

and the fact that he turned back before he reached
the village where the robbery was to be perpetrated,
whereby the crime he had intended to commit was
not completed, the Court of Foujdaree Udalut resolve
to direct that he may be let at liberty, having been pre-
viously strongly admonished to avoid all connexion
with

with robbers for the future.

2. The Court of Foujdaree Udalut approve of the suggestion made by the Agent in the 11th Parah of his letter, but considering that the village Watcher, Raghoovah Dundasee, is deserving of a higher reward than that recommended by Mr Dannerman, on account of his very praiseworthy conduct, resolve to sanction the payment of Rupees 20. to him as a mark of their approbation.

Ordered, that Extract from these proceedings be sent to the Agent to the Governor of Fort St George at Ganjam for his information and guidance by Precept returnable in 10. days from and after its receipt.

(Sent following Precept No. 1223)

Read letter dated the 10th Instant from Captain Vallancey the Assistant General Superintendent of the operations for the suppression of Thuggee and Joint Magistrate in the Cuttack District, requesting to be informed if a speedy decision on the question, whether the Agent in Ganjam can try cases of Thuggee committed beyond the local limits of his jurisdiction, may be expected; as in consequence of the reference made to the Supreme Government

Government the further search for parties of Thugs in the Cuttack District has been delayed.

(Here enter No. 1636.)

Also read order of Government dated the 13th Instant, communicating copy of a communication from the Nizamut Udalut at Calcutta, intimating their opinion that under Acts No. XXX of 1836 and XVIII and XXIV of 1839, the Agent of the Governor in the Ganjam District is fully empowered to try any person charged with having committed murder by Thuggee within the limits of the Bengal Presidency.

(Here enter No. 1646.)

Ordered, that a copy of the letter from the Nizamut Udalut dated the 30th June 1840, together with a copy of the letter from the Supreme Government dated the 13th ultimo, and of the order of the Government of Fort St George thereon dated the 13th Instant, be communicated to the Agents of the Governor of Fort St George in the Districts of Ganjam and Vizagapatam, to Captain Vallancey the Assistant General Superintendent, and to the Provincial Court of Circuit in the Northern Division.

As regards all offences committed in the Company's dominions, especially in Bengal, the

20th August 1840.

the Agents of the Governor of Fort St. George, under the confirmation which the opinion given by this Court, in their proceedings of the 30th April last, para 3d, has now received from the Nizamut Adawlut, are fully at liberty to act thereon.

A further communication may be expected on the subject of those committed beyond the Company's territories by persons who are not subjects of the East India Company.

Sent in No. 1224 to 1227

Ent'd

F.C.

Thursday, 27th August 1840.

At a Court of the Foujdaree Udalut

Present,

John Bird Esquire — 1st Puisne Judge

Alexr. Duncan Campbell Esqre — 2d Puisne Judge

Henry Dickinson Esqre — 3d Puisne Judge

Read letter dated the 3d Instant from the Magistrate of North Arcot, stating with reference to the Proceedings of the Foujdaree Udalut of the 31st Ultimo, that a return was made on the 9th May 1840, to the precept of the Acting 2d Judge of the 30th April, relative to Case No. 13 of the Calendar for the 1st Quarter Sessions of 1840. and submitting a copy of the reply to that return.—

(Here enter F.C. No. 1521.)

From the above reply, contained in Extract from the Proceedings of the Court of Circuit for the Centre Division under date the 22nd June 1840, it appears that the Acting 2nd Judge, saw no grounds for altering the order, directing that certain fines levied from the Defendants in the above case should be reduced in amount, which had been passed after due consideration of all the circumstances

the Agents of the Governor of Fort St. George, under the
confirmation which the opinion given by this Court, on
their proceedings of the 30th April last, para 3rd, has
now received from the Nizamut Adawlut, are fully
at liberty to act thereon.

A further Communication may be
expected on the Subject of those committed beyond the
Company's territories by persons who are not Subjects
of the East India Company.

Sent in No. 1224 to 1227

F.C.

Thursday, 27th August 1840.

At a Court of the Foujdaree Udalut

Present,

John Bird Esquire — 1st Puisne Judge

Alexr. Duncan Campbell Esqre. — 2d Puisne Judge

Henry Dickinson Esqre. — 3d Puisne Judge

Read letter dated the 3d Instant from the Magistrate of North Arcot, stating with reference to the Proceedings of the Foujdaree Udalut of the 31st Ultimo, that a return was made on the 9th May 1840, to the precept of the Acting 2nd Judge of the 30th April, relative to Case No. 13 of the Calendar for the 1st Quarter Sessions of 1840. and submitting a copy of the reply to that return.—

(Here enter F.C. No. 1521.)

From the above reply, contained in Extract from the Proceedings of the Court of Circuit for the Centre Division under date the 22nd June 1840, it appears that the Acting 2nd Judge, saw no grounds for altering the order, (directing that certain fines levied from the Defendants in the above case should be reduced in amount), which had been passed after due consideration of all the circumstances

circumstances connected with it, and he therefore directed, that the instructions contained in the said order, be carried into immediate effect.-

2. The Judges of the Foujdaree Udalut are of opinion that the Acting 2nd Judge on Circuit was not fully aware of the extent of the offence committed by the Defendants in Case No. 13, at the time that he issued the order reversing the decision of the Joint Magistrate of North Arcot.-

3. The Defendants were convicted of an unprovoked assault, upon the Plaintiffs, connected with the rivalry existing between the right and left hand Castes.-

4. The jealousy and ill-feeling arising from these right and left hand disputes, are so frequently productive of serious disturbances, that severe measures are requisite to prevent a repetition of the evil consequences arising from them; and the Judges of the Foujdaree Udalut therefore resolve to desire the Acting 2nd Judge of the Provincial Court of Circuit, to issue an order thro' the Magistrate of North Arcot, to the effect that if the fines imposed by the Joint Magistrate have

been realized and the order for the refund of a portion thereof has not been actually carried into effect, that the fines be not reduced in amount, but that the Joint Magistrate's order be allowed to stand.-

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

(Sent in No. 1229.)

Read return dated the 8th Instant made by the 2nd Judge late on Circuit in the Western Division to the precept of the Foujdaree Udalut of the 31st July 1840, conveying their observations and orders on the Mangalore Calendar for the 4th Sessions of 1840.

(Here Enter No. 1619.)

With reference to the remarks recorded by the Court of Foujdaree Udalut on Case No. 12 of the Mangalore Calendar, the 2nd Judge explains that he had amended his sentence, and issued a fresh warrant, to the effect that the Judge presiding confirms the Fatwah, but "on the grounds that the wounds "received by the Prosecutor were slight, and that

"that the property snatched from him was of
"very trifling value (being less than one Rupee)
"and even that was wholly restored by the
"Prisoner (who made a full confession throughout)
"on his being apprehended by the Village
"Police Officers," he submits that the Prisoner
Nanaha (a Slave) will be sufficiently punished
by a Sentence of imprisonment for four Years.-

2. The Court of Zillah Adalut
under the authority vested in them by Clause
third, Section III, Regulation I of 1825
resolve to accede to the recommendation of the
Presiding Judge; and accordingly authorize
that Officer to pass the mitigated Sentence
above indicated upon the Prisoner

Henchap.-

Ordered, that Extract from
these Proceedings be forwarded to the 2nd Judge
late on Circuit in the Western Division for
his information and guidance by Precept
returnable in 5 days, from and after its
receipt.-

(Sent following Precept No. 1230)

Read letter dated the 21st Instant
from the Acting 1st Judge late on Circuit
in

J.N.

27th August 1840.-

in the Central Division, transmitting an Engl
translation of the Record in Case No. 33 on
the Ballary Calendar for the 1st Session
of 1840.-

(Here enter No. 1664.)

The Court of Zillah Adalut
Mr. Bird. on a deliberate consideration of all the circum-
and stances of the case in evidence before them,
Mr. Campbell. being of opinion that the proof against the
prisoners

1st Thottah

and

2nd Sevanah.

is sufficient to convict them of the crime of
murder, do convict them thereof, and, under the
provisions of Section X Regulation VIII of 1802
do sentence them to suffer death, by being
hanged at the usual time and place of
execution.-

(Sent following letter No. 1231.)

Read return dated the 12th
Instant from the Acting Joint Criminal
Judge of the Auxiliary Court at Tellicherry
to the Precept of the Zillah Adalut of
the

the 1st August 1840 conveying their observations and orders on the Criminal Reports for the month of June 1840.—

(Here enter No. 1632.)

Read return dated the 17th Instant from the Provincial Court of Circuit in the Centre Division, to the precept of the Tenjalore Udalut of the 8th August 1840, acquitting the first Prisoner Davalee Gurdee-gadoo in Case No. 40 of the Cuddapah Calendar for the 2nd Sessions of 1839 and directing that he be unconditionally set at liberty.—

(Here enter No. 1642.)

Read letter dated the 19th Instant from the Acting 1st Judge of the Provincial Court of Circuit in the Centre Division, transmitting Statements of batta paid to Prosecutors and witnesses for the 1st Sessions of 1840.—

(Here enter No. 1656.)

Read return, dated the 17th Instant, from the 3rd Judge late on Circuit in the Southern Division, to the precept of the Tenjalore Udalut of the 10th August 1840, calling

calling upon him for an explanation of the delay in dispatching certain Cases included in the Statement required by the Circular Order No. 4 dated 5th July 1834.—

(Here enter No. 1660.)

Read return, dated the 11th Instant, from the Principal Sudr Ameen at Tellapoor, to the precept of the Tenjalore Udalut of the 30th July 1840, conveying their observations and orders on the Criminal Reports for the month of June last.—

(Here enter No. 1661.)

Read letter dated the 19th Instant from the Magistrate of Guntoor submitting the explanation called for in the Proceedings of the Tenjalore Udalut under date the 29th July 1840, relative to the delay in the transmission to the Criminal Court of certain Cases in the Guntoor Criminal Reports for the month of June 1840.—

(Here enter No. 1662.)

Read return, dated the 20th Instant from the 3rd Judge late on Circuit in the Northern Division to the precept of

the 1st August 1840 conveying their observations and orders on the Criminal Reports for the month of June 1840.—

(Here enter No. 1632.)

Read return dated the 17th Instant from the Provincial Court of Circuit in the Centre Division, to the precept of the Tanjore Udalut of the 8th August 1840, acquitting the first Prisoner Davalee Gurdeo gadoo in Case No. 20 of the Cuddapah Calendar for the 2nd Sessions of 1839 and directing that he be unconditionally set at liberty.—

(Here enter No. 1642.)

Read letter dated the 19th Instant from the Acting 1st Judge of the Provincial Court of Circuit in the Centre Division, transmitting Statements of batta paid to Prosecutors and witnesses for the 1st Sessions of 1840.—

(Here enter No. 1656.)

Read return, dated the 17th Instant, from the 3rd Judge late on Circuit in the Southern Division, to the precept of the Tanjore Udalut of the 10th August 1840, calling upon him for an explanation of the delay in dispatching certain Cases included in the Statement required by the Circular Order No. 4 dated 5th July 1834.—

(Here enter No. 1660.)

Read return, dated the 11th Instant, from the Principal Sudr Ameen at Mahapoor, to the precept of the Tanjore Udalut of the 30th July 1840, conveying their observations and orders on the Criminal Reports for the month of June last.—

(Here enter No. 1661.)

Read letter dated the 19th Instant, from the Magistrate of Guntoor submitting the explanation called for in the Proceedings of the Tanjore Udalut under date the 29th July 1840, relative to the delay in the transmission to the Criminal Court of certain Cases in the Guntoor Criminal Reports for the month of June 1840.—

(Here enter No. 1662.)

Read return, dated the 20th Instant from the 3rd Judge late on Circuit in the Northern Division to the precept of

27th August 1840.

of the Tonjdaree Udalut of the 10th August 1840 conveying their observations and Orders on the Negapatam Primary and Supplemental Calendars for the 1st Sessions of 1840.—

(Here enter No. 1672.)

Read letter dated the 17th Instant from the Provincial Court of Circuit in the Western Division, transmitting with reference to the Proceedings of the Tonjdaree Udalut of the 4th Instant, copy of their Proceedings held in Case No. 74 of Reports of the Joint Criminal Court of Tellicherry for June last.—

4 Encl.

(Here enter No. 1675.)

W
K
J P

F. No.

Friday,
28th Augt 1840.

At a Court of the Tonjdaree Udalut—

Present

John Bird Esquire ——— 1st Puisne Judge
Alexr Duncan Campbell Esqre 2d Puisne Judge
Henry Dickinson Esquire — 3d Puisne Judge

Read return dated the 20th Instant made by the 2d Judge on Circuit in the Northern Division to the precept of the Court of Tonjdaree Udalut of the 15th August 1840 conveying their observations and orders on the Nellore Calendars for the 2nd Sessions of 1840.—

(Here enter No. 1671.)

With reference to para: 3 of the above return the Court of Tonjdaree Udalut resolve to instruct the 2d Judge on Circuit that if he is unable to concur in the opinion expressed by them as to the measure of punishment called for in Case No. 5, he will submit an English Translation of the Record of the Trial for the consideration and final orders of the Court of Tonjdaree Udalut.

Ordered that Extract from these proceedings be forwarded for the information and guidance of the 2d Judge on Circuit in the Northern Division by precept returnable in 7 days from

and

27th August 1840.

of the Tanjdaree Udalut of the 10th August 1840 conveying their observations and orders on the Cuzzeeparam Criminal and Sessions Calendars for the 1st Sessions of 1840.—

(Here enter No. 1672.)

Read letter dated the 17th Instant from the Provincial Court of Circuit in the Western Division, transmitting with reference to the Proceedings of the Tanjdaree Udalut of the 4th Instant a Copy of their Proceedings held in Case No. 76 of Report of the Joint Criminal Court of Tellicherry for June last.—

(Here enter No. 1675.)

F. Co.

Friday,
28th Augt 1840.

At a Court of the Tanjdaree Udalut—

Present

John Bird Esquire ——— 1st Puisne Judge—
Alexr Duncan Campbell Esqre 2d Puisne Judge—
Henry Dickinson Esquire— 3d Puisne Judge.

Read return dated the 20th Instant made by the 2d Judge on Circuit in the Northern Division to the precept of the Court of Tanjdaree Udalut of the 15th August 1840 conveying their observations and orders on the Nellore Calendars for the 2nd Sessions of 1840.—

(Here enter No. 1671.)

With reference to para: 3 of the above return the Court of Tanjdaree Udalut resolve to instruct the 2d Judge on Circuit that if he is unable to concur in the opinion expressed by them as to the measure of punishment called for in Case No. 5, he will submit an English Translation of the Record of the Trial for the Consideration and final orders of the Court of Tanjdaree Udalut.

Ordered that Extract from these proceedings be forwarded for the information and guidance of the 2d Judge on Circuit in the Northern Division by precept returnable in 7 days from

and

and after its receipt.

(Sent following Precept No. 1233.)

Read return dated the 29th ultimo, from the Acting Joint Criminal Judge of Trichinopoly to the precept of the Tonjdaree Udalut of the 22d Ultimo conveying their observations and orders on the Criminal Reports for the month of June 1840.

(Here enter F.H. No. 1504.)

1. The Judges of the Tonjdaree Udalut consider the Evidence in Case No. 74 insufficient to justify the Conviction of the 1st and 2nd Prisoners, but they are of opinion that Strong Suspicion attaches to them of having Stolen the Cattle.

2. They therefore direct, that the former Sentence, of imprisonment with hard labor in irons for one year, passed by the Acting Joint Criminal Judge of Trichinopoly, on the 1st and 2nd Prisoners be annulled, and that they be each required to Enter into Security in two Sureties of 10 Rupees each for 8 months. or to be confined for that period.

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

(Sent in No. 1234.)

Read

Read letter dated the 21st Instant from the 1st Judge of the Provincial Court of Circuit in the Southern Division submitting Copy of the Trichinopoly 1st Supplemental Calendar for the 3d quarterly Sessions of 1840.

(Here enter No. 1677.)

1. The trial in the only case entered in this Calendar having been closed on the 28th Ultimo, and set down for reference to the Court of Tonjdaree Udalut it is resolved that the 1st Judge of the Provincial Court of Circuit in the Southern Division be called upon by precept returnable in 24 hours from and after its receipt to account for the extraordinary delay in submitting the Translation of the Record of the Trial.

2. No such delay should occur in the transmission of any preferrible trial, but in a Case such as the present it was obviously of importance that the record of the Trial should have been prepared and submitted with all possible despatch.

Ordered, that Extract from these proceedings be forwarded to the 1st Judge of the Provincial Court of Circuit in the Southern Division for his information and guidance by precept returnable

returnable in 24 hours from and after its receipt.

/ Sent following precept No. 1235 /

Read letter dated the 20th Instant from the 2d Judge on Circuit in the Northern Division, reporting that a proclamation has been issued to the Acting Criminal Judge of Rajahmundry for opening the Sessions at his Station on the 17th Proximo.

/ Here enter No. 1670. /

Read letter dated the 20th Instant, from the Provincial Court of Circuit in the Southern Division, submitting with reference to the Proceedings of the Toujdaree Udalut of the 11th Ultimo a Copy of the orders passed in Case No. 33. of 1840 of the file of the Joint Criminal Court at Coimbatore.

/ Here enter No. 1671 /

Monday, 31st August, 1840. At a Court of the Toujdaree Udalut.

Present,

John Bird Esqre 1st Puisne Judge,
Mr. Duncan Campbell Esqre 2nd Puisne Judge,
Henry Dickinson Esqre 3rd Puisne Judge,

Read letter dated the 18th Instant from the Acting 2nd Judge of the Provincial Court of Circuit in the Centre Division, submitting copy of the Chittoor 5th Supplemental Calendar for the 3d Quarterly Sessions of 1840.

/ Here enter No. 1647 /

Case No. 1. 1. The Prisoner in Case No. 1 of this Calendar was charged with Highway Robbery and with having Stolen from the 1st and 2d prosecutrixes ornaments valued at 37½ Rupees.

2. The Prisoner has been convicted by the Mahomedan Law Officer and by the Judge presiding at the trial, but the prisoner not being an old offender, and the robbery being attended with very trifling injury, the Acting 2nd Judge considers that the ends of justice will be fully satisfied

31st August 1840 satisfied by a mitigation of the punishment prescribed for this offence by the Regulations to eight years' imprisonment with hard labor in irons.

3 The Court of Foujdaree Udalut having duly considered all the circumstances of this Case, resolve under the authority vested in them by Clause third, Section III Regulation I of 1825, to accede to the recommendation of the Presiding Judge; and accordingly authorize that Officer to pass the mitigated sentence above indicated upon the prisoner.

"Rauseegandoo."

Ordered, that Extract from these proceedings be forwarded 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. 1241/

Read the Criminal Reports submitted by the Acting Criminal Judge of Canara for the month of July 1840.

/Here enter No. 1614/

The above reports do not appear to

31st August 1840. to call for any remark from the Court of Foujdaree Udalut.

Ordered therefore that Extract from these proceedings be forwarded to the Acting Criminal Judge of Canara for his information.

/Sent in No. 1242/

Read the Gram Criminal Reports submitted by the Provincial Court of Circuit in the Western Division for the month of July 1840.

/Here enter No. 1627/

The above Reports do not appear to call for any remark from the Court of Foujdaree Udalut

Ordered therefore that Extract from these proceedings be forwarded to the Provincial Court of Circuit in the Western Division, to be by them communicated to the Principal Sudr Ameen at Sirsy for his information.

/Sent in No. 1243/

Read letter dated the 12th Instant from the 1st Judge of the Provincial Court of Circuit in the Northern Division, transmitting

Copy

prescribed for this offence by the Regulations to Eight years' imprisonment with hard labor in irons.

3. The Court of Tongdaree Udalut having duly considered all the Circumstances of this Case, resolve under the authority vested in them by Clause third, Section III Regulation I of 1825, to accede to the recommendation of the Presiding Judge; and accordingly authorize that Officer to pass the mitigated sentence above indicated upon the prisoner.

"Rungeegandoo."

Ordered, that Extract from these proceedings be forwarded to the 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. 1241/

Read the Criminal Reports submitted by the Acting Criminal Judge of Canara for the month of July 1846.

/Here entered No. 1614/

The above reports do not appear to call for any remark from the Court of Tongdaree Udalut.

Ordered therefore that Extract from these proceedings be forwarded to the Acting Criminal Judge of Canara for his information.

/Sent in No. 1242/

Read the Criminal Reports submitted by the Provincial Court of Circuit in the Western Division for the month of July 1846.

/Here entered No. 1627/

The above Reports do not appear to call for any remark from the Court of Tongdaree Udalut.

Ordered therefore that Extract from these proceedings be forwarded to the Provincial Court of Circuit in the Western Division, to be by them communicated to the Principal Sadr Ameen at Sirsy for his information.

/Sent in No. 1243/

Read letter dated the 12th Instant from the 1st Judge of the Provincial Court of Circuit in the Northern Division, transmitting

Copy

31st August 1840

Copy of the Calendar of the Joint Criminal Court of Masulipatam for the 3d Quarterly Sessions of 1840.

(Here enter No. 1613)

1. In Case No. 1 two prisoners were charged with having administered medicine &c. to the Prosecutor's wife for the purpose of procuring abortion.-

2. The 2d Prisoner has been unconditionally released, but strong suspicion attaching to the 1st Prisoner he has been ordered to give Security.-

3. The Prosecutor's wife it appears died, but it is stated in the Column of remarks that it was the Zillah Surgeon's opinion that the medicine alleged to have been administered to the deceased could not cause death; and the 1st judge adds that from the evidence adduced, he can "only suppose that the death "of the Prosecutor's wife was solely to her "improper conduct in having drunk too much "water against the rule of her diet."

4 The Court of Tongdaree Udalut desire an explanation of this remark by the 1st judge; and to be informed from what facts given

2. T. M.
31st August 1840

given in evidence such inference as to the cause of the death of the deceased was drawn.

Ordered, that Extract from these proceedings be forwarded to the 1st Judge of the Provincial Court of Circuit in the Northern Division for his information and guidance by precept returnable in 5 days from and after its receipt.

(Sent following precept No. 1744)

Read return dated the 15th Instant made by the 3d Judge late on Circuit in the Northern Division to the precept of the Tongdaree Udalut of the 27th July 1840, conveying their observations and orders on the Ichapoor Calendar for the 1st Sessions of 1840.-

(Here enter No. 1658.)

1. With reference to the remarks recorded by the Court of Tongdaree Udalut on Case No. 2, the 3d Judge late on Circuit observes "that tho' certainly upon reference "to the Futwah it does appear that the "4th Prisoner is said to be entitled to be "released, on the grounds that he did not "confess before the Magistrate, and that there

was

31st August 1840. Copy of the Calendar of the Joint Criminal Court of Masulipatam for the 3d Quarterly Sessions of 1840.

(Here enter No. 1613)

1. In Case No. 1 two prisoners were charged with having administered medicine pcs. to the Prosecutor's wife for the purpose of procuring abortion.-

2. The 2d Prisoner has been uncon-ditionally released, but strong suspicion attaching to the 1st Prisoner he has been ordered to give Security.-

3. The Prosecutor's wife it appears died, but it is stated in the Column of remarks that it was the Zillah Surgeon's opinion that the medicine alleged to have been administered to the deceased could not cause death; and the 1st judge adds that from the evidence adduced, he can only suppose that the death "of the Prosecutor's wife owes solely to her "improper conduct in having drunk too much "water against the rule of her diet."

4 The Court of Tondarce Udalut desire an Explanation of this remark by the 1st Judge; and to be informed from what facts given

given in evidence such inference as to the Cause of the death of the deceased was drawn.

Ordered, that Extract from these proceedings be forwarded to the 1st Judge of the Provincial Court of Circuit in the Northern Division for his information and guidance by precept returnable in 5 days from and after its receipt.

(Sent following precept No. 1244)

Read return dated the 15th Instant made by the 3d Judge late on Circuit in the Northern Division to the precept of the Tondarce Udalut of the 27th July 1840, conveying their observations and orders on the Ichapoor Calendar for the 1st Sessions of 1840.

(Here enter No. 1658.)

1. With reference to the remarks recorded by the Court of Tondarce Udalut on Case No. 2, the 3d Judge late on Circuit observes "that tho' certainly upon reference "to the Futwah it does appear that the "4th Prisoner is said to be entitled to be "released, on the grounds that he did not "confess before the Magistrate, and that there

was

was no proof against him, this is evidently a mistake, as the 3d Judge has clearly ascertained by a reference to his own notes on the trial."

2. The Court of Foujdaree Udalut having referred to the Futwah perceive that all the prisoners were convicted by the Mahomedan Law Officer with the exception of the 4th prisoner, and if the 4th is a clerical error, by the Law Officer, for the 6th prisoner, an amended futwah, under his signature, should be sent to the Foujdaree Udalut. If this is not the case, some further explanation of the above remark is required from Mr. Strombom.-

Ordered that Extract from these proceedings be forwarded to the Third Judge late on Circuit in the Northern Division for his information and guidance by precept, returnable in 3 days from and after its receipt.-

/Sent following precept No. 1245.

Read the Criminal Reports submitted by the Principal Sudr Ameen at Ichapore for the month of July 1840.-

/Here enter No 1692/

These reports do not call for any remark from the Court of Foujdaree Udalut but it is observed that under the Standing orders of the Foujdaree Udalut the Statements in question should have been despatched from Ichapore so as to reach the Presidency by the 15th of the month following that for which they were prepared.-

Ordered that Extract from these proceedings be forwarded to the Principal Sudr Ameen at Ichapore for his information and future guidance.-

/Sent in No. 1246./

Read letter dated the 21st Instant from the 3d Judge on Circuit in the Western Division transmitting an English translation of the record in case No. 11 on the Malabar Calendar for the 2d Sessions of 1840.

/Here enter No. 1691/

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

Mr. Bird
and
Mr. Campbell.

prisoners

31st August 1840. prisoners.

1st Kanatka Cherman Kellesamel Nalia Chattan
2d do Kutti Chattan
3d do Parakane Nathan
4th do Vellan Unniran
5th do Kanakodan Ittyatten
6th do Cherrupaddi Chattan

is sufficient to convict them of the crime of murder, do convict them thereof, and, under the provisions of Section X Regulation VIII of 1802 Sentence the prisoner

1st Kanatka Cherman Kellesamel Nalia Chattan

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

2 Kanatka Cherman Kutti Chattan
3d do Parakane Nathan
4th do Vellan Unniran
5th do Kanakodan Ittyatten
and
6th do Cherrupaddi Chattan

to be transported to such place or places

31st August 1840. beyond Sea, as the Governor in Council shall appoint, there to be imprisoned and kept to hard labor, in irons, on the public roads or other public works for and during the period of their natural lives.-

/Sent following letter No. 1247.-

Read return dated the 18th ultimo from the Acting Criminal Judge of Cuddapah & the precept of the Foujdaree Adalut of the 14th ultimo, conveying their observations and orders on the Criminal Reports for the month of May last.-

/Here enter F. C. No. 1395/

1. In the above return, the Acting Criminal Judge states that the Prisoner in Case No. 76, was sentenced to find Security, on similar evidence in Case No. 78, and that he was also concerned in Cases Nos. 74-75 and 77.

2. The Judges of the Foujdaree Adalut are still of opinion, that there are no sufficient grounds for the Security required by the Acting Criminal Judge of Cuddapah from the Prisoner concerned in Cases Nos. 76 and 78- and although the same prisoner, concerned also in Case No 74, ought in the opinion of

31st August 1840.

of the Foujdaree Udalut to have been committed by the Assistant Criminal Judge, to take his trial before the Court of Circuit; yet this circumstance affords no ground for the punishment of this individual in other and distinct Cases.-

3 The Judges of the Foujdaree Udalut desire therefore that the prisoner

Togata Ramadoo

be unconditionally released from confinement

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

/Sent following precept No. 1248/

Read letter dated the 15th instant from the Magistrate of Canara, submitting the explanation called for in Foujdaree Udalut Proceedings of the 23d Ultimo, relative to Case No. 102 on the Criminal Reports for the month of June last.

/Here enter F.U. No. 1665/

With reference to the concluding

31st August 1840.

para of the above letter, the Court of Foujdaree Udalut remark, that it was the duty of the Tahsildar, to send the original proceedings therein alluded to, and the witnesses if there were any, and thus to have afforded the Criminal Court "adequate proof for the Conviction of the prisoner."-

Ordered that Extract from these proceedings be sent to the Magistrate of Canara for his information and guidance

/Sent in No. 1249/

Read letter dated the 17th Instant from the Provincial Court of Circuit in the Western Division forwarding with reference to the Proceedings of the Foujdaree Udalut of the 29th Ultimo copy of an Extract from their Proceedings in Case No. 26 on the Principal Sudr Ameen of Sircee's Report No. 5 for the month of June last and translation of that officer's return to the Provincial Court's precept of the 3d instant having reference to case No. 23 of the said Report.-

/Here enter No. 1686/

Read Return dated the 1st Instant

31st August 1840. Instant from the Officer Commanding the Neilgherries of the Convicts in the Jail at Ootacamund for the Month of July 1840.-

(Here enter No. 1693.)

Read Return dated the 20th Instant from the Criminal Judge of Malabar to the precept of the Foujdaree Udalut of the 12th August 1840 conveying their observations and orders on the Criminal Reports for the months of June 1840.-

(Here enter No. 1694.)

Read Return dated the 26th Instant from the Criminal Judge of Nellore to the precept of the Foujdaree Udalut of the 14th August 1840 directing him to forward the insane Prisoner named Bunna Unkadoo to the Superintendant of Police at Madras in order to his being lodged in the Lunatic Hospital there.-

Ext 7th

(Here enter No. 1699.)

113

115

JB

7th

Tuesday 1st September 1840.

At a Court of the Foujdaree Udalut

Present

John Bird Esquire ___ 1st Puisne Judge

Alexr Duncan Campbell Esqre 2d Puisne Judge

Henry Dickinson Esqre 3d Puisne Judge

Read letter dated the 12th Ultimo from the Third Judge late on Circuit in the Northern Division transmitting an English Translation of the Record in Case No. 1. of the Rajahmundry Calendar for the 1st Sessions of 1840.-

(Here enter No. 1663.)

The Court of Foujdaree Udalut

Mr. Campbell and Mr. Dickinson

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 Tolacoora Narasimhiarawze

2d Konegurla Juggadoo

and

3d Konegurla Lachadoo

is sufficient to convict them of the crime of murder, do convict them thereof, and, under the provisions of Section X Regulation VIII of 1807,

Sentence

31st August 1840. Instant from the Officer Commanding the Neilgherries of the Convicts in the Jail at Cotacamund for the Month of July 1840.-

/Here enter No. 1693/

Read Return dated the 20th Instant from the Criminal Judge of Malabar to the precept of the Foujdaree Udalut of the 12th August 1840 conveying their observations and orders on the Criminal Reports for the months of June 1840.-

/Here enter No. 1694/

Read Return dated the 26th Instant from the Criminal Judge of Nellore to the precept of the Foujdaree Udalut of the 14th August 1840 directing him to forward the insane Prisoner named Bunna Unkadoo to the Superintendant of Police at Madras in order to his being lodged in the Lunatic Hospital there.-

/Here enter No. 1699/

Ext. W.H.

WB

WS

JB

Tuesday 1st September 1840.

At a Court of the Foujdaree Udalut

Present

John Bird Esquire ___ 1st Puisne Judge

WB Alexr. Duncan Campbell Esqre. 2d Puisne Judge

WS Henry Dickinson Esqre. 3d Puisne Judge

JB

Read letter dated the 12th Ultimo from the Third Judge late on Circuit in the Northern Division transmitting an English Translation of the Record in Case No. 1. of the Rajahmundry Calendar for the 1st Sessions of 1840.-

(Here enter No. 1663.)

The Court of Foujdaree Udalut

Mr. Campbell and Mr. Dickinson 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 Tolacoora Narasimharawze

2nd Konegurla Suggadoo

and

3rd Konegurla Lachadoo

is sufficient to convict them of the crime of murder, do convict them thereof, and, under the provisions of Section X Regulation VIII of 1809,

Sentence

1st September 1840.

Sentence the Prisoners

2nd Koneegurla Juggadoo

and

3rd Koneegurla Lachadoo

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

1st Tolacoora Narasimharauze

to be transported to such place or places beyond Sea, as the Governor in Council shall appoint, there to be imprisoned and kept to hard labor, in irons, on the public roads or other public works, for and during the period of his natural life: and being of opinion that the Prisoners

4th Koneegurla Paupegadoo

and

5th Chilikenee Kolladoo.

are not convicted on presumptive proofs, or on the evidence of credible witnesses, or on their own confessions of the crime aforesaid, acquit them accordingly; but considering that strong suspicion though not amounting to conviction attaches to them, the Court direct that under the provisions of Clause Sixth Section II Regulation

Mr. Bird.

1st September 1840.

Regulation XV of 1803 they be each required to find two Sureties in 50 Rupees each Surety for their good behaviour and appearance when required within three Years, or in default thereof that they be detained for three Years in confinement.—

(Sent following letter No 253)

W.S.

Wednesday, 2d September 1840.

At a Court of the Zoujdaree Adaulut.

Present

John Bird Esqr. ——— 1st Puisne Judge,

Alexr. Duncan Cam[illegible]bell Esqr. 2d Puisne Judge,

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

Read letter dated the 21st Ultimo from the Joint Criminal Judge of Cuddalore, submitting a detailed account of the mode in which the Jail at Cuddalore can be made "an inside working "Jail," with advantage to Government.—

(Here enter No. 1674.)

Ordered that a copy of the letter above recorded be forwarded to the Chief Secretary to Government for the purpose of being laid before the Right Honorable the Governor in Council with reference to the proceedings of the Zoujdaree Adaulut of the 14th August 1840.—

(Sent in No. 1255)

Read Miscellaneous petition presented on the 13th ultimo by Meerootham an inhabitant of Cuddalore

(Here enter Zd. M. C. No. 74 of 1840)

1. The Petitioner complains that his Father was

was falsely accused of having stolen property from the house of one Corbbier, and unjustly sentenced by the Circuit Court in Case No. 16 of the Cuddalore Calendar for 1840, to seven years imprisonment.—

2. She therefore prays the Court of Sudder Adalut, to call for and peruse the [illegible] of the trial in the said case and order the release of her father.—

3 The Judges of the Sudder Adalut see no reason to doubt the propriety of the sentence passed by the Court of Circuit in the Centre Division on the Petitioner's father, and direct therefore that the prayer of the foregoing petition be rejected.—

Ordered accordingly, and that copy of these Proceedings be furnished to the Petitioner on his application.—

Read Miscellaneous Petition presented on the 17th August 1840 by Mootoogoomdeen and 8 others of the Zillah of Chittoor.—

(Here enter S.C. Gr. O. No. 97 of 1840.)

1. The Petitioners pray that orders may be issued for the release from confinement of their relations the first nine prisoners in Case No. 1 Chittoor Sessions Calendar for the 4th Quarterly Sessions of 1840 who being convicted by the Sudder Adalut of gang robbery were sentenced

sentenced by that Court the 1st to be transported for life the others to 14 years imprisonment.—

2. The Petitioners assert that their relations did not commit the crime being at the time in the village of Examooda, and that they were moreover apprehended through the malice of the Prosecutor.—

3. The Petitioners are informed that the sentence of which they complain was passed after a mature consideration of all the circumstances of the case, and will not be disturbed and that Petitions against the sentences of the Sudder Adalut are inadmissible.—

Ordered, that the Petition be rejected and that copy of these Proceedings be furnished to each of the Petitioners on their application respectively.—

Read Miscellaneous petition presented on the 17th ultimo by Venkatachella Naicken of the Zillah of Chittoor.—

(Here enter S.C. Gr. O. No. 98 of 1840.)

1. The Petitioner who was Prosecutor in Case No. 212 of the Chittoor Criminal Reports for 1839, states that justice was not rendered to him by the Court

Court of Circuit in this case, and complains, that he is likely to suffer much injury on that account, as the Prisoner intends to sue him for damages on account of character.—

2. He therefore prays the Court of Sudder Adawlut, to call for and peruse the record of the trial in the above case, and punish the Prisoner and Village Moonsiff according to their deserts.—

3. The Judges of the Sudder Adawlut, have referred to the Criminal Report containing the Case No. 212 and being of opinion that it was rightly disposed of, direct that the prayer of the above petition be rejected.—

Ordered accordingly, and that copy of these Proceedings be furnished to the Petitioner on his application.—

Read letter dated 21st August 1840 from the 3d Judge late on Circuit in the Northern Division transmitting for the consideration and final sentence of the Sudder Adawlut a translation of the record of the trial in Case No. 7 on the Vizagapatam Calendar for the 1st Session of 1840.—

(Here enter S. H. No. 1689.)

The

No. 16.

2d September 1840.

Mr. Campbell.

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

Koorsain Khan

is sufficient to convict him of the offence described in Act XXX of 1836, 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.—

1. The prisoner in this case was charged with murder by Thuggee, and also with the offence described in the Act XXX of 1836.—

2. It appears that a promise of exemption from Capital punishment was made to the prisoner in conformity with the instructions of the Governor General in Council by the Assistant General Superintendant for the suppression of Thuggee, which was afterwards irregularly revoked by the late 3d

Judge

Court of Circuit in this case, and complains, that he is likely to suffer much injury on that account, as the Prisoner intends to sue him for damages on account of character.—

2. He therefore prays the Court of Sujdara Adalut, to call for and peruse the record of the trial in the above case, and punish the Prisoner and Village Moonsiff according to their deserts.—

3. The Judges of the Sujdara Adalut, have referred to the Criminal Report containing the Case No 212 and being of opinion that it was rightly disposed of, direct that the prayer of the above petition be rejected.—

Ordered accordingly, and that copy of these Proceedings be furnished to the Petitioner on his application.—

Read letter dated 20th August 1840 from the 3d Judge late on Circuit in the Northern Division submitting for the consideration and final sentence of the Sujdara Adalut a translation of the record of the trial in Case No 7 on the Vizagapatam Calendar for the 1st Session of 1840.—

(Here enter S.C. No 1689.)

The

No 66.

2d September 1840.

Mr Campbell.

The Court of Sujdara 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

Koossain Khan

is sufficient to convict him of the offence described in Act XXX of 1836, 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.—

1. The prisoner in this case was charged with murder by Thuggee, and also with the offence described in the Act XXX of 1836.—

2. It appears that a promise of exemption from Capital punishment was made to the prisoner in conformity with the instructions of the Governor General in Council by the Assistant General Superintendant for the suppression of Thuggee, which was afterwards irregularly revoked by the late 2d Judge.

Judge of Circuit Mr. Haig, in consequence of the prisoner having in his opinion perjured himself, and the said Khan was directed to be put on his trial for the crime of murder by Thuggee.—

3. In a letter dated the 31st October Mr. Montgomerie recommended that the charge of murder against the prisoner should be cancelled and the promise of immunity from capital punishment which was restricted, under orders of the Sudder Judge Date on Circuit revived, and that the prisoner should be put on his trial for the offence prescribed by Act XXX of 1836 & Govt.

4. The Court of Sunjarra Gokant in their proceedings of the 12th November last recorded their entire approval of the adoption of the course of proceeding recommended by Mr. Montgomerie, and observed that 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 in Council.—

5. After the issue of these instructions, the Court of Sunjarra Gokant did not consent to find the prisoner placed on his trial for the crime of murder,

And,

and they are unable to account for so strange a proceeding by the 3d Judge in arraigning him for this crime, especially as it appears that he must have been aware of the existence of the order against it, which he has quoted in his letter of reference and which has been recorded at page 55 of this trial.—

Ordered, that Extract from that proceedings be sent to the 3d Judge of Circuit in the Northern Division for his information.—

(Sent in No 1256.)

Read return dated the 7th Ultimo, from the Acting 3d Judge on Circuit in the Central Division, to Extract from the Proceedings of the Sunjarra Gokant under date the 13th July last, directing Mr. Bosley to reconsider, whether there were any promise for a mitigation of the sentence passed on the 1st Prisoner in Case No 1 of the 4th Chittoor & Supplemental Calendar for the 2d Quarterly Sessions of 1840.—

(Here enter Extract No 1547.)

On a consideration of the circumstances

1. of

of the case as stated in para: 4 of the above return, the Judges of the Soujdaree Udalut concur in the opinion of the Acting 3d Judge on Circuit, that Ramen the Prisoner in the above case is not entitled to any "mitigation of punishment."—

2. They therefore resolve, not to disturb the sentence passed on the Prisoner Ramen, by the Acting 3d Judge on Circuit in the Centre Division, and direct that the prayer of the Petition No 63 of 1840 be rejected.—

Ordered accordingly and that Extract from these Proceedings be sent to the Acting 3d Judge on Circuit in the Centre Division for his information and guidance and copy of para 2 be furnished to Petitioner in Miscellaneous Petition No 63 on his application.—

(Sent in No 1257)

Sumra Sunna a pauper by his Mookteear Vakeel Bellum Veeraswamy Chetty moves the Court to return the enclosures in Miscellaneous Petitions Nos 55 and 68 of 1840.—

Ordered accordingly.—

Thursday, 3d September, 1840.

At a Court of the Soujdaree Udalut,

Present:

John Bird Esqre ——— 1st Puisne Judge,

Alexr Duncan Campbell Esqre 2d Puisne Judge,

Henry Dickinson Esqre ——— 3d Puisne Judge,

Read letter dated the 25th July from the Criminal Judge of Nellore, forwarding the Criminal Reports for June 1840.—

(Hewanter Ltr: No 1148 of 1840)

Case No 27 of 1840.

The 22 Prisoners in this case, are charged with having in an armed Gang, proceeded to the Talook Cutcherry in Davaroypully, beaten and severely wounded the Peons on Guard, broken open the Treasury Chests and robbed therefrom Government Money to the amount of (Rupees 2,836-11-8), and also some other coins belonging to the Cutcherry Servants, the whole amounting to Rupees 3,267-1-8.—

2 With reference to the remark made by the Criminal Judge of Nellore, in the column of explanation &c, regarding this case; the Judges of the Soujdaree Udalut are of opinion, that if the evidence was sufficient for the conviction of the Prisoners, it would have been preferred had the Criminal Judge of

3d September 1840

of Nellore abstained from going into the defence at all, but at once have committed the case for trial by the Circuit Court.—

Case N.23 of 1840

3

The Prisoner in this case, is charged with having purchased at a low rate, a number of the jewels Stolen by the Prisoners in case N. 3[illegible] and mortgaged others, knowing the same to have been Stolen.—

4

The Assistant Criminal Judge considered that the evidence in this case clearly established the guilt of the Prisoner, and accordingly Sentenced him to two years imprisonment with hard labor in irons, under the provisions of Clause IV Section IV Regulation VII of 1822.—

5

The Judges of the Sonjdaree Adalut doubt the Sufficiency of the evidence to convict the Prisoner in this case, under the clause and Section of the Regulation quoted by the Assistant Criminal Judge, although there may be Sufficient evidence for his conviction under Section IX Regulation XIII of 1832; and they therefore desire that the Judge on Circuit be directed to look into the case in question, and to proceed thereon as directed in Section XXIII Regulation X of 1816.—

6.

In conclusion the Judges of the Sonjdaree Adalut

3d September 1840

Adalut would observe, that the particulars regarding the case which is Stated to have been referred in former Months for the Sentence of this Court, should have been entered by the Criminal Judge of Nellore in Report N.9.—

Ordered that Extracts from these Proceedings be Sent to the Criminal Judge of Nellore, for his information and guidance, by precept returnable in 3 days, from and after its receipt.—

(Sent following precept N. 1261)

Ordered also that copy of Para 5 be forwarded to the Judge on Circuit in the Northern Division, for his information and guidance

(Sent in N. 1262)

Read letter dated the 4th Ultimo from the Criminal Judge of Chittoor, Submitting copy of a letter from the Officer Commanding Amee, reporting the escape of all the Convicts through one of the Windows of the Jail at that Station.—

(Here enter Pd N. 1534 of 1840)

Also read letter dated the 7th Ultimo from the Criminal Judge of Chittoor, forwarding copy of a letter from the Officer Commanding Amee reporting

reporting the re-apprehension of 5 of the 29 Convicts who had effected their escape.—

/Here enter P.C. N° 1566 of 1840/

Also read Extract from the Minutes of Consultation dated the 19th Ultimo, N° 392/657, communicating an Extract from the Minutes of Consultation in the Military Department, and directing that the necessary orders be issued thro' the Military Department to the Officer Commanding Arnee, to institute a regular and rigid enquiry into the subject of the escape from Jail of the Convicts employed at that Station; with a view to its being ascertained, if the escape of the prisoners is owing to the connivance or Criminal negligence of their guards, and if such be the case, to their being committed to take their trial before the Criminal Court, directing also, that the Court of Zoujdaree Adaulut be instructed to cause the Magistrate of North Arcot, to be furnished with a descriptive list of the prisoners in question, and to notify their escape to the Magistrates of the Districts to which they may have belonged, with a view to the necessary measures being adopted for the re-apprehension of the fugitives, and if the Judges consider the offer of Special rewards for this pur-

expedient, they will suggest the same for the sanction of Government, and submit the usual notification, with a descriptive list of the Convicts for publication in the Official Gazette.—

/Here enter P.C. N° 1638 of 1840/

1 Ordered accordingly that the Criminal Judge of Chittoor be instructed to recall the Arnee Convicts who have been re-apprehended, in view to their being tried for the offence of escaping from Jail.—

2 Adverting to Paras 2 of the Minutes of Consultation under date the 19th Ultimo, it is observed that the Criminal Judge of Chittoor in his letter dated the 4th Ultimo, has reported that the usual descriptive Roll of the Convicts who effected their escape from Arnee, has been forwarded to the Magistrate of the District to aid his search after the fugitives.—

3 Should the efforts of the Magistrate to re-apprehend these Convicts be unsuccessful, and the Criminal Judge be of opinion that the offer of a reward for this purpose is necessary, he will conform to the

the instructions contained in the Circular Order of the Foujdaree Udalut of the 14th May 1832.

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

(Sent in No. 1263)

Ordered also that Extract from these proceedings be forwarded to the Chief Secretary to Government, for the purpose of being laid before the Right Honorable the Governor in Council.

(Sent in No. 1264)

F. 16.

Friday 4th September 1840

At a Court of the Foujdaree Udalut

Present,

John Bird Esq^re 1st Puisne Judge

Alex^r Duncan Campbell Esq^re 2nd Puisne Judge

Henry Dickinson Esq^re 3rd Puisne Judge

Read letter dated the 9th June 1840 from the Assistant General Superintendent of Thuggee, and Joint Magistrate of Vizagapatam submitting for the consideration of the Court of Foujdaree Udalut, certain remarks relative to the acquittal by the Foujdaree Udalut of a Thug prisoner named Shaik Hoosain Alias Hoosanee.

(Here enter F. U. No. 1146.)

Read also letter dated the 20th June last from the Assistant General Superintendent for the suppression of Thuggee, submitting for the consideration of the Foujdaree Udalut copy of an Extract from the Proceedings of the Court of Circuit in the Northern Division with reference to his letter above recorded of the 9th June 1840, relative to the acquittal of the said Thug prisoner.

(Here Enter F. U. No. 1226)

Referring

Referring to a warrant, forwarded by the Criminal Judge of Vizagapatam under order of the Foujdaree Udalut of the 30th March last, for the acquittal and unconditional release of the Prisoner above alluded to, who, as appears from the said warrant, had been tried by the Circuit Court at Vizagapatam for "having belonged to a Gang of Thugs," and found not guilty of the charge - Captain Vallancey states, that the Prisoner Shaik Hoosain, alias Hoosanee, had been committed by him to the Joint Criminal Court to take his trial on a charge of Murder by Thuggee, and begs to bring to the notice of the Judges of the Foujdaree Udalut, the circumstance of his having been tried for the minor offence of belonging to a Gang of Thugs while a charge of a graver nature stood against him.-

2. Captain Vallancey states that the Prisoner is a Thug by descent and profession, and has been engaged in very many murders by Thuggee; but observes that he has been directed by the Court of Circuit to be released without trial, although committed for murder, and deposed to, on oath, by the witnesses for the Prosecution in the case on which he had been committed.-

He

3. He therefore requests, that the Court of Foujdaree Udalut will be pleased to instruct him how to proceed, as he feels it impossible to release such a character.-

4. The Judges of the Foujdaree Udalut are of opinion, that the Criminal Judge of Vizagapatam seriously erred, in bringing the Prisoner Shaik Hoosain to trial charged with the minor offence described in Act XXX of 1836, while the more serious charge of murder by Thuggee remained undisposed of.-

5. They further direct with reference to para 4 of the Assistant General Superintendents letter of the 20th June last, that Mr. Glass be called upon to explain, under what circumstances the Prisoner was not included in the Calendar for the 1st Sessions of 1840. and also that Mr. Thomson be desired to explain, why when the omission was discovered, and the trial of the other Prisoners contained in the Calendar for the 1st Sessions of 1840 had been concluded, he omitted to try the Prisoner in question separately.-

6. The Court of Foujdaree Udalut however, are disposed to think that Captain Vallancey has mistaken the Prisoner Shaik Hoosain in the trial No. 25 for some other person bearing

bearing the same name; as it appears hardly possible for such a young lad, as the Trial No. 25 shows the Prisoner to have been at the time of his appre=hension, to have been so notorious a Thug.

7 On this important point therefore the Court of Foujdaree Udalut request that Captain Vallancey will make further enquiry and submit the result of such investigation for their consideration, and that Captain Vallancey's enquiries may be facilitated, the Court resolve to send for his perusal the trial No 25 in the Vizagapatam Calendar for the 2d Sessions of 1839, with directions that the same be carefully returned.

8 The Foujdaree Udalut in that case were satisfied that the Prisoner was the son of the 4th witness a Thug. But acquitted him, because he was a mere child, accompanying his father, kept at a distance when crime was committed, and did not, of his own accord, belong to the gang.

9 Captain Vallancey will clearly understand that the Foujdaree Udalut possess no power to attend to any evidence not placed on the record of each trial itself; nor can they alter or modify any sentence, even of their own, after it has been passed.

In

10. In conclusion the Judges of the Foujdaree Udalut are of opinion that the Prisoner be now tried for the crime of murder with which he is charged, and resolve therefore to overrule the Circuit Court's order of the 13th June 1840, directing his release.

Ordered that Extract from these Proceedings be sent to the Provincial Court of Circuit for their information and guidance, with instructions to forward a copy of paras 4 and 5 to the Criminal Judge of Vizagapatam for his information.

/Sent in No 1268/

Ordered also that Copy of these Proceedings be sent to the Assistant General Super=intendent for the Suppression of Thuggee and Joint Magistrate of Vizagapatam for his information.

/Sent in No 1267/

Read Supplemental Return dated the 28th Ultimo from the Acting 1st Judge of the Provincial Court of Circuit in the Centre Division, to the precept of the Foujdaree Udalut of the 31st July last, conveying their observations and orders on the Cuddalore Calendar for the 1st Sessions of 1840.

/Here entre F. U. No 1709/

Ordered

6th September 1840.

Ordered that copy of the above Return and its enclosure be sent to the Chief Secretary to Government for the purpose of being laid before the Right Honorable the Governor in Council with reference to the Foujdaree Udalut's proceedings of the 31st July 1840.

/ Sent in No. 1268 /

Ent. W.

JJS

WS

PB

F.C.

Saturday, 5th September, 1840.

At a Court of the Foujdaree Udalut

Present

John Bird Esqre. ——— 1st Puisne Judge

Alexr. Duncan Campbell Esqre. — 2d Puisne Judge

Henry Dickinson Esqre. — 3d Puisne Judge

Read letter dated the 30th July from the 3d Judge late on Circuit in the Northern Division, transmitting an English translation of the record in Case No. 9 of the Rajshmundry Calendar for the 1st & 2d Sessions of 1840 called for in Foujdaree Udalut Proceedings of the 3d June last.

(Here Enter F.C. No. 1525.)

After an attentive consideration

1. of the record in the above case, the Judges of the Foujdaree Udalut are unable to concur in the Sentence passed by the 3d Judge late on Circuit, and are of opinion, that there was insufficient evidence for the conviction of the 1st, 2nd, 3d and 5th Prisoners.—

Moreover they consider that the

2. pleads of the Prisoners above referred to, — without a second question being put, in order to overrule the objections to the evidence of the

5th September 1840.

the 8th and 9th Witnesses for the Prosecution were illegal - The Prisoners however will be allowed the benefit of a Mr Stromboom's error in judgment.—

The Court of Tonjidaree Udalut remark, that Mr Stromboom had omitted to specify by a separate number the several articles of property, alluded to in this trial - So as to identify each Spoken to by the Witness and observe with regret, that throughout the conduct of this trial, he has exhibited an utter want of that care, which is expected and required from all persons holding the responsible Judicial office, vested in him.—

Ordered, that Extract from these Proceedings be sent to the 3rd Judge late on Circuit in the Northern Division for his information and guidance.—

(Sent in No 1275)

Read the Criminal Reports submitted by the Acting Joint Criminal Judge of Guntoor for the month of July 1840.

(Here Enter No 1628.)

The above Reports do not appear to call for any remark from the Court of

Tonjidaree

5th September 1840.

Tonjidaree Udalut.—

Ordered therefore that Extract from these Proceedings be forwarded to the Acting Joint Criminal Judge of Guntoor for his information.—

(Sent in No 1275)

Read letter dated the 25th Ultimo from the Acting Magistrate of Cuddapah submitting the explanation called for in the Proceedings of the Tonjidaree Udalut of the 4th Ultimo relative to certain cases on the Cuddapah Criminal Reports for the month of June last.—

(Here Enter No 1703.)

Read return dated the 28th Ultimo from the Agent to the Governor of Fort St George at Vizagapatam to the precept of the Tonjidaree Udalut of the 21st August 1840, directing that Coomaram Mootegaudoo the Prisoner in Case No 11 on the file of the Agent of Vizagapatam for the 2nd Half Calendar of 1840 be let at liberty.—

(Here Enter No 1716.)

Read

5th September 1840.

Read letter dated the 31st Ultimo from the Acting 3rd Judge on Circuit in the Centre Division reporting the opening of the 2nd Sessions of 1840 at Bellary on the 31st Ultimo and the state of the Calendar.—

(Here enter No. 1720.)

Eg. J.

WB

WB

JH

F. U.

Monday 7th September 1840.

At a Court of the Foujdaree Udalut.

Present,

John Bird Esqre ——— 1st Puisne Judge,

Alexr Duncan Campbell Esqre — 2d Puisne Judge,

WB Henry Dickinson Esqre ——— 3d Puisne Judge.

WB

JH

Read again Miscellaneous petition presented on the 2d December 1839 by Narrain Rauze of the Zillah of Cuddapah.

(Here enter J. U. M. P. No. 159 of 1839)

The object of this Petition has been already stated in the Foujdaree Udalut's Proceedings of the 30th December 1839.

Read also Miscellaneous petition presented on the 3d ultimo by the same party.

(Here enter J. U. M. P. No. 88 of 1840)

The Petitioner alludes to the circumstances stated in his former petition, and to the directions issued thereon by the Court of Foujdaree Udalut, and prays that as no decision has yet been passed on the subject, the Court of Foujdaree Udalut will be pleased to take both petitions into their consideration and order the release of his sons, the Prisoners in Case No. 27 of the Cuddapah Calendar for the 2d Sessions of 1839.

The

th September 1840

2

The Court of Foujdaree Udalut have passed sentence of transportation on the Prisoners in question in case No. 27 of the Cuddapah Calendar for the 2d Sessions of 1839, and direct therefore that the prayer of this petition be rejected.

Ordered accordingly, and that a copy of these Proceedings be furnished to the Petitioner on his application.

Read again Miscellaneous petition presented on the 16th December 1839. by Atchamah of the Zillah of Cuddapah.

/Here enter M.P. No. 167 of 1839/

The object of this Petition has been stated before in the Foujdaree Udalut's Proceedings of the 20th January last.

Read also Miscellaneous petition presented on the 10th ultimo by the same party.

/Here enter M.P. No. 91 of 1840/

The Petitioner alludes to the circumstances set forth in her former petition, and to the directions issued thereupon by the Court of Foujdaree Udalut, and again solicits the Court to be pleased to call for the record of the trial in case No. 27 Cuddapah Calendar 2d Sessions 1839, and issue orders for the release of her son the 3d Prisoner in that case.

2.

On reference to the case in question, the Judges

7th September

Judges of the Foujdaree Udalut observe that the Prisoner Konaty Ramoodoo has been sentenced to transportation for life, and they therefore direct that the prayer of this Petition be rejected.

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

Read Miscellaneous petition presented on the 3d ultimo, with two enclosures, by Ponnamah, Mookteyar Vakeel on behalf of Ranganaik of the Zillah of Chittoor.

/Here enter M.P. No. 83 of 1840/

The Petitioner complains of the unjust

1

Sentence of acquittal passed by the Acting 2d Judge on Circuit in the Centre Division, upon the Prisoners in Case No. 1 of the Eleventh Supplemental Chittoor Calendar for the 1st Quarterly Sessions of 1840, and Case No. 51 of the Criminal file of 1840, who were charged with having been concerned in forging a deed of Sale, with a view to defraud him /Petitioner/ of certain Dasabundhum lands, and with having filed the same in Appeal Suit No. 134 of 1838.

He therefore requests the Court of

2.

Foujdaree Udalut to call for the record of the Proceedings held in the above case, and to issue orders to the Circuit Judge to inflict due punishment upon the Prisoners who

filed

filed the bond in question, and who attested it, and gave their evidence in support of it.

3 On a deliberate consideration of the case as described in the Chittoor Calendar for the 1st Quarterly Sessions of 1840, the Judges of the Zoujdaree Udalut are of opinion, that there is no reason to doubt the correctness of the verdict of acquittal recorded thereon, and direct that the foregoing Petition be rejected.

Ordered that the Petition be rejected, and copy of these Proceedings furnished to the Petitioner on his application.

Read again Miscellaneous petition presented on the 10th Ultimo with one enclosure by Soobbiah of the Zillah of Chingleput.

/Here enter M.P. No. 90 of 1840/

Read also letter dated the 27th ultimo from the Provincial Court in the Centre Division submitting the explanation called for in Zoujdaree Udalut Proceedings of the 24th ultimo, relative to the above petition.

/Here enter Z.U. No. 706 of 1840/

It appears from the Provincial Court's letter, that Soobbiah presented a petition to the Acting 1st Judge on Circuit at Chingleput on the 21st July last, the day on which he quitted that Station; and that the

the Acting 1st Judge endorsed on the petition to the effect that he should bring the matter therein referred to, to the notice of the Judge presiding at the next Sessions.

2 The Judges of the Zoujdaree Udalut are of opinion that Mr. Lewin was completing the adjourned Sessions at Chingleput, and was competent to have passed a decision on the case in question.

3 They therefore direct that he now be called upon to dispose of the Petition.

Ordered that Extract from these Proceedings be sent to the Centre Provincial Court for their information and guidance, and that copy be furnished to the Petitioner on his application.

/Sent in No. 1280/

Read Miscellaneous petition presented on the 24th ultimo with two enclosures, by S. Krishnamacharry Vakeel on behalf of Manja Porah Coudha Menon of Malabar.

/Here enter M.P. Vol. No. 99 of 1840/

The Petitioner complains of an order, passed on the 28th March last, by the 2d Judge on Circuit in the Western Division, overruling one passed by

by the Acting Magistrate of Malabar, on the 20th of the same month, ejecting the Kraka Kowilagata Valiah Rajah of Calicut, from a new building Potto Porah or Agrasala, in the Kooringer Kava Devaswom, of which he had forcibly possessed himself, and which the complainant states to have been constructed by himself at the expense of his Uncle for charitable purposes.—

2. He therefore prays, that the Court of Foujdaree Udalut will be pleased to reverse the Proceedings of the Circuit Court, and issue such orders as will enable him / Petitioner /, to enjoy his own property, and perform charitable offices in the Potto Porah building aforementioned.—

3 After a deliberate consideration of the circumstances of the case, the Judges of the Foujdaree Udalut are of opinion that the order passed by the 2d Judge late on Circuit was perfectly correct, and they direct that the Petitioner be referred to a Civil action for redress of any injury he may think he has sustained by the Acts of the Rajah.—

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

Read petition presented on the 24th returns by T Scobia of the Zillah of Chingleput.

Here enter the M.P. No 100 of 1840

The

1. The Petitioner states that certain lands granted in his Uncles name, have been usurped by one Singayengar. that he complained to the Magistrate of the Zillah of Chingleput, of the tricks played by the said Singayengar, but that he declined interfering in the case.—

2. He therefore prays that the Court of Foujdaree Udalut will be pleased to issue instructions to the Magistrate, to make strict inquiries into the case, and furnish him / Petitioner / with a copy of the final decision he may pass on the subject in question.—

3 The Judges of the Foujdaree Udalut observe, that the question of whether the Pattah be genuine or otherwise, will be decided by the Provincial Court in the Special Appeal, which it appears that they have admitted, and that the interference of the Court of Foujdaree Udalut therefore is not called for.—

4. They direct therefore that the prayer of the above Petition be rejected.—

Ordered accordingly and that copy of these Proceedings be furnished to the Petitioner on his application.—

7th September 1840.

Read letter dated the 18th Ultimo from the 3d Judge of the Provincial Court of Circuit in the Northern Division forwarding an English translation of the record in case No 3 of the Vizagapatam Calendar for the 1st Sessions of 1840.—

Herewith J.U. No 1683 of 1840

Mr Bird and Mr Dickinson

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

Jaupher alias Veerunnah

is not sufficient to convict him of the crime of murder, but considering that it is sufficient to convict him of the offence described in Act XXX of 1836, do convict him thereof, and under the provisions of Section I of the abovementioned Act, 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 3d Judge in the concluding para: of his letter forwarding this trial, recommends that the Prisoner whom he considers convicted of having belonged to a Gang of Thugs should be sentenced to ten Years' imprisonment.—

This

3. J.U.

7th September 1840.

2.

This misconstruction of the Law in respect to the punishment authorized to be passed on a person convicted of belonging to a Gang of Thugs, the Court of Foujdaree Udalut direct, may be pointed out to Mr Strombom, and his attention called to Section I of Act XXX of 1836 under which enactment it is imperative on the Court to award imprisonment for life on all persons proved to have belonged to any Gang of Thugs.—

Ordered that Extract from these proceedings be forwarded to the 3d Judge of the Provincial Court of Circuit in the Northern Division for his information and guidance.—

(Sent following letter No 1281)

Read again return dated the 6th May last from the 3d Judge on Circuit in the Northern Division to the precept of the Foujdaree Udalut of the 22d April 1840 commenting upon his return of the 11th April 1840, and stating that the said return of the 11th April 1840 contained no Satisfactory explanation of the great delay that had occurred in the transmission of the records of the trials under reference to the Court of Foujdaree Udalut, and directing

7th September 1840.

Read letter dated the 18th Ultimo from the 3d Judge of the Provincial Courts of Circuit in the Northern Division forwarding an English translation of the record in Case No 3 of the Vizagapatam Calendar for the 1st Sessions of 1840.—

Herewith F.R. No 1683 of 1840

Mr Baird
and
Mr Dickinson

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

Jaupher alias Veerunnah

is not sufficient to convict him of the crime of murder, but considering that it is sufficient to convict him of the offence described in Act XXX of 1836, do convict him thereof, and under the provisions of Section I of the abovementioned Act, 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 3d Judge in the concluding para: of his letter, forwarding this trial, recommends that the Prisoner whom he considers convicted of having belonged to a Gang of Thugs should be sentenced to ten Years' imprisonment.—

This

3/. F.R.

7th September 1840

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Ordered that Extract from these proceedings be forwarded to the 3d Judge of the Provincial Courts of Circuit in the Northern Division for his information and guidance.—

(Sent following letter No 1281.)

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directing the 3d Judge to report on the efficiency of the establishment on circuit, and calling for a detail of the work performed by each individual in the English Establishment during their Stay at the Stations already visited by the Judge on circuit.

/Hereunto Jdl No. 913 of 1840/

1 On a consideration of Mr. Stromboms letter of the 6th of May last, the Court of Sonjdaree Adalut were of opinion that the 3d Judge on circuit in the Northern Division had sufficiently accounted for the delay in transmitting the records of his Criminal Trials, but in consideration of the reported incapacity and insufficiency of the English Establishment on circuit in the Northern Division, the Court of Sonjdaree Adalut deemed it necessary to require Mr. Stromboom, upon his return to Masulipatam, to communicate on the Subject with the Collective Court, who were required to report specially as to the competency of the translator and English writers, and in submitting this Report the Provincial Court collectively were required to remove all unfit persons, and to propose such measures as they might think advisable should be adopted, in order to render the establishment accompanying the Judge

Judge on circuit efficient for the speedy disposal of the business connected with the Sessions.

2 Accordingly the Provincial Court of circuit in the Northern Division in an Extract from their Proceedings dated the 4th August 1840 report the dismissal from their establishment of Mr Sharkey and Sr Vencata Narsim Moolu, the former for general inattention, carelessness and indolence, the latter for inefficiency as an English Writer and want of obedience to the orders of his Superiors.

3 And in view to render the establishment accompanying the Judge on circuit efficient for the speedy disposal of the business connected with the Sessions, the Provincial Court of circuit propose the following modification of their Establishment.-

Rupees	As	P
* 45	8	—
× 45	8	—
o 35	—	—
126		

4 First, that the pay assigned to the situation lately held by Mr Sharkey (dismissed) * and also the salaries of the English Writers Jeanse × and Robson, o who are at present in receipt of salaries beyond their deserts,- amounting in the aggregate to Rupees 126 per mensem, be subdivided as follows.

7th September 1840

		Rs	as
1	English Writer on	28	—
1	Do	28	—
1	Do	21	—
1	Do	17	8
1	Do	17	8
1	Do	14	—
	Total	126	—

5 The Judges in the Northern Division add that by adopting the arrangement above proposed the establishment of the Provincial court will be rendered as efficient as can be expected, both in respect to the business of the Sessions and the Court of Appeal, and the Provincial court trust that such modification of the Establishment of their Court, will do away with the "necessity of employing "copyists on compensation, or additional Writers upon "fixed pay, for the fair copying of the Records in suits "appealed to the Sudr Adalut, a measure which it "has many times become unavoidably necessary for "the Court to resort to, owing to the inadequacy of "the Establishment. It will on the other hand entail "no expense to Government"

6 Under the circumstances detailed above, the

7th September 1840.

the Court of Sudr and Foujdaree Adalut approve of the modification of their Establishment proposed by the Provincial Courts, but as under the order of Government of the 11th July 1836, published at page 450 of the Official Gazette of that year, no such measure can be carried into effect without the previous sanction of Government, the Court of Sudr Adalut resolve to direct that an Extract from these proceedings, be forwarded to the Chief Secretary to Government in view to the proposed alteration of the Establishment of the Provincial Courts receiving the special sanction of the Right Honorable the Governor in Council.—

(Entry in Vol 1782)

7 In the 11th para: of their proceedings of the 4th Ultimo, the Provincial Courts submit that for the early despatch of the business connected with the Sessions they consider it necessary that 3, instead of two, English Writers should accompany the Judge on Circuit, and they submit that the Establishment on Circuit would be relieved of much labor, if the Foujdaree Adalut in Cases set down to them for reference would dispense with the four copies of the translations, and merely have before them the rough

		Rs	as
1	English Writer on	28	"
1	Do	28	"
1	Do	21	"
1	Do	17	8
1	Do	17	8
1	Do	14	"
	Total	126	"

5 The Judges in the Northern Division add that by adopting the arrangements above proposed the establishment of the Provincial Courts will be rendered as efficient as can be expected, both in respect to the business of the Sessions and the Courts of Appeal; and the Provincial Court trust that such modification of the Establishment of their Courts, will do away with the "necessity of employing "Copyists on compensation, or additional Writers upon "fixed pay, for the fair copying of the Records in suits "appealed to the Sudr Adalut; a measure which it "has many times become unavoidably necessary for "the Courts to resort to, owing to the inadequacy of "the Establishment: It will on the other hand entail "no expense to Government"

6. Under the circumstances detailed above, the

the Court of Sudr and Foujdaree Adalut approve of the modification of their Establishment proposed by the Provincial Courts, but as under the orders of Government of the 11th July 1836, published at page 450 of the Official Gazette of that year, no such measure can be carried into effect without the previous sanction of Government, the Court of Sudr Adalut resolve to direct that an Extract from these proceedings, be forwarded to the Chief Secretary to Government in view to the proposed alteration of the establishment of the Provincial Courts receiving the special sanction of the Right Honorable the Governor in Council.

(Entry in Vol 1282)

7. In the 11th para: of their proceedings of the 4th Ultimo, the Provincial Courts submit that for the early despatch of the business connected with the Sessions they consider it necessary that 3, instead of two, English Writers should accompany the Judge on Circuit, and they submit that the establishment on Circuit would be relieved of much labor, if the Foujdaree Adalut in cases set down to them for reference would dispense with the fair copies of the translations, and merely have before them the rough

rough Drafts of the Translations of the proceedings in the Trial.—

8. The Court of Fonjdaree Udalut do not deem it proper to dispense with the fair copy inked into of the Trial before the Court of Circuit itself, but as the Submission of fair copies of the Proceedings before the Criminal Courts, may be an unnecessary call on the time and attention of the Circuit Establishment, the Court of Fonjdaree Udalut resolve to authorize the Judges of Circuit, in trials set down for reference to the Fonjdaree Udalut, to submit the translations of the depositions before the Criminal Court in the State in which the same may have been prepared and furnished by the Criminal Courts.—

9. As regards the translations of the proceedings held before the Magistracy, or the Officers of Police, the instructions contained in the Circular Orders of the 19th January 1825, 18th January and 20th of May 1840 will continue to be observed.—

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

(Sent in No. 1283.)

Read again return dated the 6th May last from the 3d Judge on Circuit in the Northern Division to the precept of the Fonjdaree Udalut of the 22d April 1840, commenting upon his return of the 11th April 1840, and stating that the said return of the 11th April 1840, contained no satisfactory explanation of the great delay that had occurred in the transmission of the records of the trials under reference to the Court of Fonjdaree Udalut.—

(Here enter Ill No. 913 of 1840)

1. In the 11th para. of their proceedings of the 4th Ultmo, the Provincial Court of Circuit submit that the Establishment on Circuit would be relieved of much labor, if the Fonjdaree Udalut, in cases set down to them for reference, would dispense with the fair copies of the translations, and merely have before them the rough Drafts of the translations of the proceedings in the Trial.

2. The Court of Fonjdaree Udalut do not deem it proper to dispense with the fair copy inked into of the Trial before the Court of Circuit itself, but as the Submission of fair copies of the proceedings before the Criminal Court may be an unnecessary call on the time and attention of the Circuit Establishment,

the

7th September 1840

the Court of Sunjdaree Udalut resolve to authorize the Judges of Circuit in Trials set down for reference to the Sunjdaree Udalut, to submit the Translations of the depositions before the Criminal Courts in the State in which the same may have been prepared and furnished by the Criminal Courts.

3. As regards the translations of the proceedings held before the Magistracy or the Officers of Police, the instructions contained in the Circular Orders of the 19th January 1825, 10th January and 20th May 1840 will continue to be observed.

Ordered that Extract from these proceedings be forwarded to the Four Provincial Courts of Circuit for their information and guidance.

(Sent following Circular No. 1284.)

Ordered also that Extract from these Proceedings be forwarded to the Judges on Circuit, in the Centre, Northern, Western, and Southern Divisions for their information and guidance.

(Sent following Circular Nos. 1285

Read letter dated the 30th July 1840 from the 2d Judge on Circuit in the Northern Division, transmitting the Proceedings of the Circuit Court held on the

84

F. U.

7th September 1840.

the examination of the Petty Calendars of the Nellore Criminal Court for the 2d Sessions of 1840.

(Here enter F. U. No. 1502 of 1840.)

Case No. 11
Crim. Cal. No. 58 of 1840

1 The Prisoners in this Case are charged with having during the day, in company with some others entered the Prosecutor's garden, beaten him and wounded him on the palm of the hand with a large knife.

2 The Judges of the Sunjdaree Udalut are not disposed to view this case in the grave light that the 2d Judge on Circuit purposes to look upon it.

3 They do not concur with Mr. Bordeau in thinking it preposterous to give credit to the prisoner's evidence, that the Prosecutor told them, that he caused the injury to himself, when cutting a stick in his betel ground, as they conceive it very natural that a man should talk of a bad wound which he had accidentally given himself.

4 Moreover they are of opinion that it would be useless to refer the case in question to the Collective Court of Circuit for their consideration and orders, inasmuch as the Prisoners have already been sentenced, and cannot be sentenced again.

Case No. 10
Crim. Cal. No. 27 of 1840.

5 In this case the Prisoner is charged with having during the night, scaled the wall of the Prosecutors

7th September 1840

Prosecutor's back yard, entered his house by taking off the bolt with which the door was fastened from outside, and stolen therefrom Cloths Vcn to the value of about Rupees /3-6/ three, and five six.-

6.

With reference to the Circuit Judge's remarks on this case in para. 5 of the letter above alluded to, the Judges of the Tongdaree Udalut observe, that proof of conviction of theft is one of the grounds specified in Clause four Section III Regulation VII of 1822, under which the sentence was passed, and they are therefore of opinion the the decision in this case was perfectly correct.-

Ordered that Extract from these Proceedings be sent to the 2d Judge on Circuit in the Northern Division for his information and guidance.-

/Sent in No. 1285/

End 7th.

J. No.

Tuesday.

8th September 1840. At a Court of the Tongdaree Udalut

Present,

John Bird Esqre ——— 1st Puisne Judge

Alex.r Duncan Campbell Esqre 2d Puisne Judge

Henry Dickinson Esqre ——— 3d Puisne Judge.

Read letter dated the 5th February last from the Provincial Court of Circuit in the Southern Division transmitting the Record in Case No. 48 on the Cuddapah Calendar for the 2d Sessions of 1839.

/Here enter No. 261/

The Court of Tongdaree Udalut on a deliberate consideration of all the circumstances of the case in evidence before them being of opinion that strong suspicion though not amounting to conviction, attaches to the prisoner

Maulleshetty Yelloogadoo.

of the crime of Robbery by open violence, attended with Murder, direct that under clause sixth, Section II Regulation XV of 1803, he be required to find two Sureties, in 50 Rupees each Surety, for his good behaviour and appearance when required for the period of three years; or in default thereof that he be detained for three years.

Mr Campbell and Mr Dickinson

8th September 1840

years in confinement.-

2. The Court further direct that this sentence do take effect from the 15th February 1840.-

/Sent following letter No. 1287/

Read letter dated 15th Ultimo from the Acting 1st Judge late on Circuit in the Centre Division, transmitting an English translation of the Record in Case No 27 on the Cuddapah Calendar for the 2nd Sessions of 1839.-

/Here enter No. 1609/

Mr. Campbell 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 Prisoners

1st Goorala Chinnaleegandoo
3 Ronaly Ramoodoo
4th Nangulpauty Wobulrauz
5th Nagulpauty Naugaraug
6th Gypy Ramanah alias Penny Sorbadoo
and
7th Woddey Nobalo

is sufficient to convict them of Gang Robbery by open violence attended with Murder, do convict them thereof, and under the provisions of Clauses

8th September 1840. Clauses First and Fifth, Section IV Regulation XV of 1803, sentence the said Prisoners to be transported to such place or places beyond sea, as the Governor in Council shall appoint there to be imprisoned and kept to hard labor in irons on the public roads, or other public works, for, and during the period of, their natural lives respectively; and considering that strong suspicion though not amounting to conviction attaches to the prisoner,-

8th Polliagaree Vencata Naregadoo,

of being an accessary to the above crime, the Court direct that, under Clause Sixth Section II Regulation XV of 1803, he be required to find two Sureties, in 50 Rupees each Surety, for his good behaviour and appearance when required for the period of three years, or in default thereof that he be detained for three years in confinement.-

/Sent following letter No. 1288/

Read letter dated the 15th Ultimo from the Acting 1st Judge late on Circuit in the Centre Division, transmitting an English translation of the Record in case No. 34 on the Cuddapah Calendar for the 1st Sessions of 1840.

/Here enter No. 1610/

The

8th September 1840.

Mr. Bird
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

Kanoopurty Vencatreddy

is sufficient to convict him of the crime of Robbery by open violence attended with murder, do convict him thereof, and under the provisions of Clauses First and Fifth, Section IV Regulation XV of 1803, 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 labor in irons, on the public roads, or other public works, for, and during the period of, his natural life.—

/Sent following letter No 1289/

Read letter dated the 31st Ultimo from the Provincial Court of Circuit in the Centre Division, transmitting an English translation of the Record in case No 7 on the Bellary Calendar for the 2nd Sessions of 1839.

/Here enter No. 1723/

Mr Campbell

The Court of Foujdaree Udalut on a deliberate consideration of all the circumstances

of

8th September 1840

of the case in evidence before them, being of opinion that the proof against the prisoners

4th M. Cuppawadoo
5th D. Iurseegadoo
6th M. Anbadoo
14th M. Tippadoo
and
17th M. Chennoogandoo

is sufficient to convict them of the crime of Gang Robbery by open violence, do convict them thereof, and under the provisions of Clause first Section V Regulation VIII of 1831 and Clauses Third and Fifth Section IV Regulation XV of 1803 sentence them to be imprisoned and kept to hard labor in irons on the public roads, or other public works, for and during the period of 8 years respectively - from the 7th November 1839 the date of the warrant issued against the Prisoners by the Circuit Judge; - but considering that the prisoner

18th B Tobegandoo

is not convicted of the above Crime on presumptive proof, or on the evidence of credible witnesses, or on his own confession, the Court of Foujdaree Udalut do acquit him thereof, and under the provisions

of

8th September 1840.

Mr Bird
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

Kanoopurty Vencatreddy

is sufficient to convict him of the crime of Robbery by open violence attended with murder, do convict him thereof, and under the provisions of Clauses First and Fifth, Section IV Regulation XV of 1803, 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 labor in irons, on the public roads, or other public works, for, and during the period of, his natural life.—

/Sent following letter No 1289/

Read letter dated the 31st Ultimo from the Provincial Court of Circuit in the Centre Division transmitting an English translation of the Record in case No/ on the Bellary Calendar for the 2nd Sessions of 1839.

/Here enter No 1723/

The Court of Foujdaree Udalut

Mr Campbell on a deliberate consideration of all the circumstances

of

8th September 1840.

of the case in evidence before them, being of opinion that the proof against the prisoners

4th M. Cuppawadoo
5th D. Nurseegadoo
6th M. Antiadoo
14th M. Teppadoo
and
17th M. Chennoogandoo

is sufficient to convict them of the crime of Gang Robbery by open violence, do convict them thereof, and under the provisions of Clause first Section V Regulation VIII of 1831 and Clauses third and Fifth Section IV Regulation XV of 1803 sentence them to be imprisoned and kept to hard labor in irons on the public roads, or other public works, for and during the period of 8 years respectively - from the 7th November 1839 the date of the warrant issued against the Prisoners by the Circuit Judge; - but considering that the prisoner

18th R Vobegandoo

is not convicted of the above crime on presumptive proof, or on the evidence of credible witnesses, or on his own confession, the Court of Foujdaree Udalut do acquit him thereof, and under the provisions

of

8th September 1840. of Clause Sixth Section II Regulation XV of 1803 direct that he be set at liberty

(Sent following letter No. 1290)

Read letter dated the 31st Ultimo from the 2nd Judge on Circuit in the Southern Division transmitting an English translation of the record in case No 11 of the Madura Calendar for the 2nd Sessions of 1840.

(Here enter No. 1728.)

Mr. Bird

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

1st Permaul

and

2d Kelooven

is sufficient to convict them of the crime of Robbery by open violence, do convict them thereof and under the provisions of Clause First Section V Regulation VIII of 1831 and Clauses Third and Fifth Section IV Regulation XV of 1803 sentence them to be imprisoned and kept to hard labor in irons on the public roads, or other public works, for and during the period of 10 years respectively; but considering that strong suspicion though not amounting to conviction attaches to the

8th September 1840. prisoner

3d Mayandy

the Court direct that under Clause Sixth, Section II Regulation XV of 1803, he be required to find two sureties in 15 Rupees each surety, for his good behaviour and appearance when required, within one year, or in default thereof, that he be detained for one year in confinement.

(Sent following letter No. 1291)

Read letter dated the 22d Ultimo from the 2d Judge on Circuit in the Northern Division, submitting copies of the Primary and Supplemental Calendars of the Zillah of Guntoor for the 2nd Sessions of 1840.

(Here enter No. 1684.)

Case No 1 1 The Court of Foujdaree Udalut are not of opinion that sufficient grounds existed for the requisition of security from any of the prisoners concerned in Case No. 1, excepting the 1st prisoner named "Munnay", and accordingly the 2d Judge on Circuit will modify the order on this subject addressed by him to the Acting Joint Criminal Judge of Guntoor.

Case No. 6. 2. In Case No. 6 two prisoners stood charged with having assaulted the 3d Witness

on

8th September 1840. on the Highway, and with having robbed the Prosecutor of property valued at Rupees 9-2-4.

3. The presiding Judge concurring with his Law Officer in the conviction of the prisoners has sentenced them to the full measure of punishment authorized by the Regulations, viz. 14 years imprisonment with hard labor in irons.-

4. Considering however that the property taken from the person of the prosecutor in this Case was of small amount, and that the Robbery was not attended by any circumstances of aggravation, the Court of Foujdaree Udalut are of opinion that the sentence passed by the Court of Circuit is too Severe, and that the ends of Justice will be attained by a Sentence not exceeding 8 years imprisonment with hard labor in irons.

5. Should the 2nd Judge on Circuit upon further consideration concur in this view, the Court of Foujdaree Udalut authorize him in that event to pass a sentence of 8 years imprisonment upon the prisoners

Cholatey Nagereddy

and

Ramenadey Soorappah;

but should he be unable to do so, he will be pleased

8th September 1840. pleased to submit an English Translation of the Record for the Courts consideration.-

6. The Court of Foujdaree Udalut discharge a pleasing duty in noticing the very creditable manner in which this Calendar has been prepared and laid before them by the 2nd Judge on Circuit.-

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

/Sent in No. 1292./

Read letter dated the 15th Ultimo from the Acting 3rd Judge on Circuit in the Centre Division, transmitting copy of the Cuddapah Calendar for the 2nd Sessions of 1840.-

/Here enter No. 1637/

Case No. 10. 1 In the remarks recorded by the Court of Circuit on Case No. 10 it is stated that there was not the slightest ground for apprehending the 5th prisoner, nor was there any evidence against him either before the Police, Criminal Court, or Court of Circuit, the "witnesses all declaring that when they "apprehended this man, he said that a bass

pot

8th September 1840.

"pot had been offered to him for sale which he
"refused to buy."-

2. The Court of Foujdaree Udalut
desire that Mr. J. Walker the Officer who conducted
the preliminary investigation into this case be
admonished of the impropriety of ordering the
commitment of a prisoner apparently on very
insufficient grounds.-

Case No. 12 3. The Court of Foujdaree Udalut
seeing reason to doubt whether the unconditional
release of the prisoner charged with murder
in Case No. 12, was justified by the evidence,
resolve to direct the Acting 3d Judge to prepare
and to submit an English Translation of the
record of the Trial for the consideration of the
Court of Foujdaree Udalut.-

Case No. 16. 4. In Case No. 16 the prisoner
Moddevutu Mandiga Gungadoo has been convicted
of having attached the prosecutrix on the Highway
and robbed her of property valued at 4 Rupees.
The Presiding Judge submits that "as the prisoner
used no violence towards the Prosecutrix the
prescribed penalty of 14 years imprisonment
is too severe a punishment, and he proposes
therefore that the punishment be mitigated to 7
years

8th September 1840. years imprisonment with hard labor in irons.-

5. The Court of Foujdaree Udalut
resolve under the authority vested in them by
Clause third, Section III Regulation I of 1825, to
accede to the recommendation of the Presiding
Judge; and accordingly authorize that Officer
to pass the mitigated sentence above indicated
upon the prisoner.-

"Moddevutu Mandiga Gungadoo"

Case No. 18 6. In the Case noted in the
margin the prisoner was tried on a charge of
Subornation of Perjury, but fully acquitted both
by the Law Officer and the Presiding Judge.-

7. In the Column of remarks it is
stated that the "origin of this Case is to be
"attributed entirely to that improper practice in the
"Sudr Ameen Pundit's Court of examining three
"or four Cases at the same time, and as it is
"utterly impossible for the presiding Officer of the
"Court to know who are examined, it affords
"great facility to either party to pender abortive
"the evidence of a material witness by afterwards
"asserting that the person examined was not
"the person he represented himself to be- If the
"witnesses in Original Suit No. 804 of 1838 had

been

8th September 1840. "been examined before the Sudr Ameen Pundit he
"must on the Monday have known whether the
"person brought before him on that day was the
"same person who had given his Evidince on the
"preceding Saturday or not."-

8. The Court of Foujdaree Udalut
drsire that the Officer in Charge of the Court at
Cuddapah be called upon to explain the circumstances
undrr which such a practice has been allowed to
obtain in the Courts of the Sudr Ameens at
that Station.-

Case Nº 20. 9. The Sentence of 2 years imprisonment
awardrd by the presiding Judge in Case Nº 20
was legal undrr Clause 4th Section II. Regulation
VI of 1822, but on consideration of the circumstances
of this Case the Court of Foujdaree Udalut are disposed
to think such punishment inadequate to the offence
proved against the prisoner.

Case Nº 21. 10. In case Nº 21 two prisoners are
charged with having sent a threatening Letter
to the Prosecutor in view to extort from him
the sum of Rupees 500.

11. The Acting 3º Judge observes that
"to make the sending a Letter a Criminal act
"it must contain a threat to injure the person

4. F Vº.

8th September 1840. "to whom it is sent, in his character, person, or
"property.- Soobarayadoo in his letter A applies for
"the money due, if it is not paid he threatens to
"take legal measures for its recovery-in making
"this threat he committed neither an illegal
"nor criminal act."-

12. On the above grounds therefore
the Acting 3rd Judge, having taken the Deposition
of the Prosecutor, stopped the case, and ordered
the Prisoner to be released.-

13. The Court of Foujdaree Udalut
highly disapprove of this case having been
left untried by the Acting 3d Judge. It is
observed that the Case was ordered for
trial by the collective Court of Circuit, and
accordingly it was not competent to the
presiding Judge, undrr the Circular Ordrr
of the 27th October 1830, to direct the release
of the prisoner without trial, without first
obtaining the sanction of this Court.-

14. Moreover the Court of Foujdaree
Udalut are of opinion that the prisoners
were liable to a Criminal prosecution, if the
threat to take legal measures was an
attempt to extort money, not really due to the

said

8th September 1840. "been examined before the Sudr Ameen Pundit he
"must on the Monday have known whether the
"person brought before him on that day was the
"same person who had given his evidence on the
"preceding Saturday or not."-

8. The Court of Foujdaree Udalat
desire that the Officer in Charge of the Court at
Cuddapah be called upon to explain the circumstances
under which such a practice has been allowed to
obtain in the Courts of the Sudr Ameens at
that Station.-

Case No. 20. 9. The sentence of 2 years imprisonment
awarded by the presiding Judge in Case No. 20
was legal under Clause 4th Section II. Regulation
VI of 1822, but on consideration of the circumstances
of this Case the Court of Foujdaree Udalut are disposed
to think such punishment inadequate to the offence
proved against the prisoner.

Case No. 21. 10. In case No. 21 two prisoners are
charged with having sent a threatening letter
to the Prosecutor in view to extort from him
the sum of Rupees 500.

11. The Acting 3d Judge observes that
"to make the sending a Letter a Criminal act
"it must contain a threat to injure the person

to.

F 6.

8th September 1840. "to whom it is sent, in his character, person, or
"property.- Norbaroydoo in his letter A applies for
"the money due, if it is not paid he threatens to
"take legal measures for its recovery-in making
"this threat he committed neither an illegal
"nor criminal act."-

12. On the above grounds therefore
the Acting 3d Judge, having taken the Deposition
of the Prosecutor, stopped the case, and ordered
the Prisoner to be released.-

13. The Court of Foujdaree Udalut
highly disapprove of this case having been
left entried by the Acting 3d Judge. It is
observed that the case was ordered for
trial by the Collective Court of Circuit, and
accordingly it was not competent to the
presiding Judge, under the Circular Order
of the 27th October 1830, to direct the release
of the prisoner without trial, without first
obtaining the sanction of this Court.-

14. Moreover the Court of Foujdaree
Udalut are of opinion that the prisoners
were liable to a Criminal prosecution, if the
threat to take legal measures was an
attempt to extort money, not really due to the

said

8th September 1840

said Soobbarayador.

15. The Court of Foujdaree Udalut observe that the charge was for conspiracy and attempt at extortion-rather than forgery, and desire that the Acting 3d Judge will submit for their consideration and further orders a translation of the proceedings of the Police and Criminal Court in this case laid before the Court of Circuit, also a translation of the deposition taken before the Court of Circuit from the Prosecutor.-

Cases Nos 24 and 29. 16. The Court of Foujdaree Udalut seeing reason to doubt the propriety of the unconditional release of the prisoners concerned in cases Nos 24 and 29 resolve to direct the Acting 3d Judge to prepare and to submit an English translation of the records of those trials for their consideration.-

Case No. 33. 17. In case No. 33 the prisoner is charged with having attacked the prosecutrix in the jungle and robbed her of property valued Rupees 5-3-6.-

18. The Acting 3d Judge concurs in the conviction of the accused, but as the prisoner used no personal violence towards the Prosecutrix he submits that the sentence of 14 years is

8th September 1840.

too severe, and suggests therefore that he may be allowed to mitigate the term of imprisonment to 7 Years.-

19. The Court of Foujdaree Udalut resolve under the authority vested in them by Clause third, Section III, Regulation I of 1825, to accede to the recommendation of the Presiding Judge, and accordingly authorize that Officer to pass the mitigated sentence above indicated upon the prisoner

"Pottooree Ramoodoo."

20 The Foujdaree Udalut regret to observe that they have seldom seen a Calendar so unsatisfactory in its results as that now submitted by Mr. Hordley.-

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

/Sent following precept No. 1793/

Read Return dated the 27th Ultimo from the Acting 1st Judge late on Circuit in the Centre Division to the precept of the Foujdaree Udalut

8th September 1840. Udalut of the 20th August 1840. directing that the Criminal Judge of Bellary be called upon to state whether the orders of the 5th April 1828 were observed with regard to the 8th Witness in Case No. 27 on the Bellary Calendar for the 1st Sessions of 1840.-

/Here enter No. 1698/

Read Return dated the 2nd Instant from the Acting 2nd Judge of the Provincial Court of Circuit in the Centre Division, to the precept of the Tondaree Udalut of the 31st August 1840. sentencing the Prisoner Ranjegaudo in Case No. 1. of the Chittoor 5th Supplemental Calendar for the 3d Quarterly Sessions of 1840 to 8 years imprisonment with hard labor in irons.-

/Here Enter No. 1725/

Read letter dated the 31st Ultimo from the 2d Judge on Circuit in the Southern Division, reporting his intention to open the 2nd Sessions of 1840 at Combaconum on the 1st October next.-

/Here enter No. 1730/

Read letter dated the 31st Ultimo from the 2nd Judge on Circuit in the Southern Division, reporting the opening of the 2d Sessions of

8th September 1840. of 1840 at Tennevelly on the 31st Ultimo, and the state of the Calendar.

/Here enter No. 1731./

Read letter dated the 31st Ultimo from the 2nd Judge on Circuit in the Southern Division transmitting a Statement of Batta paid to the prosecutors and witnesses who attended before the Court of Circuit during the 2nd Sessions of 1840 at Madura.-

/Here enter No. 1732/

Read letter dated the 31st Ultimo from the 3d Judge on Circuit in the Western Division transmitting the Original Death Warrant in Case No. 12 on the Calicut Calendar for the 2d Sessions of 1840.-

/Here enter No. 1733./

Read Statement dated the 1st Instant from the Acting 3d Judge on Circuit in the Centre Division, shewing the amount of Batta paid to Prosecutor and Witnesses in attendance before the Court of Circuit for the 2nd Sessions of 1840, at Cuddapah.-

/Here enter No. 1735./

Read letter dated the 1st

Ultimo

8th September 1840.

Ultimo from the Acting Chief Magistrate and Superintendent of Police at Madras forwarding the Report of Cases tried under Act No XXII of 1837 for the month of July 1840.

Entd

Here enter No 1713.

Thursday 10th September 1840.

F. No.

At a Court of the Foujdaree Udalut.

Present,

John Bird Esqre — 1st Puisne Judge

Alexr Duncan Campbell Esqre — 2d Puisne Judge

Henry Dickinson Esqre — 3d Puisne Judge

Read Extract from the Proceedings of the Acting 3d Judge on Circuit in the Centre Division dated the 14th Ultimo recorded with reference to the Proceedings of the Foujdaree Udalut dated 4th August 1840, directing them to call for the Proceedings in Case No 61 of the Cuddapah Calendar of the report No V for March 1840 and to pass 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.—

(Here enter No 1625.)

1. The Acting 3d Judge reports his opinion that the 1st prisoner has been improperly punished, and he states that he has in consequence ordered that the fine, if collected, be repaid to the prisoner.—

2. The Court of Foujdaree Udalut resolve

resolve to instruct the Acting 3rd Judge on Circuit that it was not competent to him under the provisions of Section XXIII Regulation X of 1816 to order the remission of the fine, but he should have confined himself to an examination of the proceedings, communicating the result of such examination to the Judges of the Court of Circuit collectively for their orders on the case, of which he should have directed the record to be forwarded to them.—

Ordered, that Extract from these proceedings be forwarded to the Acting 3rd Judge on Circuit in the Centre Division for his information and future guidance.—

(Sent in No. 1297)

Read letter dated the 29th Ultimo from the Agent to the Governor of Fort St. George in the Vizagapatam District submitting with reference to Clause 5th Rule 1, of the rules framed by Government for his guidance, a summary of the evidence against the prisoner Gunta Pydegandoo, convicted of Highway Robbery, and communicating his opinion as to the punishment to be passed

passed on the prisoner.—

(Here Enter No. 1722.)

The Court having maturely considered the summary of the evidence taken before the Agent, the Statement of his grounds for the conviction, and his opinion as to the punishment to be passed on the prisoner, resolve to confirm the sentence of fourteen years imprisonment with hard labor in irons and 195 stripes with a Cat of nine tails, proposed by the Agent to be passed on the prisoner

Gunta Pydegandoo.

Ordered, that Extract from these Proceedings be forwarded to the Agent to the Governor of Fort St. George in the Vizagapatam District for his information and guidance.—

(Sent in No. 1298)

J. C.

Friday,
11th September, 1840.

At a Court of the Zoujdaree Udalut

Present

John Bird Esqre ——————— 1st Puisne Judge,

Alexr Duncan Campbell Esqre 2d Puisne Judge,

Henry Dickinson Esqre ——— 3d Puisne Judge,

Read letter dated the 2d Instant from the 1st Judge of the Provincial court of Circuit in the Southern Division, transmitting an English translation of the Record in case No. 1 of the Trichinopoly 1st Supplimental Calendar for the 3d Quarterly Sessions of 1840.

/Here enter J. C. No. 1745 of 1840/

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

Shaik Ahmed

is sufficient to convict him of the crime of murder, do convict him thereof, and, under the provisions of Section X Regulation VIII of 1802, do sentence him to suffer death, by being hanged, at the usual time and place of execution.-

/Sent following letter No. 1302/

Mr Bird

and

Mr Dickinson

Read the Criminal Reports submitted by the Joint Criminal Judge of Masulipatam for the month of July last.-

/Here enter J. C. No. 1640 of 1840/

The

J. U.

Friday,
11th September, 1840.

At a Court of the Foujdaree Udalut

Present

John Bird Esqre ——————— 1st Puisne Judge,

Alexr Duncan Campbell Esqre 2d Puisne Judge,

Henry Dickinson Esqr —— —— 3d Puisne Judge,

Read letter dated the 2d Instant from the 1st Judge of the Provincial Court of Circuit in the Southern Division, transmitting an English translation of the Record in Case No. 1 of the Trichinopoly 1st Supplemental Calendar for the 3d Quarterly Sessions of 1840.

/Here enter J. U. No. 1745 of 1840/

Mr Bird

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

Shaik Ahmed

is sufficient to convict him of the crime of murder, do convict him thereof, and, under the provisions of Section X Regulation VIII of 1802, do sentence him to suffer death, by being hanged at the usual time and place of execution.—

/Sent following letter No. 1302/

Read the Criminal Reports submitted by the Joint Criminal Judge of Masulipatam for the month of July last.—

/Here enter J. U. No. 1640 of 1840/

The

11th September 1840.

Case No 40

The Court of Sonjdaree Udalub conclude that the sentence passed against the 1st prisoner in this, was awarded under the provisions of Clause fourth of the Section and Regulation quoted by the Joint Criminal Judge—

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

(Sent in No. 1303)

Read letter dated the 10th Ultimo from the Principal Sudr Ameen at Honore, transmitting the Criminal Reports for the Month of July 1840—

(Here enter Ft No. 1641 of 1840)

Case No 35 of 1840

1

The Prisoners in this case were charged with having administered poison in a Sweetmeat to the Prosecutors Sons and daughter-in-law, with an intent to kill them—

2

The Principal Sudr Ameen at Honore considered the evidence insufficient for their conviction and accordingly acquitted them both—

3

The Court of Sonjdaree Udalub, seeing reason to doubt the propriety of the Sentence passed on the Prisoners by the Principal Sudr Ameen, desire that the Judge on Circuit in the Western Division be directed to call for the proceedings held in the case, and pass such orders thereupon, as may appear to him proper with reference to the provisions of Section XXIII Regulation X of 1816, reporting the same for the information of the Court of Sonjdaree Udalub—

4

Referring to Report No. VI, the Court of Sonjdaree Udalub require the Principal Sudr Ameen at Honore, to state the cause of so many deaths having occurred during the Month of July last—

Ordered that Extract from these proceedings be sent to the Provincial Court of Circuit in the Western Division for their information and guidance, with instructions to forward copy of para. 4 to the Principal Sudr Ameen at Honore for his information and guidance, by precept returnable in 3 days from and after its receipt—

(Sent following precept No. 1304)

Read letter dated the 19th August 1840 from the Criminal Judge of Chittoor Submitting the Criminal Reports for the Month of July 1840—

(Here enter Ft No. 1659 of 1840)

Report No. V Case No. 134

1

With reference to the order of the Acting Assistant Criminal Judge on this case the Court of Sonjdaree Udalub observe, that if the 6th and 7th prisoners, merely tied chattes to their trees and drew toddy for themselves, without selling it, they committed no offence, and had not therefore rendered

11th September 1840

rendered themselves liable to punishment as remarked by the Acting Assistant Judge, whom this point should refer to Section XVII Regulation I of 1820.-

Case N:135

2 The prisoners in this case are represented in the Criminal Reports as charged with preferring a false and malicious complaint before the Joint Magistrate, and have been sentenced by the Acting Assistant Criminal Judge to one months imprisonment without hard labor under Section II. Regulation IX of 1832.-

3 The Court of Foujdaree Adalut observe, that the false accusation in question was presented before the Joint Magistrate of North Arcot. The provisions of Regulation IX of 1832, would not therefore apply to the case. The false charge should have been preferred before the Head of Police to make it cognizable by the Criminal Court under the Regulation specified.-

4 Under Section XIIV Regulation IX of 1816, Magistrates are empowered to punish by fine and imprisonment parties preferring litigious, vexatious or groundless complaints before them, and unless the parties had been guilty of wilful perjury, they should not have been forwarded to the Criminal Court.-

5 The Court deems it proper to direct that the sentence be set aside as illegal and that the prisoner be released.-

The

2/ 796.

11th September 1840

6 The Court of Foujdaree Adalut observe

Cases Nos 144, 145 & 146 that a prisoner Alemmalagandoo in cases Nos 144, 145 and 146, are stated to have been sentenced to 2 months imprisonment with labor in irons for the crime in No 144. 3 months in No 145 and 4 months for the crime in No 146. under Clause Sixth Section III Regulation VI of 1822.-

7 This mode of apportioning the punishment is incorrect and irregular. The Judges have ruled that a prisoner brought before a Criminal Court charged with two or more offences cannot regularly receive more than one sentence.- It is not however necessary to disturb the judgment passed in this case, as the imprisonment adjudged against the prisoner falls short of that adjudicable by the Criminal Court, under the provisions of the Section and Regulation quoted by the Pundit Sudr Ameen.-

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

(Sent following precept No 1305)

Read letter dated the 11th August 1840 from the Joint Criminal Judge at Cuddalore submitting the Criminal Reports of that Court for the month of July last.

(Here enter Ct. No 1591 of 1840)

The

11th September 1840.

Case No. 73

1

The Court of Zoujdaree Udalut do not desire to disturb the sentence passed by the Joint Criminal Judge in this case and adverting to the circumstances of it see no reason to doubt the propriety of the judgment given, but with reference to the remarks recorded by the Joint Criminal Judge, they direct that his attention be called to their Circular Order of the 17th September 1839 No. 111, wherein it is declared that the sale of a child by its parent according to the Mahomedan Law, is not punishable, when the act is committed in a Season of famine and that at all other times it is punishable by Sazzer.

Case No. 76

2

In recording his judgment of acquittal in this case the Joint Criminal Judge remarks that he "never had before him a case in which the negligence of the Police was so reprehensible. These prisoners have been detained 30 days and brought 75 miles from their homes, on evidence which would not warrant their detention for as many minutes."

3

The Court of Zoujdaree Udalut therefore direct that a copy of this case as it stands in the reports and of this para. be sent by the Joint Criminal Judge to the Magistrate who will be required to call on his Assistant and submit an explanation of the grounds on which he forwarded the Prisoners to the Criminal Court.

Ordered

11th September 1840.

Ordered that Extract from these proceedings be sent to the Joint Criminal Judge at Cuddalore for his information by precept returnable in 5 days from and after its receipt.

(Sent following precept No. 1306)

Read letter dated the 5th Instant from the Provincial Court of Circuit in the Centre Division transmitting two Minutes of the Acting 1st and Acting 2d Judges respectively and requesting that the opinion of the Court of Zoujdaree Udalut may be obtained as to whether or not the investigation of the Ravoor Tallook Cutcherry Robbery can be conducted by a Single Judge.

(Here enter J. D. No. 1750 of 1840)

The Court of Zoujdaree Udalut in their proceedings of the 7th of August last, directed that the enquiry to be made into the conduct of the Head of Police of the Budwail Talook should be conducted by the Collective Court of Circuit, and the Judges see no sufficient grounds for revoking the orders issued by them under that date.

Ordered, that Extract from these proceedings be forwarded to the Provincial Court of Circuit in the Centre Division for their information and guidance. (Sent in No. 1307) Read

11th September 1840.

Read letter dated the 20th June last from the Agent to the Governor of Fort St. George in Ganjam submitting with reference to the proceedings of the Zoujdaree Udalut of the 9th June 1840 an explanation of his proceedings connected with the trials Nos. 4 and 11 of his criminal file for 1840 —

(Here enter F.R. No. 1363 of 1840)

1 The Court of Zoujdaree Udalut observe that the delay in disposing of case No. 4 which the Court were at first inclined to attribute to the mode of procedure adopted by the Governor's Agent at Ganjam has been satisfactorily accounted for by him —

2 Adverting however to the observation made in the concluding part of paras 5 Mr. Bannerman is informed, that it is by no means the wish of the Judges of the Zoujdaree Udalut that trials should "not be commenced upon until all of the witnesses that may be required are actually in attendance;" but that in all practicable cases, the witnesses should be examined consecutively; and in reference to para 9 of the above return, the Court of Zoujdaree Udalut resolve to point out to Mr. Bannerman, that witnesses in trials held before him, should be re-examined de novo, without reference to any former examination to which they may have

3/ F.R.
11th September 1840

have been subjected. —

3. The Court of Zoujdaree Udalut are of opinion that it is no longer necessary to suspend the execution of the sentence passed by them in case No. 4 and they therefore direct that it be forthwith carried into effect. —

Ordered, that Extract from these proceedings be sent to the Governor's Agent of Fort St. George at Ganjam for his information and guidance.

(Sent in No. 1308.)

Read return dated the 1st Instant from the 1st Judge of the Provincial Court of Circuit in the Southern Division to the precept of the Zoujdaree Udalut of the 28th August last, calling upon him to account for the extraordinary delay in submitting the translation of the record in case No. 1 of the Trichinopoly 1st Supplimental Calendar for the 3d Quarterly Sessions of 1840. —

(Represented F.R. No. 1724 of 1840)

The explanation submitted in the above return is wholly unsatisfactory, and the Court of Zoujdaree Udalut desire that this opinion be communicated to the 1st Judge of the Provincial Court of Circuit in the Southern Division. —

Ordered, accordingly, that Extract from

from these proceedings be forwarded to the 1st Judge of the Provincial Court of Circuit in the Southern Division for his information.—

(Sentence No. 1309.)

Read the Criminal Reports for the month of July last submitted by the Officiating Joint Criminal Judge at Tinnevelly.—

(Here enter F.R. No. 1593 of 1840)

Report No. V Case No. 62 1 In this case three prisoners are charged with the murder of the Father in Law and the Uncle of the 1st Prosecutor.—

2 It appears that the deceased were Koravers, and that they were apprehended during a Feast on suspicion of having robbed the son of the 2nd Witness. And the Joint Criminal Judge is led to conclude, from a consideration of the evidence, that the deceased having been detected in the commission of a theft were maltreated by the villagers and others assembled at the feast, and that having died from the injuries inflicted, the Prisoners have been accused to shield the villagers from the consequences.—

3. The Court of Zonjdaree Adalut accordingly resolve to direct, that a copy of the case and of the remarks of the Acting Joint Criminal Judge as well as of this para. be sent by the Joint Criminal Judge to the Magistrate

Magistrate, who will be required to use his best exertions to discover the perpetrators of these murders.—

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

(Sent in No. 1310)

Read letter dated the 11th August 1840 from the Acting Criminal Judge of Chingleput submitting the Criminal Reports for the Month of July 1840.—

(Here enter F.R. No. 1590 of 1840)

Report No. V Case No. 42 1 The prisoners in this case were charged "with having quarrelled and fought with the Prosecutor and during the disturbance, setting fire to the Prosecutor's house valued at about 10 Rupees and destroying bonds valued at Rupees 62—8.—

2 The Prosecutor having failed to prove that the house burnt was his, or that the Prisoners set it on fire. The prisoners were released by the Acting Criminal Judge who observes, that the case owes its entire origin to a village feud, which has been going on for a length of time between the Prisoners, their relations, and a person who is the Shrotriandar of the Village, and who induced the Prosecutor to come and settle in the village.—

3 Under these circumstances it appears to the

11th September 1840

the Court of Sunjdaree Adaulut, to be highly necessary for the due maintenance of tranquillity in the village in question, that the contending parties should be bound over to keep the peace, in such recognizances as may appear proper to the Magistrate. The Court accordingly resolve to direct that a copy of this case as it stands in the report and of this parah be sent by the Criminal Court to the Magistrate for his information and guidance. The Court also direct that the Magistrate be called on to submit an explanation as to whether he has deemed it necessary to take any, and if so what notice of the conduct of the Head of Police who forwarded this case to the Criminal Court "imperfectly prepared"

Ordered that Extract from these proceedings be sent to the Acting Criminal Judge at Chunglepute for his information and guidance by precept returnable in 5 days from and after its receipt.

(Sent following precept No. 1311)

Read return dated the 10th Ultimo from the Acting Criminal Judge of Cuddapah to the precept of the Sunjdaree Adaulut of the 4th Ultimo conveying their observations and orders on the Cuddapah Criminal Reports for the month of June last.

(Here enter SA No. 1596 of 1840)

In explanation of his sentence in case No. 105

4

SA

11th September 1840.

No. 105 of the Report No. 5, the Acting Criminal Judge states that he considered himself authorized to punish cases of wounding which were not of a dangerous nature, and for which the punishment prescribed in Section VII Regulation X of 1816 appeared to him sufficient; he admits however that in the case referred to the mutilation of the prosecutrix caused such a disfigurement of her person that the case ought to have been committed for trial before the Court of Circuit, and he solicits permission "to act in this manner."

2 Sentence having been already passed upon the prisoner by the Criminal Court, the Court of Sunjdaree Adaulut will not now sanction the commitment of this prisoner to take his trial before the Court of Circuit for the same offence, but the Judges resolve to direct by a Circular Order that in all cases of assault or wounding whenever the fracture of a limb may be the result of such violence, the fact of so serious an injury having been inflicted be considered a circumstance requiring the commitment of the accused to be tried before the Court of Circuit.

Circular Order No. 724

Ordered, that Extract from these proceedings be forwarded to the Acting Criminal Judge of Cuddapah for his information and guidance.

(Sent in No. 1312)

Ordered also, that Extract from these proceedings be forwarded to the Four Provincial Courts of Circuit

11th September 1810.

circuit to be by them communicated to the several Criminal and Joint Criminal Judges and Principal Sudr Ameens for their information and guidance.

Ext. W.H.

Sent us Nov. 1813.

F. Ud.

Saturday
12th September 1840. At a Court of the Foujdaree Udalut

Present,

John Bird Esqre _____ 1st Puisne Judge
Alexr Duncan Campbell Esqre 2d Puisne Judge
Henry Dickinson Esqre ___ 3d Puisne Judge

Read return dated the 11th Ultimo from the Agent to the Governor of Fort Saint George at Vizagapatam to the precept of the Foujdaree Udalut of the 5th of August conveying their observations and orders on the Criminal Reports for the month of June last.

Here enter F. Ud. No. 1616 of 1840.

1. The Prisoners in this Case are represented in the Criminal Reports as charged with having broken into a pit in the back yard of the complainants house and taken from thence 5 Candies of paddy valued at 4 Rupees and 1/2 Maunds of Tobacco valued at 12 annas.-

2. In the above return it is explained that the Head of Police of Comaram viewing the Case as a petty Theft, had sentenced the prisoners to ten days imprisonment and they were undergoing the sentence when the

Case

12th September 1840

Case was called up by Mr Wilson.-

3. The Court of Fouzdaree Udalut consider the order of the Acting Assistant Judge upon to objection- The impropriety of the proceedings of the Head of Police in passing sentence in a case of this description is manifest but the Judges of the Court of Fouzdaree Udalut observe that as sentence has been declared and in part executed, the prisoners should have the benefit of the error committed in cases of minor importance such as this- The Judges desire therefore that the instructions of the Acting Assistant Judge be withdrawn and the Tahsildar cautioned against disposing of cases of housebreaking in future.-

Ordered, that Extract from these Proceedings be sent to the Agent to the Governor of Fort Saint George at Vizagapatam for his information by precept returnable in 5 days from and after its receipt.-

/Sent following precept No. 1315/

Read letter dated the 20th Ultimo from the Acting Joint Criminal Judge at Tellicherry, transmitting the Criminal Reports for the month of July 1840

/Here enter F.M. No. 1685/

With

12th September 1840.

Cases Nos. 79 and 84 of 1840.

1. With reference to Cases Nos. 79 and 84- the Court of Fouzdaree Udalut, seeing reason to doubt the propriety of the sentences passed on the Prisoners by the Tahsildars of the Cartinaad and Cottayam Talooks, direct the Provincial Court of Circuit in the Western Division to call for the Proceedings held thereon, and pass such orders as may appear to them proper with reference to the provisions of Section XXIII Regulation X of 1816 reporting the result for the information of the Court of Fouzdaree Udalut.-

Case No. 82. 2. The Judges of the Fouzdaree Udalut observe that the explanation offered by the Tahsildar of the Cartinaad Talook for the detention, extending to nearly one month, of the five first Prisoners in Case No. 82 is insufficient, and they direct that a more satisfactory report as to the cause of the delay be forwarded by him for the information of the Court of Fouzdaree Udalut.-

3. They also request that the Provincial Court of Circuit in the Western Division will call for the Proceedings held in this case, and issue such orders thereupon, as may appear to them proper with reference to Section XXIII Regulation X of 1816 reporting the result for the information of the Fouzdaree Udalut.-

Regarding

Cases Nos 85-86 & 89.

Regarding Cases Nos 85-86 and 89

the Court of Foujdaree Udalut observe that the charge is defective, and they desire that the Tellicherry Police Aumeen be informed for his future guidance that to constitute a crime, the prisoner must be aware that the property in his possession was stolen.

Ordered, that extract from these Proceedings be sent to the Provincial Court of Circuit in the Western Division for their information and guidance, with instructions to forward through the Magistrate a Copy of para 2. to the Tahsildar of the Cartinaad Taluk, for his information and guidance by precept returnable in 15 days from and after its receipt and of para 1 to the Tellicherry Police Aumeen for his future information and guidance.

(Sent following precept No. 1316)

Read letter dated the 1st Instant from the Acting 2d Judge of the Provincial Court of Circuit in the Centre Division, transmitting copies of the Sixth and Seventh Supplemental Calendars for the Chittoor 3d Quarterly Sessions of 1840.

(Here enter No. 1715)

As the Acting 2d Judge

differs

Case No 1
6th Supplemental
Calendar

differs from his Law Officer as to the conviction of the prisoner charged with Perjury in the case noted in the Margin, it becomes the duty of the Acting 2d Judge to refer the trial for the consideration and orders of the Court of Foujdaree Udalut, and pending the final judgment of this Court on the Case the prisoner, Namasivaya pillay, must be detained in Confinement.

Ordered, that Extract from these proceedings be forwarded to the Acting 2d Judge of the Provincial Court of Circuit in the Centre Division for his information and guidance by precept returnable in 10 days from and after its receipt.

(Sent following precept No. 1317)

10

Monday
14th September 1840.

At a Court of the Foujdaree Udalut.

Present,

John Bird Esqre ——— 1st Puisne Judge
Alexr Duncan Campbell Esqre 2nd Puisne Judge
Henry Dickinson Esqre ——— 3d Puisne Judge

Read letter dated the 5th Instant from the Acting 1st Judge late on Circuit in the Centre Division submitting for the consideration and final sentence of the Court of Foujdaree Udalut the Record of the trial in Case No. 6 on the Bellary Calendar for the 1st Sessions of 1840.

[Here enter F. 16. No. 174 of 1840]

Mr Bird
Mr Campbell
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

1st Mullah

is sufficient to convict him of the crime of wounding with intent to murder, for which, according to the Mahomedan Law as declared in fatwas of their Law Officers, discretionary punishment is awardable, do convict him thereof, and, with reference to the provisions of Clause third Section VII Regulation XV of 1803,

adjudge

adjudge 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 labor, in irons, on the public roads or other public works, for and during the period of his natural life, and being of opinion that the prisoners,

2d Timmah
and
3d Sanjewah

are not convicted of the crime abovementioned either on presumptive proof, or on the evidence of credible witnesses, or on their own confessions do acquit them thereof; and under the provisions of Clause Sixth Section II Regulation XV of 1803 direct that they be set at liberty-

1. Three prisoners were tried in this Case on a charge of Murder.

2. The 1st prisoner confessed before the Police Officer and before the Criminal Court that he struck the man, the prisoners were charged with having murdered, on the head with the back of a hatchet, and that one of the other prisoners inflicted a wound on his neck with a Sickle, that supposing him to be dead, they tied the body up in a Cumbly and carried and threw it into the river Tamboordra.

On

3. On this the 1st prisoner was pronounced by the Circuit Law officer to be guilty of murder and declared to be liable to Kesas- But subsequently the person supposed to have been murdered made his appearance in his village and is clearly identified as the person of whose murder the 1st prisoner had been convicted by the Circuit Law Officer-

4. The Acting 1st Judge treats the whole case as "a fabrication" and deems it probable that Wadakah's absence "was a "deliberate scheme, of which he repented, or which "was discovered before it could take effect, to "get the 1st prisoner hanged" and he is of "opinion "that justice will be more certainly done by "the release of all the prisoners than by any "other course."

5. The Court of Foujdaree Udalut concur with the Acting 1st Judge in the propriety of the release of the 2d and 3d prisoners, but they see no reason whatever for suspecting any scheme on the part of Wadakah-

6. The confession of the 1st prisoner before the police combined with the evidence of Woodukah leaves the Court in no doubt that

14th September 1840. that it was the intention of the 1st prisoner to commit murder, and they consider it equally manifest that he was impressed with the idea that he had actually accomplished his intention.-

7. The motive of the murder is uncertainly obscure, but in the judgment of the Court the attempt of the prisoner to commit it is clearly established, notwithstanding the contradictions between the testimony of Wadutkah the 1st Witness - and the confession of the 1st Prisoner and they do not consider that a more lenient sentence than that of transportation for life should be passed upon him.-

Ordered, that Extract from these proceedings be sent to the acting 1st Judge late on Circuit in the Centre Division for his information.-

Sent following letter (No. 1321)

Read letter dated the 10th of August 1840 from the Agent to the Governor of Fort Saint George at Ganjam, submitting an English translation of the record of the trial in Case No. 40 of 1840 on his files.

(Here enter F. H. No. 1748)

The Court of Foujdaree Udalut

Mr Campbell and Mr Dickinson

on

14th September 1840. on a deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the proof against the prisoner

"Domboo Doloyee"

is sufficient to convict him of the crime of murder, do convict him thereof, and under the provisions of Section X Regulation VIII of 1802, do sentence him to suffer death, by being hanged, at the usual time and place of execution.-

1. The Court of Foujdaree Udalut observe that the instructions contained in their Circular Order of the 20th November 1832 of merely taking "from the prisoner a plain answer of guilty or not guilty" to his arraignment "and then proceeding to the examination of the evidence" have not been precisely observed. Instead of one of these two simple pleas, a declaration from the prisoner has been recorded and certain interrogatories put to him. This proceeding was irregular. any questions that it might have been necessary to ask the prisoner should have been deferred till he had been put on his defence, and not asked on his

plea

14th September 1840

the Report an Abstract of the evidence on which the charge was proved against the prisoner. It is also desirable that in such abstract the nature and extent of the wounds should be shown in order that the Court may be enabled to judge of the suffering or otherwise of the punishment.-

5. With reference to the statements 3 and 4 submitted by the Agent, the Court of Foujdaree Adalut observe that that officer has already been informed that blank statements are not required.

Ordered that Extract from these Proceedings be sent to the Agent to the Governor of Fort Saint George at Vizagapatam for his information by precept returnable in 15 days from and after its receipt.-

/Sent following precept No. 1324/

Read return dated the 2nd Instant made by the Criminal Judge of Bellary to the precept of the Foujdaree Adalut of the 18th Ultimo directing that the Magistrate be called upon personally to investigate Case No. 5 of the Supplemental Report for June last and endeavour by every possible means to discover

14th September 1840

discover the perpetrators of the Murders.-

/Here enter No. 1741/

In the above return the Criminal Judge states that a copy of the Proceedings was sent to the Magistrate of Bellary, but nothing further has been heard regarding the case to which the order refers.-

Ordered accordingly that the Criminal Judge of Bellary be directed to intimate to the Magistrate of the District that the Court of Foujdaree Adalut expect that he will submit a report, direct to this Court, of the measures that may have been adopted by him for carrying into effect the instructions contained in the Proceedings of the Foujdaree Adalut of the 18th August 1840.

/Sent in No. 1325/

Read letter dated the 14th Ultimo from the Criminal Judge of Bellary transmitting the Criminal Reports of that Court for the Month of July last.-

/Here enter No. 1638/

The Court of Foujdaree Adalut regret to observe that 8 prisoners are reported to have died in the Jail Hospital during the month of July last and they require that

14th September 1840. that an explanation may be submitted of the cause of this great mortality.-

Ordered that Extract from these proceedings be sent to the Criminal Judge of Bellary for his information and guidance by precept returnable in 5 days from and after its receipt.-

/Sent following precept No. 1326/

Read letter dated 28th Ultimo from the 3d Judge late on Circuit in the Northern Division submitting for the consideration and final sentence of the Tonjadaree Udalut an English translation of the record of the trial in case No. 11. on the Vizagapatam Calendar for the 1st Sessions of 1840.-

/Here enter F. U. No. 1746/

1. In this Case, the prisoner was charged with having in conjunction with three others, at twelve o'clock at night, entered and stolen from the house of the Prosecutrix ornaments valued at Rupees 110, and also with having cut the Prosecutrix nose and the lobes of her ears with a knife, in order to take the ornaments which were in them: and the prisoner was convicted by the

14th September 1840. the Law officer of the crime charged.-

2. As the presiding Judge concurred in the finding of his Law officer, and the crime charged was only secret House breaking accompanied by wounding "not at all severe" it was fully competent to the 3d Judge to try and to dispose of the Case under the provisions of Clause fourth Section II Regulation VI of 1822.-

3. Yet he has "considered that he "was debarred from passing sentence," by most unaccountably confounding the secret offence charged in this case, with the public crime of Robbery by open violence, as described in Section III Regulation XV of 1803.-

4. The Court are concerned to find in the Proceedings of the 3d Judge a misconception so lamentable, which can proceed only from either the most deplorable ignorance of the regulations, or a carelessness and disregard of their enactments utterly irreconcilable with the efficient discharge of the important duties required of a Judge on Circuit.-

5. It may not therefore be unnecessary to explain to the 3d Judge, that the subsequent provisions of Section II Regulation VI of

11th September 1840

of 1822 go to modify and explain the previous provisions in Clause Second Section V Regulation XV of 1803; in both of which the circumstances which constitute the precise distinction between the two offences of Gang robbery by open violence and secret house breaking or burglary are clearly specified - The provisions of the last mentioned clause declared parties convicted of certain criminal acts of violence, "done in the prosecution of the original intention to commit theft," (although in the case of entering by night into a house," such entering may have been made in the first instance without any open violence)", to be liable to the same punishment as is declared in the preceding Section; for the same acts of Criminality committed in the prosecution of robbery by open violence - But the first mentioned Regulation entirely modified this provision, and clearly confined the extent of violence to which the previous enactment is applicable, to the Cases specified in Clause 3rd as distinguished from those enumerated in Clause 4th of Section II Regulation VI of 1822 -

6. The Court of Tonjdaree Udalut direct that the record of this Trial be returned to

F. U.

14th September 1840

to the 3d Judge, and that he be required to proceed to Judgement in it, in accordance with the provisions of Clause fourth Section II Regulation VI of 1822 -

Ordered, that Extract from these proceedings be sent to the 3d Judge late on Circuit in the Northern Division for his information and guidance by precept returnable in 5 days from and after its receipt.

/ Sent following precept No. 1327 /

Read letter dated the 15th ultimo from the Criminal Judge of Nellore, forwarding the Criminal Reports for the month of July 1840.

/ Here enter F.U. No. 1630 /

Case No. 59

1. The Court of Tonjdaree Udalut observe, that the Prisoner in this Case, was apprehended on the 20th May 1840, and was delivered to the Criminal Judge on the 3rd July last. The reasons assigned by the Head of Police of the Nellore Talook for the detention of the Prisoner, are unsatisfactory; and the Court direct that the Magistrate of Nellore be called upon to forward further explanation regarding the cause of the delay, for the information of the Tonjdaree Udalut -

Adverting

Case No. 67

2. Adverting moreover to the omission of any explanation regarding the detention of the Prisoners in this Case, the Court of Tongdarce Udalut desire that the Magistrate will intimate to his Head Assistant that in all future cases in which the period of delay exceeds 5 days an explanation as to the Cause of such delay must be given for the information of the Tongdarce Udalut.

Ordered, that Extract from these proceedings be sent to the Magistrate of Bellore for his information and guidance, by precept returnable in 3 days from and after its receipt.

/Sent following precept No. 1328/

Read Miscellaneous petition presented with an enclosure on the 24th ultimo by C. Vencatasawmy Setty of the Zillah of Chittoor

/Here enter F. C. M. P. No. 102 of 1840/

The Petitioner requests to be relieved from the security required of him by the Criminal Judge of Chittoor in consequence of a false complaint preferred against him by one Ramasawmy; and prays that the Court of Tongdarce Udalut will furnish the said Ramasawmy

Ramasawmy and also that the Court will restore to him certain Peons badges, which had been granted to his ancestors, for services to Government, but which Mr. Saccelles had taken away from him (Petitioner)

2. Before passing any final decision on the prayer of the foregoing Petition, the Court of Tongdarce Udalut direct that a copy of this said Petition be transmitted to the Provincial Court of Circuit for the Centre Division with directions to transmit it to the Criminal Judge of Chittoor and call upon that officer to report on the Circumstances related by Petitioner for the information of the Tongdarce Udalut.

Ordered that Extract from these proceedings be sent to the Provincial Court of Circuit for the Centre Division for their information and guidance by precept returnable in 10 days from and after its receipt and that Copy be furnished to Petitioner on his application.

/Sent following precept No. 1329/

Read Return dated the 2nd Instant from the 2nd Judge on Circuit in the Northern

14th September 1840. Northern Division to the precept of the Fouzdaree Udalut under date the 28th ultimo as to the disposal of Case No. 5 on the Nellore Primary Calendar for the Second Sessions of 1840.

/Here enter No. 1736/

Read letter dated the 3d Instant from the 2nd Judge on Circuit in the Northern Division transmitting the original Death Warrant Vca in Case No. 2 on the Nellore Primary Calendar for the 2nd Sessions of 1840.

/Here enter No. 1737/

Read letter dated the 31st Ultimo from the Acting 1st Judge late on Circuit in the Centre Division transmitting the Orginal Death Warrant Vca in Case No. 15 on the Bellary Calendar for the 1st Sessions of 1840 which has been executed.

/Here enter No. 1751/

Read Return dated the 4th Instant from the Acting 3d Judge on Circuit in the Centre Division to the precept of the Fouzdaree Udalut of the 20th ultimo informing him that his proceedings in Case No. 48 of the Cuddalore Criminal Reports for June last directing the release of the prisoner were not legal.

/Here enter No. 1753/

Read

5.

F. C.

14th September 1840.

Read letter dated the 3d Instant from the 2nd Judge on Circuit in the Southern Division stating his opinion with reference to the proceedings of the Fouzdaree Udalut of the 6th July last that it does not appear necessary that any additional enquiry should be instituted in Case No. 36 of the Tinnevelly Report for the month of May 1840.

/Here enter No. 1754/

Read Return dated the 1st Instant from the 2nd Judge late on Circuit in the Western Division to the precept of the Fouzdaree Udalut under date the 27th ultimo authorizing him to pass the mitigated sentence proposed by him on Dher Kencha prisoner in Case No. 12 on the Mongalore Calendar for the 1st Sessions of 1840.

/Here enter No. 1755/

Read Order of Government dated the 3rd Instant, requesting that the information called for in the 15th and 16th paras of the Proceedings of the Fouzdaree Udalut of the 31st July 1840 when received may be laid before Government together with any order the Court may see fit to pass thereon.

/Here enter No. 1758/

Read

14th September 1840 Northern Division to the precept of the Foujdaree Udalut under date the 28th ultimo as to the disposal of Case No 5 on the Nellore Primary Calendar for the Second Sessions of 1840.

/Here enter No 1736/

Read letter dated the 3d Instant from the 2nd Judge on Circuit in the Northern Division transmitting the original Death Warrant Vca in Case No 2 on the Nellore Primary Calendar for the 2no Sessions of 1840.

/Here enter No 1737/

Read letter dated the 31st Ultimo from the Acting 1st Judge late on Circuit in the Centre Division transmitting the Orginal Death Warrant Vca in Case No 15 on the Bellary Calendar for the 1st Sessions of 1840 which has been executed.

/Here enter No 1751/

Read Return dated the 4th Instant from the Acting 3d Judge on Circuit in the Centre Division to the precept of the Foujdaree Udalut of the 20th ultimo informing him that his proceedings in Case No 48 of the Cuddalore Criminal Reports for June last directing the release of the prisoner were not legal.

/Here enter No 1753/

Read

F. Uc.

14th September 1840.

Read letter dated the 3d Instant from the 2nd Judge on Circuit in the Southern Division stating his opinion with reference to the proceedings of the Foujdaree Udalut of the 6th July last that it does not appear necessary that any additional enquiry should be instituted in Case No 36 of the Tinnevelly Report for the month of May 1840.

/Here enter No 1754/

Read Return dated the 1st Instant from the 2nd Judge late on Circuit in the Western Division to the precept of the Foujdaree Udalut under date the 27th ultimo authorizing him to pass the mitigated sentence proposed by him on Dher Kencha prisoner in Case No 12 on the Mongalore Calendar for the 1st Sessions of 1840.

/Here enter No 1755/

Read Order of Government dated the 3rd Instant, requesting that the information called for in the 15th and 16th paras of the Proceedings of the Foujdaree Udalut of the 31st July 1840 when received may be laid before Government together with any order the Court may see fit to issue thereon.

/Here enter No 1758/

Read

Read Supplemental Return dated the 7th Instant from the Acting 1st Judge late on Circuit in the Centre Division, to the precept of the Tongdarce Udalut of the 20th August 1840, directing that the Criminal Judge of Bellary be called upon to state whether the orders of the 3rd April 1828 were observed with regard to the 8th Witness in Case No. 27 on the Bellary Calendar for the 1st Sessions of 1840.

/Here enter No. 1762/

Read further Return dated the 7th instant from the 2nd Judge on Circuit in the Northern Division, to the precept of the Tongdarce Udalut of the 15th Ultimo, conveying their observations and orders on the Nellore Primary and 1st and 2nd Supplemental Calendars for the 2d Sessions of 1840.

/Here enter No. 1769/

Read Return dated the 3d Instant from the Agent to the Governor of Fort Saint George at Ganjam to the precept of the Tongdarce Udalut of the 26th Ultimo conveying their observations and orders on Case No. 38 of 1840 on the file of the Agent of the Governor

Governor at Ganjam.-

/Here enter F. H. No. 1774/

Read further Return dated the 8th Ultimo from the Criminal Judge of Bellary to the precept of the Tongdarce Udalut of the 13th July 1840 conveying their observations and orders on the Criminal Reports for the month of May 1840.-

/Here enter F. H. No. 1575./

Read Miscellaneous petition presented on the 17th Ultimo by Vanum Coopiah Mookiyar Vakeel in behalf of Rajah Chintapulla Vencata Row of Rajahmundry

Here enter M. P. No. 96 of 1840

1. The Petitioner is Complainant in Case No. 81 of 1840 on the file of the Government Agent at Vizagapatam, and complains of the irregular mode of procedure adopted by the Acting Assistant to the Government Agent, of directing the Prisoners in this Case to appear before him by their Vakeels, instead of requiring them to appear in person.-

2. He therefore prays an order from the Court of Tongdarce Udalut directing the said

14th September 1840. Said Acting Assistant to take depositions from the Prisoners personally.-

3. The Court of Zoujdaree Udalut observe by Rule XXVIII of those framed by Government for the guidance of the Governor's Agents in Ganjam and Vizagapatam respectively under Act No. XXIV of 1839 "that all "petitions against the Proceedings of the Agent, "must in the first instance, be submitted to Government;" and they therefore direct that the Petitioner be instructed accordingly.-

Ordered that the Petition be rejected, and that copy of these proceedings be furnished to Petitioner on his application.-

Extd.

Tuesday 15th September 1840.

At a Court of the Zoujdaree Udalut.

Present

John Bird Esqre. _____ 1st Puisne Judge,

Alexr. Duncan Campbell Esqre. 2d Puisne Judge,

Henry Dickinson Esqre. _____ 3d Puisne Judge,

Read letter dated the 15th ultimo from the Criminal Judge of Combaconum submitting the Criminal Reports of that Court for the Month of July last.-

(Here enter E. R. No. 1629)

Report No. V. Case No. 106.

1. The Court of Zoujdaree Udalut seeing reason to question the propriety of the conviction of the 1st Prisoner in this case resolve to direct the 2d Judge on Circuit to call for the proceedings held therein and pass on them such orders as may then appear to him proper with reference to the provisions of Section XXIII Regulation X of 1816 reporting the result for the information of the Zoujdaree Udalut.-

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

(Sent in No. 1330)

Ordered also that Extract from these

14th September 1840. Said Acting Assistant to take depositions from the Prisoners personally.-

3. The Court of Zoujdaree Udalut observe by Rule XXVIII of those framed by Government for the guidance of the Government Agents in Ganjam and Vizagapatam respectively under Act No. XXIV of 1839 "that all "petitions against the Proceedings of the Agent, "must in the first instance, be submitted to Government;" and they therefore direct that the petitioner be instructed accordingly.-

Ordered that the Petition be rejected, and that a Copy of these proceedings be furnished to Petitioner on his application.-

Extd.

Tuesday 15th September 1840.

At a Court of the Zoujdaree Udalut.

Present

John Bird Esqre. 1st Puisne Judge,

Alexr. Duncan Campbell Esqre. 2d Puisne Judge,

Henry Dickinson Esqre. 3d Puisne Judge,

Read letter dated the 15th ultimo from the Criminal Judge of Combaconum submitting the Criminal Reports of that Court for the Month of July last.-

(Here enter C.R. No. 1629.)

Report No. V. Case No. 106.

1. The Court of Zoujdaree Udalut seeing reason to question the propriety of the conviction of the 7th Prisoner in this case resolve to direct the 2d Judge on Circuit to call for the proceedings held therein and pass on them such orders as may then appear to him proper with reference to the provisions of Section XXIII Regulation X of 1816 reporting the result for the information of the Zoujdaree Udalut.-

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

(Sent in No. 1330)

Ordered also that Extract from these

these Proceedings be sent to the Criminal Judge of Combaconum for his information.-

(Sent in No. 1331.)

Read letter dated the 2d instant from the Magistrate of Guntoor, reporting that 8 of the 130 prisoners received from the Joint Criminal Judge of Vizagapatam have been sent to the Acting Joint Criminal Judge at Guntoor as unfit for labor.-

(Here enter C. D. No. 1742)

Read also letter dated the 7th instant from the Acting Joint Criminal Judge of Guntoor, reporting that the Magistrate of Guntoor had sent to him 8 Convicts who do not belong to that Zillah, and requesting permission to forward them on to Vizagapatam or Rajahmundry from whence they have been transferred, as they cannot be employed usefully at that station.-

(Here enter C. D. No. 1727)

1. It appears that of these 8 Convicts, one is a female, and of the remaining seven 2 seem to labor under aberration of intellect, and 5 are worn out and unfit for hard labor.-

2. The Court of Sudders Adawlut observe that the Acting Joint Criminal Judge of Vizagapatam in sending such convicts to be employed in hard labor

labor on the public Roads wholly disregarded Section III of the Rules (for the transfer of Convicts to Public works in the provinces) published at page 432 of the Official Gazette of the year 1837.-

3. They direct however under the circumstances of the case, that the said Convicts be retained at Guntoor, unless it be their wish, to return to the District from whence they were originally transferred. In which event they must be sent back thither.-

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

(Sent in No. 1332)

Ordered also that Copy of Para: 2 of these Proceedings be sent to the Acting Joint Criminal Judge of Vizagapatam for his information and guidance.-

(Sent in No. 1333)

Read Criminal Reports for the month of July 1840 submitted by the Joint Criminal Judge at Coimbatore.-

(Here enter C. D. No. 1592 of 1840.)

Report No. V
Case No. 77.

1. With reference to the remarks of the Joint Criminal Judge in this case the Court of Sudders Adawlut are of opinion that the positive declaration of the

the Prosecutor that the 4th Prisoner was one of the perpetrators of the outrage if confirmed by his wife may have been sufficient for his committal - and with this impression they resolve to direct the 2d Judge now on Circuit to call for the proceedings held in the case and pass on them such orders as may appear to him proper in regard to the prisoner in question with reference to the Provisions of Section XXIII Regulation X of 1816 reporting the result for the information of the Loyd are Dulatut.-

2. The Court also observe that it would have been more satisfactory had the nature of the evidence of the Prosecutors wife been specified in the abstract.-

Ordered, that Extract from these proceedings be sent to the Joint Criminal Judge of Combatore for his information.-

(Sent in No 1334)

Ordered also that copy of Parah 1 of these proceedings be sent to the 2d Judge on Circuit in the Southern Division by precept returnable in 20 days from and after its receipt.-

(Sent following precept No 1335)

Read letter dated the 11th Instant from the Officiating Criminal Judge of the Auxiliary Court

Court at Vizagapatam forwarding the Criminal Reports of his Court for the Month of July last.-

(Here enter S.D. No 1643 of 1840)

Case No 1. 1. In this case it is stated that there is no proof whatever against the 4th Prisoner that he was in any way concerned in the charge of having broken into the granery of one Cantaboy Coobarauze and stolen from thence 4 Bottles of Spaddy which was under the attachment of the Collector.-

2. And in Case No 2 it is remarked by the Officiating Criminal Judge that he has not the least doubt that the Prisoners had the stolen property in their Houses, but from the indolence carelessness and total neglect of duty on the part of the Head of Police of Vizagapatam at the time when the house was searched and the rice was found he can not now produce such evidence as can convict the prisoners. and adverting to the further observations of the Criminal Judge in regard to the "total incapacity of "this officer to hold his situation", the Court of Sudder Dulatut direct that a copy of this case as it stands in the

the Report as well as of case. No. 1 and of these proceedings be sent to the Magistrate of Vizagapatam by the Criminal Court.—

3. The Magistrate will be pleased to enquire into the Proceedings of the Police officers who forwarded these cases and report direct to the Sudder Adalut the grounds on which the 4th prisoner in Case No. 1 was forwarded to the Criminal Court and whether he has deemed it necessary to take any and what notice of the conduct of the Head Police of Vizagapatam regarding his proceedings in Case No. 2.—

Ordered, That Extract from these Proceedings be sent to the officiating Criminal Judge of the Auxiliary Court at Vizagapatam for his information by Precept returnable in 6 days from and after its receipt.—

(Vide following Precept No. 1336)

Read letter dated 6th August 1840 from the Criminal Judge of Rajahmundry submitting the Criminal Reports for the Months of July 1840.—

(Here enter Extd. No. 1679.)

Report No. V

Case No. 28.

1. These prisoners are charged in this case the 1st with having broken into and stolen from the house of the Prosecutor gold ornaments valued at Rupees 14 and the 2d and 3d prisoners with having received part of the stolen property knowing it to be such.— and were sentenced by the Moofty Sudr Ameen to 10 Months imprisonment with hard labor in irons.—

2. It appears that certain articles of property were delivered up by the prisoners which the 1st Prisoner states he received from a woman. The Prosecutor identifies the articles as his property but is unable to identify the thieves.—

3. It appears to the Court of Sudder Adalut that the evidence adduced in this trial as stated in the abstract given in the report is insufficient to justify the conviction of the prisoners and unless the Prosecutor proved that the property produced was stolen from him the prisoners should be acquitted.—

4. The Judges however resolve to request the Acting Criminal Judge to refer to the depositions recorded in the case with a view to his ascertaining whether there are grounds for the conviction and punishment of the prisoners and if in his opinion there

there is not sufficient evidence to justify the sentence awarded. to desire He will issue orders for their release on security or unconditionally as circumstances may render proper, reporting what he may have done in pursuance of these orders for the information of the Rajahmundry Tribunal.—

Case No. 34. 5. The Court of Sudder Adawlut do not desire to disturb the order recorded by the Acting Criminal Judge in this case but it appears to them that the evidence is insufficient for the conviction of any of the prisoners but the 2d 3d and 4th.—

Case No. 35. 6. Regarding case No. 35 in which the detention of the Prisoners from the 18th to the 27th July is attributed to the reference made by the Head of Police to the Magistrate. The Judges desire to be informed of the grounds on which a doubt could be entertained of the propriety of forwarding a case of this nature to the Criminal Court. The Magistrate will also be pleased to require the attention of the Police officers to the injunction of the Circular Order No. 62 dated the 26th February 1836 in future similar cases.—

Ordered, that Extract from these Proceedings

Proceedings be sent to the Acting Criminal Judge of Rajahmundry for his information and guidance by Precept returnable in 10 days from and after its receipt.—

(Sent following Precept No. 1337)

Read letter dated the 20th August 1840 from the Agent to the Governor of Fort St. George at Ganjam submitting a report on the Trial No. 41 of 1840 as required by Clause fifth of the 7th of the Rules framed by the Government for the guidance of the Governor's Agents in Ganjam and Vizagapatam respectively under Act XXIV of 1839.—

(Here enter S.D. No. 1749 of 1840.)

1. Adverting to the wounds and other personal injuries sustained by the parties and to all the circumstances of this case it appears in the judgment of the Court to be a case coming within the description of offences for which the penalty of imprisonment and transportation for life is specially prescribed by Clause second Section IV Regulation XII of 1803. and consequently under clause sixth of the 7th rule of those framed for the guidance of the Agents a

15th September 1840.

a translation of the entire trial itself must be referred for the decision of the Sonjdarce Udalut.—

2. The Court of Sonjdarce Udalut accordingly direct that an English translation of the record of this trial be prepared and submitted with the least practicable delay for the consideration and final sentence thereon.—

Ordered, that Extract from these Proceedings be sent to the Agent to the Governor of Fort St. George at Ganjam for his information and guidance by Precept returnable in 20 days from and after its receipt.—

(Sent following Precept No 1338.)

F. 116.

Wednesday
16th September
1840.

At a Court of the Foujdaree Udalut

Present

John Bird Esqre ——— 1st Puisne judge

Alexr Duncan Campbell Esqre — 2d Puisne judge

Henry Dickinson Esqre — 3d Puisne judge

Read letter dated the 1st

Instant from the Acting 3d Judge on Circuit

in the Centre Division transmitting an

English translation of the record of the Trial

in Case No. 30 of the Cuddapah Calendar

for the Second Sessions of 1840.—

(Here enter No. 1766)

Mr. Bird
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

"Talanaboyana Vencatygadoo."

is sufficient to convict him of the crime of

murder, do convict him thereof, and, under the

provisions of Section X Regulation VIII of 18

do Sentence him to suffer death, by being

hanged at the usual time and place of

execution.—

(Sent following letter No. 1339)

Read

Read letter dated the 17th Ultimo from the Criminal Judge of Madura submitting the Criminal Reports of that Court for the month of July last.-

(Vide Entry No. 1678 of 1840.)

Case No. 49.

1. The Court of Foujdaree Udalut disapproves of the punishment awarded by the Criminal Judge on the prisoners charged in this case with having in company with certain others armed with cudgels and bill hooks beaten and wounded the prosecutors who were watching heaps of paddy and unthrashed straw and with having plundered the paddy and unthrashed straw in question.-

2. This was clearly a case of gang robbery by open violence which it was not competent to the Criminal Court to dispose of- and the parties should have been committed to take their trial before the Court of Circuit, but as the sentence has been declared and in part executed the Court resolve that the prisoners shall have the benefit of the errors committed in this case, but they direct that the attention of the Criminal Judge be particularly called to their Circular Order of the 6th April 1830.-

Cases No. 55 and 57.

3. The first prisoner in Case No. 55 does not appear to have been charged with housebreaking nor does there seem to be any proof of that offence against him- The Court require an explanation on the point as sentence has been recorded under Clause 4th Section II Regulation VII of 1822.-

4. Of the grounds of the sentence in Case No. 57 also the Court require further explanation- It does not appear to them that Clause Sixth Section II Regulation VII of 1822 is applicable to it.-

5. As in both these cases the prisoners are charged with theft it should have been explained under the Circular Order of the 4th July 1826 that the offence proved against them was housebreaking.-

Ordered, that Extracts from these proceedings be sent to the Criminal Judge of Madura for his information and guidance by precept returnable in 5 days from and after its receipt.-

(Vide following precept No. 1340)

Read return dated the 27th Ultimo from the Provincial Court of Circuit in the Northern Division

17th September 1840.

Division submitting copy of a return from the Joint Criminal Judge of Masulipatam, furnishing the explanation called for in Foujdaree Udalut Proceedings of the 12th Ultimo, relative to the supply of Shiprie to the Prisoners in the Jail at that Station.—

(Here enter F.U. No. 1739.)

1. Mr. Rohde states that the price of the Country was not obtainable for one days' consumption, but that such as was approved of by the Medical Officer, was immediately supplied to the Prisoners, and the grain in Store received back by the Contractor.— He pronounces it however to be his opinion that the Prisoners have not suffered from the quality but from the quantity of rice furnished to them.—

2. The Judges of the Foujdaree Udalut direct that the Medical Officer be called upon to state whether in his opinion a Seer is an overabundant supply of rice to each Prisoner daily and that Mr. Rohde be desired to forward the Medical Officer's report on this point for the information of the Court of Foujdaree Udalut.—

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

(Sent in No. 1341.)

F. U.

Thursday, 17th September 1840.

At a Court of the Foujdaree Udalut,

Present,

John Bird Esqre. ——— 1st. Puisne Judge

Alexr. Duncan Campbell Esqre. — 2d. Puisne Judge

Henry Dickinson Esqre. ——— 3d. Puisne Judge

Read letter dated the 8th Instant from the Acting Joint Criminal Judge of Guntoor requesting to be informed, whether the Vetty of a Village can under the provisions of Clause 1st. Section VII. Regulation I of 1810 be committed for trial before the Court of Circuit on a charge of conniving at the escape of a Prisoner entrusted to his care.—

(Here enter F.U. No. 1778 of 1840)

The Court of Foujdaree Udalut are of opinion that the Officer in question is liable to commitment for trial before the Court of Circuit for "conniving" at the escape of a prisoner, but for wilful neglect of duty he is liable only to dismissal from the public service.—

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

(Sent in No. 1345.)

Read

16th September 1840.

Division submitting copy of a return from the Joint Criminal Judge of Masulipatam, furnishing the explanation called for in Tonjdaree Udalut Proceedings of the 12th Ultimo, relative to the supply of Shiprice to the Prisoners in the Jail at that Station.—

(Here enter F.D. No. 1739.)

1. Mr. Rohde states that the price of the Country was not obtainable for one days' consumption, but that such as was approved of by the Medical Officer, was immediately supplied to the Prisoners, and the grain in Store received back by the Contractor. He pronounces it however to be his opinion, that the Prisoners have not suffered from the quality, but from the quantity of rice furnished to them.—

2. The Judges of the Tonjdaree Udalut direct that the Medical Officer be called upon to state whether in his opinion a seer is an overabundant supply of rice to each Prisoner daily—and that Mr. Rohde be desired to forward the Medical Officer's report on this point for the information of the Court of Tonjdaree Udalut.—

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

(Sent in No. 1341.)

Thursday,
17th September 1840.

At a Court of the Tonjdaree Udalut,

Present,

John Bird Esqre. ——— 1st Puisne Judge

Alexr. Duncan Campbell Esqre. — 2d Puisne Judge

Henry Dickinson Esqre. ——— 3d Puisne Judge

Read letter dated the 8th Instant from the Acting Joint Criminal Judge of Guntoor requesting to be informed, whether the Vetty of a Village can under the provisions of Clause 1st Section VII Regulation I of 1840 be committed for trial before the Court of Circuit on a charge of conniving at the escape of a Prisoner entrusted to his care.—

(Here enter F.D. No. 1778 of 1840)

The Court of Tonjdaree Udalut are of opinion that the Officer in question is liable to commitment for trial before the Court of Circuit for "conniving" at the escape of a prisoner, but for wilful neglect of duty he is liable only to dismissal from the public service.—

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

(Sent in No. 1345.)

Read

Read letter dated the 5th Instant from the Magistrate of Canara submitting copy of a letter from the Assistant Magistrate Mr Lushington detailing the circumstances of a murder committed in his District in November last, which has lately been under investigation by him, and as from the nature of the case, there appears no probability that any additional evidence will be elicited against the perpetrators of the murder, unless the woman "Vencoo," in whose house the murder was committed, be admitted as an approver recommending that a conditional pardon may be offered to her, as also to her son, should the Judges be of opinion that any evidence they may now give, contrary to their statements formerly made on oath, would be admissible.

Here enter F.R. No. 1781 of 1840

The Judges of the Sonjolance Adalut are of opinion that no Court of Justice could found a conviction, and still less the irrevocable Sentence of death, upon evidence not only inconsistent, but, if taken, such as would involve the crime of Perjury, by those who gave it. By over-precipitancy, in sending up the case to the Court, before full enquiry, the ends of justice seem, in this instance, to have been frustrated. Under these circumstances

circumstances it would not avail to admit the persons in question to give evidence on a conditional pardon.

Ordered, that Extract from these proceedings be forwarded to the Magistrate of Canara for his information.

Sent in No. 1346

Read letter dated the 15th August 1840 from the Acting Criminal Judge of Cuddapah transmitting the Criminal Reports of that Court for the month of July last.

Here enter F.R. No. 1639 of 1840

Supplemental Report Case No. 118

Of the three Prisoners in this Case charged with having attempted to extort from the 1st witness a confession to a heinous crime by binding his arms behind his back, wrapping rags round his thumbs, and setting fire to them, from which part of his two thumbs were burnt, and also with having concealed the 1st witness when the Police Peons came to apprehend him; the 2d and 3d were on conviction sentenced by the Acting Criminal Judge to six months hard labor in irons, and to pay a fine of 100 Rupees each, or to be imprisoned for a further period of six months in lieu of the fine, and the 1st prisoner released.

2 The Sentence in this case however was set aside as illegal by the Provincial Court of Circuit by an

an order dated the 10th of August.

3 In the 1st parah of the proceedings of the Provincial Court, it is observed, that they concurred with the 3rd Judge, that the Sentence of the Acting Criminal Judge is in itself illegal, as it was passed by an incompetent tribunal and directed that the prisoners be set at liberty.

4 This is one of the cases not specifically provided for by the letter of the Regulations, and in which the Criminal Judge is vested with authority to act upon his own discretion.

5 The Judges are not prepared to say that the Criminal Judge exercised the discretion vested in him in this instance wisely. It appears from the proceedings of the Provincial Court that severe cruelty was used towards the 1st witness, and that the joint of his thumb was burnt off. The penalties, it is competent to him to adjudge under the Regulation cited, would therefore appear inadequate to the offence in the particular case under consideration.

6 Yet however manifest the impropriety of the Acting Criminal Judge may be in passing sentence in this case, the Court of Fouzdaree Udalut are of opinion that the order of the Provincial Court is open to objection.

7 As observed by the Provincial Court, "the Court of Fouzdaree Udalut have on several occassions ruled that

"that a prisoner once tried and punished, tho' by an authority not legally competent there cannot be again tried or further punished for the same offence, but in such cases the prisoners are not set at liberty; the irregular sentence is allowed to stand as favorable to the prisoner.

8 With reference to the remarks of the Provincial Court in regard to the Proceedings of the Fouzdaree Udalut of the 14th January 1839, the Court of Fouzdaree Udalut observe, that the prisoners in that case were ordered to be released under particular circumstances, and the Court were of opinion that the alternative of ordering the commitment of the case before the Court of Circuit would have been harsh with reference to the punishment already suffered by them.

Case No. 121

9 In the charge in this case it is stated that the prisoner murdered his wife by cutting her throat with a cocks spur; while in the remarks on the case, the instrument with which the murder was committed is designated a cocks spur knife. The Court direct that this inaccuracy be brought to the notice of the Acting Criminal Judge, and that he be required to be more cautious in future in revising the Criminal Reports before submission to the Fouzdaree Udalut.

Case No. 122

10. Adverting to the remarks of the Acting Criminal Judge in this case and the fine imposed on the Prosecutrix for gross prevarication, the Court of Fouzdaree Udalut

Oddalub are of opinion, that this is one of those cases in which it would have been proper to have committed the Prosecutrix to take her trial for perjury before the Court of Circuit.

Report No V
Case No 130

11 In this Case the Assistant Judge did not examine the 6th and 7th witnesses for the defence, as he deemed them unnecessary. The Court consider the omission of the Assistant Judge to take the evidence of these witnesses to be improper, as it has deprived the higher Court of the opportunity of judging of the nature of their testimony, and they direct that this practice be avoided in future.

Case No 141

12 Adverting to the abstract of the evidence given in Case No 141, the Court of Zoydaree Oddalut see strong grounds for doubting the propriety of the acquittal recorded by the Assistant Criminal Judge, and accordingly resolve to request the Criminal Judge to refer to the depositions taken in the case, and to cause the reapprehension of the prisoner, should he consider him deserving of punishment.

Case No 152

13 In the column of remarks attached to case No 152 it is stated that the 2d witness before the Police stated, "that he was asked to accompany the robbers, and that he saw the 5th 6th 7th 8th and 9th Prisoners with the 2d prisoner," while in the succeeding parah it is remarked that "the 2d and 3d witnesses prove nothing against the prisoners." The Court

of

of Zoydaree Oddalut being unable to reconcile these apparent discrepancies, direct that the Assistant Criminal Judge be called on to submit an explanation thereon.

Ordered that Extract from these proceedings be sent to the Criminal Judge of Cuddapah for his information and guidance by precept returnable in 5 days from and after its receipt.

/Sent following precept No 1347/

Ordered also that Extract of these proceedings (Cases 1 to 8 inclusive) be sent to the Provincial Court of Circuit in the Centre Division for their information and guidance.

/Sent in No 1348/

Read letter dated the 2d instant, from the Provincial Court of Circuit in the Northern Division forwarding copies of two communications from the Magistrate of Masulipatam, and the Joint Criminal Judge of Guntoor, regarding certain convicts sent from Ichapore to Chinglepute.

/Here enter Ft No 1775 of 1840/

1 The Magistrate of Masulipatam reports that eight out of twenty nine convicts, who were forwarded on the 29th June last by the Principal Sudr Ameen of Ichapore, escaped on the night of the 17th ultmo

17th September 1840

ultimo, from the custody of their Guards, consisting of 2 Peons of the District of Ganjam, and 14 Peons of the Masulipatam District—

2 He further states, that of the eight four have already been recaptured, and that he entertains no doubt of the re-apprehension of the others also.—

3 The Judges of the Fonjdaree Adalut direct, that the reimpeach of the Duffadar commanding the Guard, which is complained of in para 4 of the Magistrates letter, and all the circumstances under which the escape was effected, be fully investigated, and that translations of all the examinations held regarding it, be submitted for the consideration and orders of the Court of Fonjdaree Adalut under the instructions contained in the Circular Order of the 28th March 1832.—

4 The Acting Joint Criminal Judge of Guntoor, in the concluding para of his letter of the 29th of August last has reported that no Peon of the Pitchapore Establishment accompanied the Prisoners on their march; the Court of Fonjdaree Adalut observe, that under para 3 of the Fonjdaree Adalut's Circular Order of the 22d July 1814, at least one Peon is required "to accompany Prisoners from the "station of their departure, until their arrival at Chinglepute and

17th September 1840

and they therefore direct, that the Principal Sudr Ameen at Pitchapore be required to explain the cause of this omission in the present instance.—

Ordered, that Extract from these proceedings be sent to the Provincial Court of Circuit in the Northern Division for their information and guidance, by precept returnable in 15 days from and after its receipt.

/ Sent following precept No. 1314 /

Read letter dated the 31st Ultimo from the Criminal Judge of Combaconum, enclosing copy of a letter addressed to the Officer superintending the public works on the Red Hills on the occasion of dispatching 50 Convicts according to the orders of the Judges of the 5th Ultimo.—

/ Here enter P. No. 1795 of 1840 /

ultimo, from the custody of their Guard, consisting of 2 Peons of the District of Ganjam, and 14 Peons of the Masulipatam District—

2 He further states, that of the eight, four have already been recaptured, and that he entertains no doubt of the re-apprehension of the others also—

3 The Judges of the Fonjdaree Udalut direct, that the remissness of the Duffadar commanding the Guard, which is complained of in para 4 of the Magistrates letter, and all the circumstances under which the escape was effected, be fully investigated; and that translation of all the examinations held regarding it, be submitted for the consideration and orders of the Court of Fonjdaree Udalut under the instructions contained in the Circular Order of the 28th March 1832—

4 The Acting Joint Criminal Judge of Guntoor, in the concluding para of his letter of the 29th of August last has reported that no Peon of the Etchapore Establishment accompanied the Prisoners on their march; the Court of Fonjdaree Udalut observe, that under para 3 of the Fonjdaree Udalut's Circular Order of the 22d July 1814, at least one Peon is required "to accompany Prisoners from the "station of their departure, until their arrival at Chingleput, and

and they therefore direct, that the Principal Sudr Ameen at Etchapore be required to explain the cause of this omission in the present instance—

Ordered, that Extract from these proceedings be sent to the Provincial Court of Circuit in the Northern Division for their information and guidance, by precept returnable in 15 days from and after its receipt.

Ld Wk.

/ Sent following precept No. 1314 /

115

45

Read letter dated the 31st Ultimo from the Criminal Judge of Combaconum, enclosing copy of a letter addressed to the Officer superintending the public works on the Red Hills on the occasion of dispatching 50 Convicts according to the orders of the Judges of the 5th Ultimo—

/ Here enter Ltr. No. 1795 of 1840 /

Friday,
18th September, 1840.

At a Court of the Fouzdaree Adaulut
Present

John Bird Esqre ——— 1st Puisne Judge,
Alexr. Duncan Campbell Esqre — 2d Puisne Judge,
Henry Dickinson Esqre ——— 3d Puisne Judge,

Read letter dated the 7th September 1840 from the Joint Criminal Judge at Cuddalore submitting the Criminal Reports of that Court for the Months of August last.—

(Here enter F.C. of 1772.)

Supplementar Report

Case No 75.

The Court of Fouzdaree Adaulut regret to observe that considerable irregularity has been allowed to occur in the Calook proceedings connected with this case. If therefore the Joint Criminal Judge has not already communicated as enjoined by the Circular Order of the 21st May 1823 the circumstances of the case to the Magistrate he will be pleased to send a copy of it as it stands in the Report and of this Sparah to the Magistrate who will report direct to the Fouzdaree Adaulut why these Prisoners were sent up to the Criminal Court and whether the conduct of the Police

Police officer who forwarded the prisoners has been noticed by him and in what manner.—

Ordered, that Ecstract from these Proceedings be sent to the Joint Criminal Judge at Cuddalore for his information.—

(Sent in No. 1353)

Read letter dated the 7th instant from the 3d Judge late on Circuit in the Northern Division forwarding an English translate of the Cause in No. 12 of the Tirrupapuliam Summary Calendar for the 1st sessions of 1840.

(Here enter No. 1803.)

Mr. Campbell.

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

Ramaswamy Vengandoo

is sufficient to convict him of the crime of perjury, do convict him thereof and under the provisions of Clause first Section V Regulation VIII of 1831, and Clause first Section III Regulation VI of 1811, sentence him to receive one hundred lashes with a cat of nine tails to be executed in the manner usually denominated Lachon and to be imprisoned

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

(Sent following letter No. 1354)

Saturday
10th September
1810.

At a Court of the Tongidaree Udalut.

Present

John Bird Esqre ——— 1st Puisne Judge
Alexr Duncan Campbell Esqre 3rd Puisne Judge
Henry Dickinson Esqre — 3d Puisne Judge

Read letter dated the 5th
Instant from the 3rd Judge on Circuit in the
Western Division transmitting an English
translation of the record of the trial in Case
No 70 of the Calicut Calendar for the 2nd
Sessions of 1810.

(Here enter No 1763.)

Mr Campbell
and
Mr Dickinson

The Court of Tongidaree 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
Pr Tellingal Langoda
is sufficient to convict him of the crime of Murder
do convict him thereof, but considering under the
circumstances of the case, that the punishment
to which he is liable under the provisions of
Section X Regulation VIII of 1802, may be
mitigated under the provisions of Clause 2d
Section VI Regulation I of 1825 do sentence
him

Saturday
19th September
1840.

At a Court of the Fouzdaree Udalut

Present

John Bird Esqre ——— 1st Puisne Judge
Alexr Duncan Campbell Esqre 2nd Puisne Judge
Henry Dickinson Esqre — 3d Puisne Judge

Read letter dated the 5th Instant from the 3rd Judge on Circuit in the Western Division transmitting an English translation of the record of the trial in Cadr No 70 of the Calicut Calendar for the 2nd Sessions of 1840.

(Here enter No 1763.)

Mr Campbell and Mr Dickinson.

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

Pr Tottingal Pangoda

is sufficient to convict him of the crime of Murder do convict him thereof, but considering under the circumstances of the case, that the punishment to which he is liable under the provisions of Section X Regulation VIII of 1802, may be mitigated under the provisions of Clause Second Section VI Regulation I of 1825 do sentence him

him to be transported to such place or places beyond Seas, 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; and being of opinion that the prisoners

2nd Kandampalli Unniparan

and

5th Tottingal Raman

are convicted of the crime of wounding and the prisoners

3rd Tottingal Parrangodan

and

4th Tottingal Ayappen

of assault, for which offences, according to the Mahommedan Law as declared in the futwas of their Law Officers discretionary punishments are awardable, do convict them respectively of the crimes specified, and under the provisions of Clause third Section VII Regulation XV of 1803 sentence the prisoners

2nd Kandampalli Unniparan

and

5th Tottingal Raman

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

during the period of eight years and do considering that the imprisonment already undergone by the prisoners

3rd Tottingal Parrangodan

and

4th Tottingal Ayappen

is a sufficient punishment for the offence committed by them the Court direct that the prisoners

4th Tottingal Ayappen

be set at liberty but as from the evidence adduced the prisoner

3rd Tottingal Parrangodan

appears to be of such a character as to render his release unsafe and improper, the Court direct that he be under the provisions of Clause Sixth Section II Regulation XV of 1803 required to produce two sureties in 50 Rupees each surety for his future good behaviour and appearance when required within three years or in default thereof that he be detained for three years in confinement.—

(Sent following letter No. 1356)

Read the Criminal Reports for the month of July 1840 submitted by the Acting Joint Criminal Judge at Trichinopoly.—

(Mrs Erskin P.C. No. 1615.)

In

19th September 1840.

Case No. 82. 1. In this case it is observed that the only evidence against the 1st Prisoner is his confession before the Native Police Officer. The Court have on several occasions ruled that a bare uncorroborated confession before a Native Officer of Police is altogether inadequate for the conviction of a Prisoner or even for the demand of security from him. They accordingly resolve to suspend the Sentence passed in this instance on the 1st Prisoner and to direct the Provincial Court of Circuit in the Southern Division to call for the proceedings held in the case and pass on them such orders as may appear to them proper with reference to the provisions of Section XXIV Regulation X of 1816 reporting the result for the information of the Sanjdarre Udalut.

Case No. 84. 2. The prisoner in Case No. 84 is charged with having in his possession a counterfeit Rupee knowing it to be such and was released by the Acting Joint Criminal Judge who has remarked that he is not satisfied that the prisoner knew the Rupee was counterfeit and he doubted moreover whether the case was cognizable by the Joint Criminal Court.

3. In advertence to this remark the Court

2. S.D.C.
19th September 1840.

Court of Sanjdarre Udalut observe that the defence of this case must of necessity depend entirely on the guilty knowledge of the prisoner that the coin was counterfeit & that fact was established no doubt could remain of the charge being cognizable solely by the Magistracy under the provisions of Section VII. Regulation II of 1832.

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

(Sent in No. 1357)

Ordered also, that Extract from these proceedings (para. 1.) be sent to the Provincial Court of Circuit in the Southern Division for their information and guidance by precept returnable in 25 days from date after its receipt.—

(Sent following precept No. 1358)

Read letter dated the 4th September 1840 from the Joint Criminal Judge of Cochin submitting the Criminal Reports of that Court for the month of August 1840.—

(Here enter S.D.C. No. 1760 of 1840.)

These reports do not appear to call

call for any remark from the Court of Fouzdaree Udalut.

Ordered accordingly that Extract from these proceedings be furnished to the Joint Criminal Judge at Cochin for his information.

(Sent in No. 1359)

Read letter dated the 31st of August 1840 from the Criminal Judge of Malabar transmitting the Criminal Reports of that Court for the months of July 1840.

(Here enter F.C. No. 1771)

Suppl. Report Cases Nos. 127 and 128.

1. If the circumstances of these cases have not already been communicated to the Magistrate the Criminal Judge will now send to him copies of the cases as they stand in the Report and of this Parah. The Magistrate will be pleased to inquire into the proceedings in the Talook and report whether he has considered it necessary to take any and what notice of the conduct of the parties alleged to have ill used the prisoners. The Magistrate will at the same time warn the Police Officer against transmitting to the Criminal Court cases so inadequately investigated as these would appear to have been.

Cases Nos. 127. 143. and 146.

2. Referring to the delay which has been

taken place in the transmission of these cases to the Criminal Court the Judges of the Fouzdaree Udalut observe that when the offence charged may clearly come within the scope of the provisions of Clause first Section XXVII. Regulation XI of 1816 it is imperative on the Head of Police to send the accused to the Criminal Judge immediately on the completion of his investigation and that intermediate references to the Magistrate are unauthorized. The Court accordingly direct that copy of these cases and of this parah be sent to the Magistrate who will adopt measures to prevent similar irregularities in future.

Case No. 143.

3. No. 143 is a case of Burglary and the prisoner was sentenced to 3 months imprisonment and hard labor in irons under Clause Sixth Section II Regulation VI of 1822. this trifling punishment is not in accordance with the Spirit of the Law. the Pundit Sudr Ameen does not appear to regard this offence in the serious light it deserves or to pay due attention to the provisions of Clause Sixth Section II Regulation VI of 1822.

Case No. 145.

4. The Police Officer who forwarded the

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 to the Magistrate by the Criminal Court the communication required by the Circular Order of the Fouzdaree Adalut of the 21st May 1823 should now be made to that Officer by the Criminal Judge.—

Case No. 150. 5. In this case the 9th Prisoner is charged with having been found in possession of part of the property which the other prisoners in the case are charged with having stolen but the guilty Knowledge which is the essence of the offence is not charged.—

6. Four Cases containing 6 prisoners are reported to be under examination by the Criminal Judge and in Case No. 131 it is stated "that the indisposition of the Criminal Judge prevented him from disposing of this case."

The disposal of cases forwarded to the Criminal Court should not be delayed on this account if the investigation could not have been completed by the Criminal Judge himself, the cases should have been transferred to the Assistant for examination and disposal.—

Ordered

N. W.

19th September 1840.

Ordered, that Extract from these proceedings be sent to the Criminal Judge of Malabar for his information and guidance by precept returnable in 5 days from and after its receipt.—

(Sent following precept No. 1360)

Read letter dated the 9th Instant from the Criminal Judge of Cuddapah requesting the Court of Fouzdaree Adalut to call for the record in Criminal Case No. 40 of 1840 in view to the discharge from Jail of the prosecutor in that case who has been ordered by the Judge late presiding at the 2nd Sessions of 1840 to be committed for trial before the Court of Circuit on a charge of Perjury.—

(Here Enter No. 1777)

Also read again letter dated the 15th Ultimo from the Acting 3rd Judge on Circuit in the Centre Division transmitting copy of the Cuddapah Calendar for the 2nd Sessions of 1840.—

(Here enter No. 1637)

In the Calendar submitted

with

19th September 1840.

with the foregoing letter no mention is made of the order of the Court of Circuit dated the 22nd July 1840, directing the committment of the prosecutor in Case No 11 to take his trial before the Court of Circuit on a charge of Perjury, and accordingly the Court of Singapore Adalut resolve to transmit to the Acting 3d Judge of Circuit in the Centre Division copy of the letter above mentioned from the Criminal Judge of Cuddapah and to call for an English translation of the evidence given by the said prosecutor before the Police, the Criminal Court and the Court of Circuit, to enable the Court of Singapore Adalut to judge of the propriety of the committment ordered by the Acting 3d Judge. The Acting 3d Judge will also ascertain, and report, as correctly as can be, the present age of the said Prosecutor.

Ordered, that Extract from these proceedings be forwarded to the Acting 3d Judge on Circuit in the Centre Division for his information and guidance by Precept returnable in 10 days from and after the receipt

(Sent following Precept No 1361)

E. 26.

Monday, 21st September 1840.

At a Court of the Singapore Adalut

Present

John Bird Esqre 1st Puisne Judge,

Alexr Duncan Campbell Esqre 2d Puisne Judge,

Henry Dickinson Esqre 3d Puisne Judge,

Read Miscellaneous petition presented on the 24th ultimo with two enclosures by C. Venkatasamy late of the Zillah of Chittoor.

(Here enter Mr. O. No. 107 of 1840.)

The Petitioner who represents himself to be the complainant in Case No 4 of 1836 before the Magistrate of Chittoor, complains of a fine of Rupees 10 levied from him in that year by the Assistant Magistrate Mr. Hall and of the Judge Presiding at the Quarter Sessions not having afforded him redress when he appealed to him. He therefore prays that the Court of Singapore Adalut will be pleased to call for and peruse the record in the above case, as well as all papers connected with it, and issue an order directing the Magistrate, to return the said fine, and reconsider the decision passed by him.

The Judges of the Singapore Adalut direct

2.

direct, that the Petitioner be informed, that he must produce attested copies of the Magistrate's order, and also of the order of the Acting 2d Judge presiding at the Quarter Sessions of which he complains.—

Ordered, that copy of these Proceedings be furnished to the Petitioner on his application.—

Read Miscellaneous Petition presented on the 24th ultimo by Chenguvvah of the Zillah of Nellore.—

(Here enter Mis. P. No. 104 of 1840.)

1. The Petitioner represents herself to be the Mother of the Prisoner in Case No. 1 of the Nellore Calendar for the 2d Sessions of 1840, who was convicted of the crime of forgery, and sentenced by the Court of Sudder Adawlut to be publickly exposed in the manner commonly denominated Cadjan, to receive 100 Lashes of a Cat of nine tails and to be banished to the district of Chingleput and there imprisoned for 8 years.—

2. She alleges that the charge against the Prisoner was false and malicious and prays the Court of Sudder Adawlut on a further consideration of the whole record of proceedings held in the case, and of the defence filed by the Prisoner, to issue orders

orders for the release of her son, and for his restoration to the situation of Gomastah which he formerly held.—

3. The Court observe that the sentence was passed after mature consideration of all the circumstances of the case as exhibited in its record and the Court of Sudder Adawlut see no reason to doubt the justice of their sentence.—

Ordered accordingly that this petition be rejected and copy of these Proceedings be furnished to the Petitioner on her application.—

Read Miscellaneous Petition presented on the 2d instant by V. Coopiah Mootiyar Vakeel in behalf of Pantatla Guddia Sutty of the Zillah of Rajahmundry.—

(Here enter Mis. P. No. 110 of 1840.)

1. The Petitioner complains of the Governor's Agent at Vizagapatam having released the Prisoner in Case No. 81 of 1840; and prays the Court of Sudder Adawlut, to be pleased to take into their consideration all the Proceedings held in the Case, and issue orders reversing the decision of the Governor's Agents, and directing that the sentence of punishment awarded

awarded to the accused by the Acting Assistant to the Agent at Vizagapatam be carried into execution.—

2. The Court of Conjedaree Adawlut observe by rule XXVIII of those framed by Government for the guidance of the Governor's Agents in Ganjam and Vizagapatam, under Act No. XXIV of 1839- "that "all petitions against the Proceedings of the Agent, must "in the first instance be submitted to Government" and they therefore direct that the Petitioner be instructed accordingly.—

Ordered, that Petition be rejected, and copy of these Proceedings be furnished to the Petitioner on her application.—

Read Miscellaneous petition presented on the 2d instant by Chenchoo Reddy of the Zillah of Nellore.—

(Here enter Mr. P. No. 195 of 1840.)

1. The object of the foregoing petition, is to induce the Judges of the Conjedaree Adawlut, to issue orders to the Provincial Court of Appeal and Circuit in the Northern Division, directing them to furnish the Petitioner, with copies of certain papers connected with the record of a Case

Case No. 8 of the Nellore Calendar for 1st Sessions of 1840, which may tend to prove the innocence of his Brother, the Prisoner in that case, who was convicted of the Crime of culpable Homicide, and sentenced by the Court of Conjedaree Adawlut, to Transportation and Imprisonment for life.—

2. Under the circumstances related in the above Petition, the Judges of the Conjedaree Adawlut resolve to direct the 3d Judge of the Provincial Court of Circuit in the Northern Division to grant to the Petitioner copies of the Documents required by him.—

Ordered, that Extract from these Proceedings be sent to the Provincial Court of Circuit in the Northern Division for their information and guidance, and copy of these proceedings be furnished to the Petitioner on his application.—

(Sent in No. 1369

Read a descriptive Roll of Prisoners forwarded to Arcot, submitted to this Court by the Criminal Judge of Salem under date the 7th instant.—

(Here enter P. R. No. 1792.)

1. The Court of Conjedaree Adawlut observe, that

that sixe of the Prisoners included in this Rolle, were forwarded to Arcot previous to the infliction of the Lashes awarded to them, they accordingly direct that the Criminal Judge be informed, that the said Prisoners ought to have been detained, until the orders of the Cuzdaree Adalut on the Criminal Reports had been received.—

2.

Under the circumstances of the case however the Court of Cuzdaree Adalut direct that previous to the release of the sixe Prisoners in question they be sent back to the Criminal Court of Salem in order that the stripes may be duly inflicted.—

Ordered that Extract from these Proceedings be sent to the Criminal Judge of Salem for his information and guidance by Precept returnable in 15 days from and after its receipt.—

(Sent following Precept No. 1370.)

Ordered also that Extract from these Proceedings be sent to Captain Wroster for his information.—

(Sent in No. 1371.)

Read Letter dated the 7th Instant from

from the Principal Sudr Ameen at Honore forwarding the Criminal Reports of his Court for the month of August last.—

(Here enter C. Dc. No. 1798 of 1840.)

Supplemental Report 1.

Case No. 41.

The Court of Cuzdaree Adalut entertaining some doubts of the correctness of the order passed by the Principal Sudr Ameen at Honore in this Case, resolve to direct the 3d Judge on Circuit to call for the proceedings held in it with a view to ascertaining whether there are not sufficient grounds for putting the Prisoners on their trial before the Court of Circuit, and should he be of opinion that there is sufficient evidence to justify their commitment, he will proceed with reference to the provisions of Section XXIII Regulation X of 1816, reporting the result for the information of the Court of Cuzdaree Adalut.—

2.

It appears to the Court that the variation noticed by the Principal Sudr Ameen in the Statements of the Prosecutor before the Police and the Criminal Court is quite immaterial and not such as to affect the credibility of his testimony.—

Ordered that Extract from these Proceedings be sent to the Principal Sudr Ameen at Honore for his information and guidance.—

(Sent in No. 1372.)

Ordered

21st September 1840.

Ordered also that Extract from these Proceedings be sent to the 3d Judge on Circuit in the Western Division for his information and guidance by precept returnable in 25 days from and after its receipt.—

(Sent following Precept No. 1373.)

Read letter dated the 7th Instant from the Acting Criminal Judge of Rajahmundry forwarding the Criminal Reports of that Court for the Month of August last

(Here enter S.C.s No. 1761.)

Report No V
Case No 37.

1. With reference to the sentence awarded the 2d and 3d Prisoners in this case, the Court of Sudder Adawlut observe that unless it was proved (which is not stated in the Report) that they were old offenders or that there were some circumstances of aggravation attending the theft of the grain for it the sentence passed by the Acting Sessions Judge of 14 Months imprisonment was far too severe.—

2. Before however directing the reduction of the punishment the Court desire to have further information on the points above specified.—

Case No 40.

3. The Prisoners Rachoory Rajkoosh and Doodalah Loohiah who were adjudged in the preceding case one of Burglary to be imprisoned for 12 Months with hard labor in irons have also been sentenced in the case noted in the margin to pay a fine of 25 Rupees each or in default to be imprisoned without labor for the period of one Month after the expiration of their sentence in No 39 under Section IV Regulation V of 1831. as an infraction of Section XVIII Regulation I of 1825.—

21st September 1840.

4. The Court of Sudder Adawlut observe that it was unnecessary to pass a second sentence in this case the imprisonment awarded in case No. 39 being in their opinion a sufficient punishment for the offences committed by the Prisoners in both cases. and they accordingly direct that the sentence passed in Case No. 40 be annulled.—

5. The attention of the Judges has been particularly attracted to the numerous cases of Thefts of grain in this report and they desire to be informed whether these crimes are the effects of scarcity in the Rajahmundry District.—

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

(Sent following Precept No. 1374.)

Read letter dated the 7th Instant from the

Ordered also that Extract from these Proceedings be sent to the 3d Judge on Circuit in the Western Division for his information and guidance by precept returnable in 25 days from and after its receipt.—

(Sent following Precept No 1373.)

Read letter dated the 7th Instant from the Acting Criminal Judge of Rajahmundry forwarding the Criminal Reports of that Court for the Month of August last

(Here enter S.C.s No 1791.)

Report No V
Case No 37.

1. With reference to the sentence awarded the 2d and 3d prisoners in this case the Court of Sudder Adawlut observe that unless it was proved (which is not stated in the Report) that they were old offenders or that there were some circumstances of aggravation attending the theft of the grain set the sentence passed by the Hooghly Sudder Ameen of 14 Months imprisonment was far too severe.—

2. Before however directing the reduction of the punishment the Court desire to have further information on the points above specified.—

Case No 40.

3. The prisoners Bachoo Rajaputh and Doodalah Lodiah who were adjudged in the preceding case one of Burglary to be imprisoned for 12 Months with hard labor in irons have also been sentenced in the case noted in the margin to pay a fine of 25 Rupees each or in

in default to be imprisoned without labor for the period of one Month after the expiration of their sentence in No 37 under Section IV Regulation V of 1831. as an infraction of Section XVIII Regulation I of 1825.—

4. The Court of Sudder Adawlut observe that it was unnecessary to pass a second sentence in this case the imprisonment awarded in case No 37 being in their opinion a sufficient punishment for the offences committed by the Prisoners in both cases. and they accordingly direct that the sentence passed in Case No 40 be annulled.—

5. The attention of the Judges has been particularly attracted to the numerous cases of thefts of grain in this report, and they desire to be informed whether these crimes are the effects of scarcity in the Rajahmundry district.—

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

(Sent following Precept No 1374)

Read letter dated the 7th Instant from the

the Acting Criminal Judge of Canara submitting the Criminal Reports of that Court for the month of August last.

(Here enter S.R. No. 1797 of 1840.)

Supplemental Report 1.

Case No. 119.

In this case which is one of murder the Acting Criminal Judge has recorded his opinion that the evidence of the 1st witness which is the only evidence in the case is not sufficient for the committal of the Prisoners and no further evidence can at present be obtained. the corpse of the deceased has not as yet been discovered. But as strong suspicion has been established the 1st and 2d prisoners are each required to find two sureties for their future good behaviour and the 3d prisoner is released.—

2.

The Court therefore direct that a copy of this case as it stands in the report and of this Parah be sent by the Criminal Court to the Magistrate, who will be exhorted to procure further evidence if possible in this case or endeavor to trace out and bring to justice the perpetrators of the murder.—

Case No. 128.

3.

Adverting to the remarks in this case that "the statement given by the Prosecutor differs from those of his witnesses". The Court of Cognizance Regulation observe that an abstract of the evidence given by the Prosecutor and witnesses should have been inserted in the Report and the discrepancies in their Statements explained, and they

direct that this course be observed in future.—

Case No. 134.

4. The 1st Prisoner in this case was charged with having assaulted the Prosecutrix knocked her down, kicked her and thereby caused a severe fracture of the right arm and was sentenced under the provisions of Section VII Regulation X of 1816 to pay a fine of 25 Rupees or in default to be imprisoned for a period of three months.—

5. The Court consider this punishment to be inadequate. The fact of so serious an injury having been inflicted should have been considered a circumstance requiring the commitment of the accused to be tried before the Court of Circuit.—

6. Sentence however having been already passed on the prisoner, the Court will not now disturb it but they direct that the attention of the Assistant Criminal Judge be called to the Circular Order No. 124 of the 11th instant and with reference to the order of the Assistant Criminal Judge in regard to the other prisoners who were engaged in the quarrel which led to the Prosecutrix's arms being broken and were sentenced each to give security that they will keep the peace towards Prosecutrix and the rest of the community in two securities each of 25 Rupees or in default to be imprisoned for three months under the provisions

provisions of Clause first Section IV Regulation II of 1822. The Court of Sujdaree Adalut observe that unless in failure of full proof the prisoners were held to security on the ground of strong suspicion of having been convicted in the affray, the authority assumed by the Assistant Judge was not warranted by the Law. The Regulations no where sanction the demand of security by the Criminal Court from a prisoner to keep the peace, they confer this power on the Magistracy alone. In the event of the Assistant Criminal Judge having exceeded his powers, the Court of Sujdaree Adalut direct that the sentence passed on the 2d 3d 4th 5th and 6th prisoners be set aside.—

Report No V
Case No 141.

7. It is stated that the examination of this case was closed on the 17th August but sentence not passed in consequence of the absence of the Assistant Criminal Judge from indisposition. The Court desire to be informed why the requisite report of the Assistant Criminal Judge's ill health was not submitted.—

Case No 151.

8. The Court of Sujdaree Adalut consider the delay in this case from the 30th July the date on which the Prosecutor is reported to have reached the Taboot Cutcherry to be most unsatisfactorily accounted for, and they direct that a copy of this case as it stands in the Report and of this Perwanah be sent by the Criminal Court to the Magistrate.

who

who will be pleased to caution this Police officer against a similar violation of the Regulations.—

Ordered, that Extract from these Proceedings be sent to the acting Criminal Judge at Canara for his information and guidance by precept returnable in 6 days from and after its receipt.—

(Sent following Precept No 1345)

Read letter dated the 19th instant from the 3d Judge on Circuit in the Western Division, transmitting an English translation of the record in Case No 15 on the Malabar Calendar for the 2d Sessions of 1840.—

(Vide entry No 1799 of 1840.)

Mr Campbell,
and
Mr Dickinson,

The Court of Sujdaree 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

Pulacherman Kulla Kuttyil Chalia
= hil Karutha Appan.

is sufficient to convict him of the crime of murder do convict him thereof, but being of opinion that there are alleviating circumstances in the case, which would render the punishment to which, under the provisions of Section X Regulation VIII of 1802, the prisoner would be

liable

21st September 1840.

liable, too severe the Court according to the provisions of Clause second Section VI Regulation I of 1825 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 (10) ten years.—

Exh. I.

(Sent following letter No. 1376)

No. 1

141.

151.

F. U.

Wednesday, 23rd " September, 1840.

At a Court of the Foujdaree Udalut.

Present:

John Byrd Esqre. ——— 1st Puisne Judge.

Alexr. Duncan Campbell Esqre. 2nd Puisne Judge.

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

Read return dated the 7th Instant made by the 1st Judge of the Provincial Court of Circuit in the Northern Division, to the precept of the Foujdaree Udalut of the 31st Ultimo, desiring an explanation of the opinion recorded by the 1st Judge in respect to the case of the death of the wife of the Prosecutor in Case No. 1. on the Masulipatam Calendar for the 3rd Quarter Sessions of 1840.—

(Here enter No. 1768.)

The Court of Foujdaree Udalut do not consider the explanation submitted by the 1st Judge in the above return at all satisfactory, and accordingly they resolve to direct that an English translation of the record of the Trial be prepared and submitted for their consideration at an early a period as practicable.—

Ordered that Extract from these proceedings be forwarded to the 1st Judge of

of the Provincial Court of Circuit in the Northern Division for his information and guidance by precept returnable in 15 days from and after its receipt.—

(Sent following precept No 1378

Read letter dated the 7th Instant from the Officiating Criminal Judge of Vizagapatam forwarding the Criminal Reports of that Court for the Month of August last.

(Here enter F.H. No 1805)

1. In case No 1 of the prisoner is charged with housebreaking accompanied with theft of property amounting to Rupees 10-4-0 and "as he was under age and this was the 1st charge against him the Sudr Ameen deemed it proper to lessen "the punishment" and accordingly under Clause Sixth Section II of Regulation XI of 1822 sentenced him to 2 Years imprisonment with hard labor in irons.

2. This punishment is not in the opinion of the Court of Foujdaree Adalut commensurate with the offence. The Moosty Sudr Ameen does not appear to view this offence in the serious light it deserves. Before the enactment of Regulation XI of 1822 it would have been the duty of the Criminal Court to have

have committed the prisoner and it was certainly not the intention of the legislature when rendering this offence cognizable by the Criminal Judges Courts to reduce it to the level of simple theft in which light it would seem to have been contemplated by the Moosty Sudr Ameen. In a case of housebreaking the Court are of opinion that the sentence should invariably exceed that declared in Regulation X of 1816. But in this instance the Foujdaree Adalut do not wish the sentence to be disturbed.—

Ordered that Extract from these Proceedings be sent to the Acting Criminal Judge of Vizagapatam for his information.—

(Sent in No 1379)

Read letter dated the 8th Instant from the Acting Criminal Judge at Rajahmundry forwarding copy of the sentence in No 18 on the Criminal File of this Court for 1840.

(Here enter No 1587)

Read return dated the 7th Instant from the Criminal Judge of Nellore to the precept of the Foujdaree Adalut of the 3d Instant conveying their observations and orders on the Criminal Reports

Reports for the Month of June 1840.

/Herewith No. 1761/

Read letter dated the 9th Instant from the 2nd Judge on Circuit in the Northern Division transmitting copy of a return from the Criminal Judge of Nellore submitting an explanation relative to the delay in the execution of the 5th prisoner in No. 2 on the primary Calendar 2nd Sessions of 1840.

/Herewith No. 1784/

Read return dated the 12th Instant from the Acting Criminal Judge of Chingleput to the precept of the Foujdaree Udalut of the 11th September 1840 conveying their observations and orders on the Criminal Reports for the Month of July 1840.—

/Here enter No. 1785/

Read return dated the 9th Instant from the Criminal Judge of Cuddapah to the precept of the Foujdaree Udalut of the 31st Ultimo directing the unconditional release of the Prisoner Tegula Ramoodoo in Criminal Cases Nos. 76 and 78.—

/Here enter No. 1786/

Read letter dated the 7th Instant from the Acting 1st Judge late on Circuit in the Centre Division transmitting the Original Deaths

Warrants

23d September 1840.

Warrant &c. in Case No. 32 on the Sellary Calendar for the 1st Sessions of 1840.—

/Here enter No. 1794/

Read return dated the 11th Instant from the Joint Criminal Judge at Cuddalore to the precept of the Foujdaree Udalut of the 11th September 1840 conveying their observations and orders on the Criminal Reports for the Month of July 1840.—

/Here enter No. 1802/

Read return dated the 17th Instant from the Magistrate of Nellore to the precept of the Foujdary Udalut of the 11th instant conveying the observations and orders on the Criminal Reports for the Month of July last.—

/Here enter No. 1816/

Read letter dated the 18th Instant from the 2nd Judge on Circuit in the Southern Division transmitting a Statement of Batta paid to the Prosecutors and witnesses who attended before the Court of Circuit during the 2nd Sessions of 1840 at Tinnevelly.—

/Here enter No. 1827/

F 16

Thursday
24th September 1840 At a Court of the Foujdaree Udalut

Present,

John Bird Esqre 1st Puisne Judge

Hon.ble Duncan Campbell Esqre 2nd Puisne Judge

Henry Dickinson Esqre 3d Puisne Judge.

Read letter dated the 20th Ultimo from the Criminal Judge of Salem submitting the Criminal Reports of that Court for the month of July last.—

[Here enter F.R. No. 1667 of 1840.]

From a consideration of the evidence in this Case as recorded in the abstract it appears to the Court of Foujdaree Udalut questionable whether the commitment of the prisoners was correct the 2nd witness has recognized the prisoners as having been among the perpetrators but with this exception it appears that the prosecutors and witnesses have before the Criminal Court retracted the evidence given by them befor the Police.—

Supplemental Report 1
Case No 113.

The Court of Foujdaree Udalut require further explanation of the grounds of the committal in this Case in which

Report No V
Case No 126.

2

the

24th September 1840.

the prisoners are charged with having on the night of the 26th June 1840 taken Foregrain and Samy from the field of the Prosecutor. It does not appear that any force or intimidation was used in the commission of the robbery, and if it was merely a case of simple theft, as from the Report it would seem to be, the Criminal Judge should have passed sentence in it with reference to the Provisions of Clause fourth Section III Regulation VI of 1822.

Case No. 127 3.

A further explanation of the grounds on which the Sentence in this Case has been passed is requisite to enable the Court of Foujdaree Udalut to judge of the propriety of it. The prisoners are charged with having stolen a Calf and being found guilty of killing a sheep by twisting its neck have been sentenced by the Sudr Ameen Punchait to 9 months imprisonment under Clause fourth Section III Regulation VI of 1822.

Case No. 132 4.

The Prisoner in Case No. 132 charged with having stolen a Calf and also making his escape from his guard whilst in custody at the Taloor Cutcherry has been committed to take his trial before the Court of Circuit for both offences.

24th September 1840.

offences. With reference to the disposal of the second charge the Court of Foujdaree Udalut are directed that the attention of the Criminal Judge be called to their Circular Order of the 1st February 1835 No. 29 and that he be instructed to pass sentence on the prisoner for the offence of escape in accordance with the injunctions therein Contained.

Case No. 134. 5

In this Case the 1st prisoner is charged with having contrary to the proclamation sold her male Child for 3 Rupees the Second prisoner is charged with purchasing the Child and the 3d prisoner is charged with attesting the document which was passed between the prisoners regarding the sale of the Child, and suppressing the knowledge of the transaction from the Circar and have been committed for trial before the Court of Circuit by the Criminal Judge under the Circular order of the 17th September 1839.

6

The Court of Foujdaree Udalut do not observe that the Circular Order quoted renders it obligatory that the parties convicted of the offence charged, should be committed for trial before the Court of Circuit

24th September 1840

Circuit, and since it has been pleaded by the 1st prisoner that she was driven to commit the offence by distress, and the Court of Tonjdaree Udalut consider the punishment which the prisoners have undergone to be sufficient, and they therefore resolve to set aside the committal ordered by the Criminal Judge, and to direct that the parties be discharged with admonition.-

Case No 1143. 7. In this case the Court observe that unless the husband himself preferred the charge of adultery and proceeded against his wife, the complaint should not have been tried.-

Ordered that Extract from these proceedings be sent to the Criminal Judge of Salem for his information by precept returnable in 5 days from and after its receipt.-

/Sent following Precept No 1350/

Read Miscellaneous petition presented on the 24th ultimo with one enclosure, by Sutchamy Ammal of the Zillah of Cuddalore.-

/Here enter M.P. No 1030 of 1840./

1 The Petitioner represents herself to be the wife of Kristnachamy, the prisoner in Case No 1 of the Cuddalore Supplemental Calendar for

24th September 1840. for the 1st Sessions of 1840, who was convicted of the crime of cruelly wounding the Prosecutors in the said case, by burning them on the legs and head with a red hot branding iron, and sentenced by the Circuit Judge to 7 years imprisonment with hard labor.-

2. She complains of the severity and injustice of the Sentence, and prays the Court of Tonjdaree Udalut, to suspend the execution of it for the present, and after a consideration of all the papers connected with the case, to order the release of her Husband.-

3. The Judges of the Tonjdaree Udalut have referred to the Calendar containing the Case in question, and see no cause whatever for doubting the correctness of the Conviction of the Prisoner. They are of opinion that the Sentence passed on the Prisoner is a severe one, but not improperly so, considering the circumstances set forth in the depositions of the witnesses examined in the Case.-

4. They therefore direct that the prayer of the foregoing petition be rejected.-

Ordered accordingly, and that a copy of these Proceedings be furnished to Petitioner

24th September 1840 Circuit, and since it has been pleaded by the 1st prisoner that she was driven to commit the offence by distress, and the Court of Tonjdaree Adalut consider the punishment which the prisoners have undergone to be sufficient, and they therefore resolve to set aside the committal ordered by the Criminal Judge, and to direct that the parties be discharged with an admonition.-

Case No 142. J. In this Case the Court observe that unless the husband himself preferred the charge of adultery and proceeded against his wife, the complaint should not have been tried.-

Ordered that Extract from these proceedings be sent to the Criminal Judge of Salem for his information by precept returnable in 5 days from and after its receipt.-

/Sent following Precept No 1330/

Read Miscellaneous petition presented on the 24th ultimo with one enclosure, by Sutchimy Nunnal of the Zillah of Cuddalore.-

/Here enter M.P. No 1030 of 1840./

The Petitioner represents herself to be the wife of Kristnachary, the prisoner in Case No 1 of the Cuddalore Supplemental Calendar for

24th September 1840. for the 1st Sessions of 1840, who was convicted of the crime of cruelly wounding the Prosecutors in the said case, by burning them on the legs and head with a red hot branding iron, and sentenced by the Circuit Judge to 7 Years imprisonment with hard labor.-

2. She complains of the severity and injustice of the Sentence, and prays the Court of Tonjdaree Adalut, to suspend the execution of it for the present, and after a consideration of all the papers connected with the case, to order the release of her Husband.-

3. The Judges of the Tonjdaree Adalut have referred to the Calendar containing the Case in question, and see no cause whatever for doubting the correctness of the Conviction of the Prisoner. They are of opinion that the Sentence passed on the Prisoner is a severe one, but not improperly so, considering the circumstances set forth in the depositions of the witnesses examined in the Case.-

4. They therefore direct that the prayer of the foregoing petition be rejected.-

Ordered accordingly, and that copy of these Proceedings be furnished to

Petitioner

24th September 1840 Circuit, and since it has been pleaded by the 1st prisoner that she was driven to commit the offence by distress, and the Court of Tonjdaree Adalut consider the punishment which the prisoners have undergone to be sufficient, and they therefore resolve to set aside the committal ordered by the Criminal Judge, and to direct that the parties be discharged with an admonition.-

Case No 1823 J. In this Case the Court observe that unless the husband himself preferred the charge of adultery and proceeded against his wife, the complaint should not have been tried.-

Ordered that Extract from these proceedings be sent to the Criminal Judge of Salem for his information by precept returnable in 5 days from and after its receipt.-

/Sent following Precept No 1350/

Read Miscellaneous petition presented on the 24th ultimo with one enclosure, by Sutchuny Ammal of the Zillah of Cuddalore.-

/Here enter M.P. No 103 of 1840./

1 The Petitioner represents herself to be the wife of Kristnachary, the prisoner in Case No 1 of the Cuddalore Supplemental Calendar for

24th September 1840. for the 1st Sessions of 1840, who was convicted of the crime of cruelly wounding the Prosecutor in the said case, by burning them on the legs and head with a red hot branding iron, and sentenced by the Circuit Judge to 7 years imprisonment with hard labor.-

2. She complains of the severity and injustice of the Sentence, and prays the Court of Tonjdaree Adalut, to suspend the execution of it for the present, and after a consideration of all the papers connected with the case, to order the release of her Husband.-

3. The Judges of the Tonjdaree Adalut have referred to the Calendar containing the Case in question, and see no cause whatever for doubting the correctness of the Conviction of the Prisoner. They are of opinion that the Sentence passed on the Prisoner is a severe one, but not improperly so, considering the circumstances set forth in the depositions of the witnesses examined in the Case.-

4. They therefore direct that the prayer of the foregoing petition be rejected.-

Ordered accordingly, and that a copy of these Proceedings be furnished to Petitioner

24th September 1840.

petitioner on her application.-

Read again Extract from the Minutes of Consultation under date the 5th Ultimo desiring the Court of Foujdaree Udalut to take the necessary measures for the dismissal of C. Casavachary from the office of Government Vakeel in the Zillah Court of Nellore and to submit a notification for insertion in the Fort Saint George Gazette declaring him incapable of serving as a Vakeel in any Court under this Presidency.

(Here enter No. 1570)

1. The Court of Sudr and Foujdaree Udalut direct that copy of their proceedings under date the 29th June last, and of the orders of Government for the dismissal of C. Casavachary from the office of Government Vakeel be communicated to the Judge in the Zillah of Nellore thro' the Provincial Court in the Northern Division. The Court of Foujdaree Udalut also resolve now to submit to Government with reference to their Circular Order No. 63 of 94 a descriptive Roll of the individual so discharged in order to its publication in the Fort St. George Gazette.-

With

24th September 1840.

2. With reference to para 2 of the Minutes of Consultation under date the 5th Ultimo the Court of Foujdaree Udalut direct that a Copy of Mr Grant's letter of the 22nd Ultimo containing an explanation on the points noticed by Government be laid before the Right Honorable the Governor in Council for his consideration.-

3. The Criminal Judge of Nellore submits that the said C. Casavachary and the other person accused, when under examination on the charge of Forgery, were allowed to sit on the ground, not "with the Gomastah who was taking down the evidence" and with the other Court Servants," but at a sufficient distance from them to prevent all private communication.-

4. The Court of Foujdaree Udalut perceive nothing objectionable in this proceeding.-

5. With regard to the fact stated by Mr Stonhouse that the said C. Casavachary was permitted during the trial of the Criminal Case alluded to to remain at his house except during Court hours - the Criminal

Judge

24th September 1840

Judge submits, that when the Case was sent up to the Court, the Prisoners complained of illness owing to their close confinement for so many days while they were before the Magistracy and requested to be allowed to return to their homes, that he accordingly gave directions to the Nazir to allow them to take their meals and sleep in their respective houses at night, but to be in the custody of his Peons, who were to bring them to the Court in the following morning, and that this plan was pursued during the time they were under trial, which was three days.-

6. The Court of Fouzdaree Udalut are of opinion that the permission given to the accused to take their meals, and to sleep in their respective houses at night, was improper; the parties in question should have been kept at night in the Court House under custody of the Nazir's Peons.-

Ordered, that Extract from these proceedings together with a copy of the Criminal Judge's Letter of the 22d August 1840 be forwarded to the Chief Secretary to Government for the purpose of being laid before the Right Honorable the Governor in Council.-

J. No.

24th September 1840.

Ordered also that Extract from these proceedings be forwarded to Provincial Court of Circuit in the Northern Division to be by them communicated to the Criminal Judge of Nellore for his information and future guidance.-

/ Sent in. No. 1381 /

Read letter dated the 14th September 1840 from the Criminal Judge of Nellore forwarding the Criminal Reports of his Court for the Month of August last.-

/ Here enter Ft. No. 1808. /

Supplemental Report / Case No 67

1. The Prosecutor in this Case has been fined 20 Rupees by the Assistant Criminal Judge for absenting himself from the Court on a false plea of sickness and because there appeared to be an evident disposition on his part throughout the examination to treat the Court in a most disrespectful manner.-

2. The Court of Fouzdaree Udalut require to be informed if the contempt for which the Prosecutor was fined was committed in open Court. Unless the party was guilty of some act of disrespect committed in open

Court

24th September 1840

Judge submits, that when the Case was sent up to the Court, the Prisoners complained of illness owing to their close confinement for so many days while they were before the Magistrate and requested to be allowed to return to their homes, that he accordingly gave directions to the Nazir to allow them to take their meals and sleep in their respective houses at night, but to be in the custody of his Peons, who were to bring them to the Court in the following morning, and that this plan was pursued during the time they were under trial, which was three days.

6 The Court of Zoujdaree Udalut are of opinion that the permission given to the accused to take their meals, and to sleep in their respective houses at night, was improper; the parties in question should have been kept at night in the Court House under custody of the Nazir's Peons.-

Ordered, that Extract from these proceedings together with a copy of the Criminal Judge's Letter of the 22d August 1840 be forwarded to the Chief Secretary to Government for the purpose of being laid before the Right Honorable the Governor in Council.-

3. F. H.

24th September 1840.

Ordered also that Extract from these proceedings be forwarded to Provincial Court of Circuit in the Northern Division to be by them communicated to the Criminal Judge of Nellore for his information and future guidance.-

/ Sent in a No. 1381 /

Read letter dated the 14th September 1840 from the Criminal Judge of Nellore forwarding the Criminal Reports of his Court for the Month of August last.-

/ Here enter F. H. No. 1808. /

Supplemental Report / Case No. 67

1 The Prosecutor in this Case has been fined 20 Rupees by the Assistant Criminal Judge for absenting himself from the Court on a false plea of sickness and because there appeared to be an evident disposition on his part throughout the examination to treat the Court in a most disrespectful manner.-

2 The Court of Zoujdaree Udalut require to be informed if the contempt for which the Prosecutor was fined was committed in open Court. Unless the party was guilty of some act of disrespect committed in open

Court

24th September 1840.

Court the fine would be illegal and the amount should be refunded.-

Report No V

Cases Nos 4479

2

The Court of Foujdaree Udalut observe that the reasons assigned for the detention of these cases in the Talook have been repeatedly denounced as inadmissible and they accordingly direct that Copy of them as they stand in the report and of this para be sent by the Criminal Court to the Magistrate who will be required to adopt the necessary measures to prevent a repetition of the irregularities. The Magistrate will also be pleased to require the attention of the Head Police of Suvapully to the injunction of the Circular Order No 62 dated the 26th February 1836 in all cases in which a delay may have been occasioned by a reference to the Magistrate.-

Ordered that Extract from these proceedings be sent to the Criminal Judge of Nellore for his information and guidance by precept returnable in 5 days from and after its receipt.-

Sent following precept No 1352/

Read letter dated the 14th September 1840 from the Acting Criminal Judge of Chingleput

24th September 1840

Chingleput forwarding the Criminal Reports of that Court for the month of August last.-

/Have enter F.H. No 1801/

These reports do not appear to call for any remark from the Court of Foujdaree Udalut.

Ordered accordingly that Extract from these proceedings be sent to the Acting Criminal Judge at Chingleput for his information.-

/Sent in No 1383/

Read Miscellaneous petition presented on the 2nd instant with one enclosure by Shaik Baday and Shaik Mohaddin late Jail Peons of the Zillah Court of Salem

/Have enter M.P. No 112 of 1840./

The Petitioners state, that they were ordered by the Zillah Judge of Salem, to escort certain Prisoners to Baleselly Choultry in the Zillah of Chittoor, but that having lately returned from Trichinopoly after a separation from their families for a period of 7 months, and after enduring much toil and distress, they requested permission to be relieved from such tour of duty and to be permitted

24th September 1840.

permitted to remain on duty at the Sadr Station the Criminal Judge however was of opinion that the Petitioners had been guilty of disobedience of his orders, and accordingly took away their badges.-

2. They pray therefore that the Court of Fonjdaree Adalut will be pleased to issue orders, directing that their Situations be restored to them.

Read also Miscellaneous petition presented on the 2d instant by Shaik Ismal, Nangappen, Shaik Mahommed, Seobbee Naicken, and Rastnappa Naicken, late Jail Peons of the Zillah Court of Salem.-

[Here enter M. P. No. 111. of 1840.]

The Petitioners complain that they were injustly deprived of their Situations by the Criminal Judge of Salem, for supposed disobedience to an order of his directing them to proceed in charge of certain prisoners to the Zillah of Trichinopoly, and pray that the Court will be pleased to order the restoration of their badges.

Read also Miscellaneous petition presented on the 7th instant by

4. F. C.

24th September 1840.

Pareeya Shaik Baday late Jail Peon of the Zillah Court of Salem.-

[Here enter M. P. No. 114 of 1840.]

1. This Petitioner also complains that he has been unjustly dismissed from his Situation by the Criminal Judge of Salem, for disobedience to orders requiring him to do duty near Balesetey's Choultry in the Zillah of Chittoor, and prays the Court to order that he be restored to his former occupation as Peon.-

2. A report on the subject of the dismissal of these petitioners has already been laid before the Court of Fonjdaree Adalut who are of opinion, that the Petitioners were justly dismissed from their situations, for disobedience to orders issued by the Criminal Judge of Salem, and they decline therefore interfering in the manner prayed for by the Petitioners.-

3. But if the Petitioners can satisfy the Zillah Judge, that they have repented of their offence he may be induced in consideration of their former services, to re-employ them in the public Service, and

the

the Petitioners are therefore advised to return to the Station of the Zillah Court, and to satisfy the Zillah Judge of their contrition for their past misconduct.

Ordered, that Extract from these proceedings be sent to the Criminal Judge of Salem for his information and guidance, and also that copy be furnished to Petitioners on their application.

/Sent in No. 1384/

Read letter dated 8th of September 1840 from the 3d Judge late on Circuit in the Northern Division forwarding an English translation of the record of the trial in Case No. 13 of the Rajahmundry Calendar for the 1st Sessions of 1840 in conformity with the orders of the Foujdaree Udalut contained in the 16th para of their proceedings of the 3d June 1840.

/Here under F. N. No. 1801/

Case No. 13. Rajahmundry Calendar 1st Session 1840

The Court of Foujdaree Udalut observe that the 1st witness in this Case when examined before the Police officer deposed that he saw the murder committed but before the Criminal Court and Court of Circuit he retracted and declared that he knew nothing of the

the matter.

2. By this denial of his former statement on the part of the 1st witness the conviction of the prisoners was rendered impracticable—The Court are therefore of opinion that the Judge who tried the case did all that could have been done in requiring the prisoners to enter into Security for their future good conduct.

Ordered; that Extract from these proceedings be sent to the 3d Judge of the Provincial Court of Circuit in the Northern Division for his information.

/Sent in No. 1385/

V. Coopiah, Moktyar

Vakeel on behalf of Pantulla Gudda Suthy of the Zillah of Rajahmundry, moves the Court to return the enclosure in Miscellaneous Petition No. 110 of 1840.

Ordered accordingly.

Shaik Mohuddeen and Shaik Baday, late Jail Peons of the Zillah Court of Salem move the Court to return the enclosure in their Miscellaneous

Petition

24th September 1840. Petition No 112 of 1840.

2282

Ordered accordingly -

W

W

J.V.

Friday, 25th September 1840.

J.V.

At a Court of the Foujdaree Udalut.

Present,

John Bird Esqre. ——— 1st Puisne Judge,

W Alexr. Duncan Campbell Esqre. ——— 2d Puisne Judge,

Henry Dickinson Esqre. ——— 3d Puisne Judge,

W

Read letter dated the 11th September 1840, from the Acting Joint Criminal Judge of Guntoor, forwarding the Criminal Reports of that Court for the Month of August last.-

(Here enter J.V. No 1814 of 1840)

These reports do not appear to call for any remark from the Court of Foujdaree Udalut;-

Ordered accordingly, that Extract from these Proceedings be sent to the Joint Criminal Judge at Guntoor for his information.

(Sent in No 1358)-

Read the Criminal Reports for the Month of August last submitted by the Criminal Judge of Madura under date the 31st August 1840.

(Here enter J.V. No 1810 of 1840)

Report No V
Case No 62

In this case the prisoners are charged with having beaten and ill used the Prosecutor with having kept him all night with his hands and feet in the

the Stocks, and with having repeated their ill usage on the following day in order to extort a confession from him of having been concerned in a robbery, and from the evidence of the witnesses it appears that the Prosecutor was unable to walk from the ill usage he had received.

2 The 1st 2d and 3d prisoners in this abreavoir case were sentenced under Section VII Regulation X. of 1816 to pay a fine of 20 Rupees each or to suffer two months imprisonment with hard labor in irons. The 4th prisoner was sentenced to pay a fine of 30 Rupees, or suffer 3 months imprisonment with hard labor in irons.

3 To the Court of Sungdaree Udalut it appears that whether considered with reference to the aggravated guilt of the parties or to the prevalence of the offence of resorting to torture for the purpose of extorting a confession from persons in custody the sentence passed by the Criminal Judge was much too lenient. In such a case the Court would rather have expected that the parties would have been committed for trial before the Court of Circuit, and if Police officers, the Regulation quoted ought to have been Regulation III of 1819.

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

(Sent in No. 1389)

Read return dated the 7th Instant from the 3d Judge late on Circuit in the Northern Division to the precept of the Sungdaree Udalut of the 31st Ultimo, calling for an explanation of the Futwah delivered by the Law Officer as regards the 4th and 6th prisoners concerned in Case No. 2 of the Ishapore Calendar for the 1st Sessions of 1840.

(Here enter Pl. No. 1776 of 1840)

1 In the above return the 3d Judge submits that a reference having been made to the Original Futwah in Persian, it appears that the 4th and not the 6th, prisoner, is declared to be entitled to be released, so that the error that has arisen, has been "merely in the translation which accompanied the record"

2 The Court of Sungdaree Udalut observe that the error in question, was an error on the part of the 3d Judge himself, who in the Statement entered by him in the Calendar as to the nature of the Futwah delivered in this case, incorrectly quoted the

25th September 1840

the 6th prisoner, instead of the 4th prisoner, as the person against whom the Mahomedan Law Officer found no proof in

3 The Original Persian Futwah in the said case No 2 is ordered to be returned to the 3d Judge late on Circuit in the Northern Division; and the Court of Sungdanee Udalut direct that Officer be at the same time furnished with an Extract from these proceedings for his information and guidance.

/Sent in No 1390/

Read the Criminal Reports for the Months of August last, submitted by the Joint Criminal Judge of Masulipatam.

Here enter Ill No 1809 of 1840/

Report No V
Case No 12

1 With reference to the charge in this case, and to the evidence produced in support of it, the Court of Sungdanee Udalut are disposed to question the propriety of the sentence passed therein by the Pundit Sudr Ameen. It does not appear to them that there is satisfactory proof for the conviction of either of the prisoners, and with reference to the second prisoner, they are of opinion, that the mere fact of his having received

25th September 1840

received the Articles under suspicious circumstances is not a sufficient proof of his guilty knowledge.- If the only circumstance established against him was his having received the Articles when he suspected they had been stolen, sentence should have been passed upon him under the provisions of Section IX Regulation XIII of 1832.-

2 The Court however resolve to direct that a copy of the case as it stands in the report and of this parah be sent to the Provincial Court of Circuit in the Northern Division, who will be pleased to call for the proceedings held in the case, and pass on them such orders as may appear to them proper with reference to the provisions of Section XXIV Regulation X of 1816 reporting the result for the information of the Sungdanee Udalut.

Ordered, that Extract from these proceedings be sent to the Provincial Court of Circuit in the Northern Division by precept returnable in 25 days from and after its receipt.

/Sent following precept No 1391/

Ordered also that Extract from these proceedings be sent to the Joint Criminal Judge at Masulipatam for his information and guidance.

Sent in No 1392/

Read

25th September 1840.

Read the Criminal Reports for the month of August last submitted by the Joint Criminal Judge of Coimbatore.—

/Here enter J.M. No. 1811 of 1840/

Report No. V
Cases Nos. 84 and 85

The Courts of Zoujdaree Udalut observe that these cases which reached the Criminal Court on the 20th ult. August were not disposed of when the reports were despatched, and they accordingly direct that the Joint Criminal Judge be called on now to submit an explanation of the cause of the delay in passing sentence in these cases.—

Ordered, that Extract from these Proceedings be sent to the Acting Joint Criminal Judge at Coimbatore for his information, by precept returnable in 5 days from and after its receipt.—

/Sent following precept No. 1393/

Read the Criminal Reports for the month of August last submitted by the Acting Joint Criminal Judge of Trichinopoly.—

/Here enter J.M. No. 1812 of 1840/

Supplemental Report
Case No. 89

The Courts of Zoujdaree Udalut observe in this case an omission on the part of the Acting Joint Criminal Judge to give the full explanation required by the Circular

25th September 1840 Circular Order of the 11th April 1832 regarding the detention of it before the Criminal Court, and they direct that that Officer be now called on for an explanation of the delay in disposing of it.—

Cases Nos. 101, 102 & 103. 2 The Court also require to be informed of the reason why these cases were not decided. It appears that they had been 9 days before the Joint Criminal Court when the Reports was closed.—

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

/Sent following precept No. 1394/

Read letter dated the 14th instant from the Agent to the Governor of Fort St. George at Vizagapatam, reporting the escape of Suntah Sydegaudoo the Prisoner in Case No. 13 of 1840.—

/Here enter J.M. No. 1821 of 1840/

The escape appears to have been effected through the gross neglect, if not connivance of some of the Peons employed by the Government Agent at Vizagapatam and as the prisoner is a very dangerous character, Mr. Ambuthnot reports, that he has taken upon himself to

to offer a reward of 25 Rupees for his reapprehension, and that other measures have been adopted for securing his reapprehension.—

2 Under these circumstances, the Court of Foujdaree Udalut resolve to request that the Sanction of Government may be granted for the offer of a reward of Rupees /25/ twenty five, for the recapture of the said Prisoner.—

3. With reference to the request, made in the concluding para. of the above report, for instructions as to the manner in which the Peons may be tried for neglect or Connivance committed out of the Agent's local jurisdiction, the Judges of the Foujdaree Udalut direct, that the Government Agent be informed, that they should be committed to the Criminal Court for trial.—

Ordered, that paras 1 and 2 of these proceedings be transmitted to the Chief Secretary to Government to be laid before the Right Honorable the Governor in Council for his consideration and orders.—

/Sent in No. 1395/

Ordered also, that Extract from these proceedings be sent to the Government Agent at Vizagapatam for his information and guidance.—

Sent in No. 1396/

Read

Ent'd H.

Read letter dated the 16th Instant, from the Provincial Court of Circuit in the Northern Division, reporting the re-apprehension of certain Convicts.—

/Here enter F.H. No. 1832 of 1840/

Read letter dated the 18th Instant from the 3d Judge on Circuit in the Western Division, forwarding with reference to the proceedings of the Foujdaree Udalut dated the 12th Ultimo copy of the orders passed by him in cases No. 91. 95. 114 and 115 on the Malabar Criminal report for the Month of June last.—

/Here enter F.H. No. 1836 of 1840/

Read letter dated the 19th Instant, from the 3d Judge on Circuit in the Western Division, reporting his intention to open the 2d Sessions of 1840 at Mangalore on the 22d Proximo.—

/Here enter F.H. No. 1839 of 1840/

Read letter dated the 18th Instant, from the 2d Judge on Circuit in the Northern Division transmitting an Extract from the proceedings of the Court of Circuit, having reference to the proceedings of the Foujdaree Udalut of the 8th Instant, held on the review of the Primary, and Supplemental Calendar of the Zillah of Guntoor for the 2d Sessions of 1840.—

/Here enter F.H. No. 1841 of 1840./

Read

to offer a reward of 25 Rupees for his reapprehension; and that other measures have been adopted for securing his reapprehension.—

2 Under these circumstances, the Court of Sowdaree Udalut resolve to request that the Sanction of Government may be granted for the offer of a reward of Rupees /25/ twenty five, for the recapture of the said Prisoner.—

3. With reference to the request, made in the concluding para: of the above report, for instructions as to the manner in which the Peons may be tried for neglect or Connivance committed out of the Agents local jurisdiction, the Judges of the Sowdaree Udalut direct, that the Government Agent be informed, that they should be committed to the Criminal Courts for trial.—

Ordered, that paras 1 and 2 of these proceedings be transmitted to the Chief Secretary to Government to be laid before the Right Honorable the Governor in Council for his consideration and orders.—

/Sent in No. 1395/

Ordered also, that Extract from these proceedings be sent to the Government Agent at Vizagapatam for his information and guidance.—

Sent in No. 1396/

Read

Ext. F.H.

Read letter dated the 15th Instant, from the Provincial Court of Circuit in the Northern Division, reporting the re-apprehension of certain Convicts.—

/Here enter F.H. No. 1832 of 1840/

Read letter dated the 18th Instant from the 3d Judge on Circuit in the Western Division, forwarding with reference to the proceedings of the Sowdaree Udalut dated the 12th Ultimo copy of the orders passed by him in cases No. 91. 95. 114 and 115 on the Malabar Criminal report for the Month of June last.—

/Here enter F.H. No. 1836 of 1840/

Read letter dated the 19th Instant, from the 3d Judge on Circuit in the Western Division, reporting his intention to open the 2d Sessions of 1840 at Mangalore on the 22d Proximo.—

/Here enter F.H. No. 1839 of 1840/

Read letter dated the 18th Instant, from the 2d Judge on Circuit in the Northern Division transmitting an Extract from the proceedings of the Court of Circuit, having reference to the proceedings of the Sowdaree Udalut of the 8th Instant, held on the review of the Primary and Supplemental Calendar of the Zillah of Guntoor for the 2d Sessions of 1840.—

/Here enter F.H. No. 1841 of 1840/

Read

25th September 1840.

Read letter dated the 11th Instant, from the Provincial Court of Circuit in the Centre Division, forwarding copy of a letter from the Criminal Judge of Cuddapah, suggesting that the practice of questioning a prisoner as to his guilt before his execution, be every where discontinued —

/Here enter F.H. No. 1826 of 1840/s

End F.H.

F.H.

Saturday 26th September, 1840.

At a Court of the Foujdaree Udalut.

Present

Sir Thos. Bird Esqre. ——— 1st Puisne Judge

Alexr. Duncan Campbell Esqre. — 2d Puisne Judge

Henry Dickinson Esqre. — 3d Puisne Judge

Read letter dated the 31st Ultimo from the Second Judge on Circuit in the Southern Division submitting copies of the Madura Primary and Supplemental Calendars for the 2nd Sessions of 1840.

(Here enter No. 1920)

If the presiding Judge considered

Cal. No. 1.

1.

the 3rd prisoner concerned in this Case convicted the theft as regards that individual prisoner should have been referred for the final orders of the Court of Foujdaree Udalut as under a Tehoke of Imudeb (tantamount to a mere admonition or extremely slight reproof, such as the Mahomedan Law authorizes on Suspicion alone,) the presiding Judge was incompetent under Clause 6th Section II Regulation XV of 1803 to order the infliction of any punishment.

The sentence of one months imprisonment having however expired on the 23rd of August last

2.

last the Court of Foujdaree Udalut will not now require the presiding Judge to submit an English Translation of the record of the trial.—

Case No. 2. 3. The crime charged against the prisoners concerned in Case No. 2, being specially provided for by Clause 4th Section II, Regulation VII of 1822, the 2nd Judge on Circuit should have proceeded to pass sentence on the prisoners under that Regulation without requiring a second Futwah from the Mahomedan Law Officer. See Circular Order Foujdaree Udalut 28th May 1822.

Case No. 3. 4. The Court of Foujdaree Udalut disapprove of the unconditional release of the prisoner concerned in the Case noted in the margin, in the grounds recorded by the 2nd Judge.—

5. If the evidence adduced at the trial was sufficient for the conviction of the prisoner the ends of justice imperatively called for his punishment.—

6. The 2nd Judge is directed to prepare and to submit an English Translation of the record of the Trial, and in the meantime he will cause the prisoner Ramoo to be recaptured and forwarded to the Criminal Court.—

Case No. 4. 7. The prisoners in Case No. 4 were acquitted and ordered to be released, "the discrepancies in the evidence for the prosecution having thrown discredit upon the whole statement of the Prosecutor."—

8. The standing orders of the Court of Foujdaree Udalut require that when evidence before the Court of Circuit is in contradiction to, or at variance with, the evidence previously given, the points of difference be stated in the Calendar. The attention of the 2nd Judge is accordingly called to the Circular Order of the 19th June 1828, and he is enjoined to an observance of this rule in the preparation of all future Calendars to be submitted by him.

Case No. 7. 9. The Court of Foujdaree Udalut having reason to doubt whether the evidence adduced in Case No. 7 was sufficient for the conviction of the prisoners, resolve to direct the 2nd Judge to submit an English Translation of the record of the Trial for their final orders:— the sentence passed by the Court of Circuit being in the meantime suspended.—

Case No. 8. 10. The Court of Foujdaree Udalut entertain doubts of the propriety of the Circuit Judge's decision in this case also and direct that

that he do accordingly submit to them an
English Translation of the Trial.—

Case No. 9. 11. The Officer who presided in the
Court of Madura on the 12th May 1840, should
be advised by the 2nd Judge that the evidence in
Case No. 9 was insufficient to justify the order
for the commitment of the prisoner to take his
trial before the Court of Circuit.—

Case No. 12. 12. In Case No. 12 the 2nd Judge has
omitted to specify distinctly the grounds of his
order for the requisition of security demanded from
the prisoner Pitchai Iyengar:— this want of
perspicuity and of information may frequently
occasion the interference of the Court of Sunjdara
Udalut unnecessarily, and therefore it was that
the Court of Sunjdaree Udalut in their Circular
Order of the 6th September 1819 directed, "in cases
"of an order for the requisition of security," that
the grounds of such requisition be always
"distinctly specified" in the Calendar.—

13. From the want of such information
in the particular case which has called forth
these remarks, the Court of Sunjdaree Udalut
are led to doubt whether grounds existed for
the security required by the 2nd Judge from the
prisoner

prisoner in the said Case No. 12, and accordingly
the 2nd Judge is required to submit an English
Translation of the record of the Trial for
their consideration and final orders.—

14. The 2nd Judge will at the same
time call for and submit the explanation
of the Committing Officer, as to why no
second Count, charging the prisoner with the
"uttering" the forged receipt, was entered in the
indictment as required by the Circular Order
No. 120, whenever, as in the present case, the
evidence would appear to afford grounds for
such a charge.—

Case No. 14. 15. Adverting to the grounds recorded
for the acquittal of the prisoner in Case No. 14
the Court of Sunjdaree Udalut desire that
the 2nd Judge will explain whether the
prosecutor and witnesses swore to the identity
of the Prisoner before the Criminal Court,
and if so why the 2nd Judge abstained from
directing their commitment for trial before
the Court of Circuit on a charge of Perjury.—

Case No. 15. and Case No. 2. Suppl. Cal. 16. The same remarks that have
been recorded on Case No. 12, in respect to the
omission of the 2nd Judge to record distinctly

the—

26th September 1840.

that he do accordingly submit to them an English Translation of the Trial.—

Case No. 9. 11. The Officer who presided in the Court of Madura on the 12th May 1840, should be advised by the 2nd Judge that the evidence in Case No 9 was insufficient to justify the order for the commitment of the prisoner to take his trial before the Court of Circuit.—

Case No. 12. 12. In Case No 12 the 2nd Judge has omitted to specify distinctly the grounds of his order for the requisition of security demanded from the prisoner Pitchoo Iyengar:— this want of perspicuity and of information may frequently occasion the interference of the Court of Sunjdaur Udalut unnecessarily, and therefore it was that the Court of Sunjdaree Udalut in their Circular Order of the 6th September 1819 directed, "in case "of an order for the requisition of security," that the grounds of such requisition be always "distinctly specified" in the Calendar.—

13. From the want of such information in the particular case which has called forth these remarks, the Court of Sunjdaree Udalut are led to doubt whether grounds existed for the security required by the 2nd Judge from the prisoner

26th September 1840.

prisoner in the said Case No 12, and accordingly the 2nd Judge is required to submit an English Translation of the record of the Trial for their consideration and final orders.—

14. The 2nd Judge will at the same time call for and submit the explanation of the Committing Officer, as to why no second Count, charging the prisoner with the "uttering" the forged receipt, was entered in the indictment as required by the Circular Order No 120, whenever, as in the present case, the evidence would appear to afford grounds for such a charge.—

Case No. 14. 15. Adverting to the grounds recorded for the acquittal of the prisoner in Case No 14 the Court of Sunjdaree Udalut desire that the 2nd Judge will explain whether the prosecutor and witnesses sworn to the identity of the Prisoner before the Criminal Court, and if so why the 2nd Judge abstained from directing their commitment for trial before the Court of Circuit on a charge of Perjury.—

Case No. 15. and Case No 2. Suppl. Calr. 16. The same remarks that have been recorded on Case No 12, in respect to the omission of the 2nd Judge to record distinctly the

the grounds of his order for a requisition of security, are applicable to the sentence passed on the 1st prisoner in Case No. 15, and to the order for security to be demanded from the 2nd prisoner ——— in Case No. 3 of the Supplemental Calendar, and the 2nd Judge is accordingly required to conform without further delay to the injunctions contained in the Circular Order of the Foujdaree Udalut of the 6th September 1819, by reporting distinctly the grounds of the requisition of security, ordered to be made from the prisoners "Cavayen" and "Chinnatomby".

17. The Section and Regulation under which the security was demanded should also be reported; and the 2nd Judge is enjoined, in future, to cause such information to be exhibited in the Calendars themselves.—

Ordered, that Extract from these Proceedings be forwarded to the Second Judge at Circuit in the Southern Division for his information and guidance by precept returnable in 15 days from and after its receipt.

(Sent following precept No. 1395)

Read letter dated the 14th September 1840 from the Criminal Judge of Combaconum

Combaconum submitting the Criminal Reports of his Court for the month of August last.—

(Here enter F. No. 1807 of 1840.)

Report V. Cases Nos. 132 and 133.

The Court of Foujdaree Udalut are of opinion that the sentence of six months imprisonment adjudged in the Nos. noted in the margin which are cases of house breaking and theft are inadequate and at variance with the intention of the Legislature as expressed in the Preamble of Regulation VII of 1822 prior to the enactment of which it would have been the duty of the Criminal Court to have committed the prisoners in these numbers for trial before the Court of Circuit and it certainly was not the intention of the Legislature when rendering these offences cognizable by the Criminal Courts to reduce them to the level of simple theft.—

The Criminal Judge will communicate this opinion to the Officers by whom the Cases were disposed of.—

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

(Sent vide No. 1399)

Read

26th September 1840.-

Read return dated the 16th September 1840 from the Criminal Judge at Chittoor to the precept of the Fougdaree Udalut under date the 11th Instant conveying their observations and orders on the Chittoor Criminal Reports for the month of July last.-

(Here enter F.16. to No. 1813.)

Case No. 135. 1. The prisoner in this case represented in the Criminal Reports as charged with preferring a false and malicious complaint before the Joint Magistrate has been sentenced by the Criminal Court to one month's imprisonment under Section II Regulation IX of 1832.- In the above return it is explained that the original charge is stated to have been preferred before the Joint Magistrate and then by him referred to the Native Police Officer."

2. The Court direct that a copy of this case as it stands in the report and of this parah as well as their remarks on the case contained in their Proceedings of the 11th Instant be sent by the Criminal Court to the Magistrate who will be pleased to advise the Joint Magistrate that although on the 22nd June 1824 the Court of Fougdaree Udalut ruled that a complaint

3. 3.96.

26th September 1840.-

complaint preferred before a Magistrate if distrusted by him may under Section XXIV Regulation IX of 1816 be referred to the Police. Still it is only where the false charge may have been preferred in the first instance before a Police Officer, that the party who prefers it is liable to be punished under Section II Regulation IX of 1832.-

3. The Court also observe that the Assistant Criminal Judge being aware of the circumstances of the case was not justified in passing sentence on the prisoners under the provisions of Regulation IX of 1832.- The proper course for him to have followed would have been to release the prisoners, and they direct that this mode of proceeding be for the future pursued by him in all similar cases.-

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

(Sent in No. 1400)

Read return dated the 16th September 1840 from the Criminal Judge at Chittoor to the precept of the Tongdarce Udalut under date the 11th instant conveying their observations and orders on the Chittoor Criminal Reports for the month of July last.-

(Here enter F.No. 1813.)

Case No. 135. 1. The prisoner in this case represented in the Criminal Reports as charged with preferring a false and malicious complaint before the Joint Magistrate has been sentenced by the Criminal Court to one month's imprisonment under Section II Regulation IX of 1832.- In the above return it is explained that the original charge is stated to have been preferred before the Joint Magistrate and then by him referred to the Native Police Officer.-

2. The Court direct that a copy of this case as it stands in the report and of this parah as well as their remarks on the case contained in their Proceedings of the 11th instant be sent by the Criminal Court to the Magistrate who will be pleased to advise the Joint Magistrate that although on the 22nd June 1824 the Court of Tongdarce Udalut ruled that a complaint

complaint preferred before a Magistrate if distrusted by him may under Section XXIV Regulation IX of 1816 be referred to the Police Still it is only where the false charge may have been preferred in the first instance before a Police Officer, that the party who preferred it is liable to be punished under Section II Regulation IX of 1832.-

3. The Court also observe that the Assistant Criminal Judge being aware of the circumstances of the case was not justified in passing sentences on the prisoners under the provisions of Regulation IX of 1832.- The proper course for him to have followed would have been to release the prisoners, and they direct that this mode of proceeding be for the future pursued by him in all similar cases.-

Ordered, that Extract from these Proceedings be sent to the Criminal Judge of Chittoor for his information.-

(Sent in No. 1409)

26th September 1840.-

Read returns dated the 16th September 1840 from the Criminal Judge at Chittoor to the precept of the Sonjdarce Udalut under date the 11th Instant conveying their observations and orders on the Chittoor Criminal Reports for the month of July last.-

(Here enter F.No. 1813.)

Case No. 135. 1. The prisoner in this case is represented in the Criminal Reports as charged with preferring a false and malicious complaint before the Joint Magistrate that has been sentenced by the Criminal Court to one months imprisonment under Section II Regulation IX of 1832.- In the above return it is explained that the original charge is stated to have been preferred before the Joint Magistrate and then by him referred to the Native Police Officer.-

2. The Court direct that a copy of this order as it stands in the report and of this parah as well as their remarks on the order contained in their Proceedings of the 11th Instant be sent by the Criminal Court to the Magistrate who will be pleased to advise the Joint Magistrate that although on the 23rd June 1824 the Court of Sonjdarce Udalut ruled that a complaint

3. F.No.

26th September 1840.-

complaint preferred before a Magistrate if distrusted by him may under Section XXII Regulation IX of 1816 be referred to the Police Still it is only where the false charge may have been preferred in the first instance before a Police Officer, that the party who preferred it is liable to be punished under Section II Regulation IX of 1832.-

3. The Court also observe that the Assistant Criminal Judge being aware of the circumstances of the case was not justified in passing sentence on the prisoners under the provisions of Regulation IX of 1832.- The proper course for him to have followed would have been to release the prisoners, and they direct that this mode of proceeding be for the future pursued by him in all similar cases.-

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

(Sent in No. 1409)

Read return dated the 16th September 1840 from the Criminal Judge at Chittoor to the precept of the Sawdaree Udalut under date the 11th Instant conveying their observations and orders on the Chittoor Criminal Reports for the month of July last.—

(Here enter F.No. 1813.)

Case No. 135. 1. The prisoner in this case is reported in the Criminal Reports as charged with preferring a false and malicious complaint before the Joint Magistrate has been sentenced by the Criminal Court to one months imprisonment under Section II Regulation IX of 1832.— In the above return it is explained that the original charge is stated to have been preferred before the Joint Magistrate and then by him referred to the Native Police Officer.—

2. The Court direct that a copy of this case as it stands in the report and of this para: as well as their remarks on the case contained in their Proceedings of the 11th Instant be sent by the Criminal Court to the Magistrate who will be pleased to advise the Joint Magistrate that although on the 22nd June 1824 the Court of Sawdaree Udalut ruled that a complaint

complaint preferred before a Magistrate if distrusted by him may under Section XXIV Regulation IX of 1816 be referred to the Police— Still it is only where the false charge may have been preferred in the first instance before a Police Officer, that the party who preferred it is liable to be punished under Section II Regulation IX of 1832.—

3. The Court also observe that the Assistant Criminal Judge being aware of the circumstances of the case was not justified in passing sentence on the prisoners under the provisions of Regulation IX of 1832 — The proper course for him to have followed would have been to release the Prisoners, and they direct that this mode of proceeding be for the future pursued by him in all similar cases.—

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

(Sent in No. 1400)

26th September 1840.-

Read return dated the 16th September 1840 from the Criminal Judge at Chittoor to the precept of the Fougdaree Udalut under date the 11th Instant conveying their observations and orders on the Chittoor Criminal Reports for the month of July last.-

(Here enter F.16. No. 1813.)

Case No. 135. 1. The prisoner in this case is represented in the Criminal Reports as charged with preferring a false and malicious complaint before the Joint Magistrate that has been sentenced by the Criminal Court to one months imprisonment under Section II Regulation IX of 1832.- In the above return it is explained that the original charge is stated to have been preferred before the Joint Magistrate and then by him referred to "the Native Police Officer."-

2. The Court direct that a copy of this case as it stands in the report and of this parah as well as their remarks on the case contained in their Proceedings of the 11th Instant be sent by the Criminal Court to the Magistrate who will be pleased to advise the Joint Magistrate that although on the 22nd June 1824 the Court of Fougdaree Udalut ruled that a

3. F.16.

26th September 1840.-

complaint preferred before a Magistrate if distrusted by him may under Section XXIV Regulation IX of 1816 be referred to the Police- Still it is only where the false charge may have been preferred in the first instance before a Police Officer, that the party who preferred it is liable to be punished under Section II Regulation IX of 1832.-

3. The Court also observe that the Assistant Criminal Judge being aware of the circumstances of the case was not justified in passing sentence on the prisoners under the provisions of Regulation IX of 1832 - The proper course for him to have followed would have been to release the prisoners, and they direct that this mode of proceeding be for the future pursued by him in all similar cases.-

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

(Sent in No. 1400)

Read return dated the 16th September 1840 from the Criminal Judge at Chittoor to the precept of the Fouzdaree Udalut under date the 11th Instant consigning their observations and orders on the Chittoor Criminal Reports for the month of July last.—

(Here enter F.16. No. 1813.)

Case No. 135.

1. The prisoner in this case represented in the Criminal Reports as charged with preferring a false and malicious complaint before the Joint Magistrate has been sentenced by the Criminal Court to one months imprisonment under Section II Regulation IX of 1832.— In the above return it is explained that the original charge is stated to have been preferred before the Joint Magistrate and then by him referred to the Native Police Officer.—

2. The Court direct that a copy of this order as it stands in the report and of this parah as well as their remarks on the case contained in their Proceedings of the 11th Instant be sent by the Criminal Court to the Magistrate who will be pleased to advise the Joint Magistrate that although on the 22nd June 1824 the Court of Fouzdaree Udalut ruled that a complaint

complaint preferred before a Magistrate if distrusted by him may under Section XXII Regulation IX of 1816 be referred to the Police Still it is only where the false charge may have been preferred in the first instance before a Police Officer, that the party who preferred it is liable to be punished under Section II Regulation IX of 1832.—

3. The Court also observe that the Assistant Criminal Judge being aware of the circumstances of the case was not justified in passing sentence on the prisoners under the provisions of Regulation IX of 1832 - The proper course for him to have followed would have been to release the prisoners, and they direct that this mode of proceeding be for the future pursued by him in all similar cases.—

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

(Sent in No. 1400)

26th September 1840.

Read return dated the 16th September 1840 from the Criminal Judge at Chittoor to the precept of the Sungdarce Udalut under date the 11th Instant conveying their observations and orders on the Chittoor Criminal Reports for the month of July last.—

(Here enter F. No. 1813.)

Case No. 135. 1. The prisoner in this case represented in the Criminal Reports as charged with preferring a false and malicious complaint before the Joint Magistrate has been sentenced by the Criminal Court to one month's imprisonment under Section II Regulation IX of 1832.— In the above return it is explained that the original charge is stated to have been preferred before the Joint Magistrate and then by him referred to the Native Police Officer.—

2. The Court direct that two copies of this order as it stands in the report and of the remarks contained in their Proceedings of the 11th Instant be sent by the Criminal Court to the Sungdarce Udalut who will be pleased to advise the Joint Magistrate that although on the 22nd June 1836 the Court of Sungdarce Udalut ruled that a complaint preferred before a Magistrate if dismissed by him may under Section XXIV Regulation IX of 1816 be referred to the Police Still it is only where the false charge may have been preferred in the first instance before a Police Officer, that the party who preferred it is liable to be punished under Section II Regulation IX of 1832.—

3. The Court also observe that the Assistant Criminal Judge being aware of the circumstances of the case was not justified in passing sentences on the Prisoners under the provisions of Regulation IX of 1832 — The proper course for him to have followed would have been to release the Prisoners, and they direct that this mode of proceeding be for the future pursued by him in all similar cases.—

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

(Sent in No. 1400)

F. No.

3. 3.96.

26th September 1840.

Monday, 28th. September, 1840.

At a Court of the Cuddalore Division

Present,

John Bird Esqre. ——— 1st. Puisne Judge,

Alexr. Duncan Campbell Esqre. 2d. Puisne Judge,

Henry Dickinson Esqre. ——— 3d. Puisne Judge,

Read the Criminal Reports submitted by the Criminal Judge of Cuddalore for the month of August 1840.—

(Here enter No. 1819.)

The above Reports do not appear to call for any remarks from the Court of Circuit—

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

(Entd. in No. 1401)

Read letter dated the 19th. instant from the 3d. Judge Circuit in the Northern Division transmitting the Original death warrant in Case No. 1 on the Rajahmundry Primary Calendar for the 1st. Session of 1840.

(Vide enter No. 1840.)

Read letter dated the 22d. instant from the Joint Magistrate of Cuddalore, submitting the

the explanation called for in the Proceedings of the Conjoint Court dated the 11th instant relative to case No. 70 on the Criminal Reports for the month of July last—

(Here enter No. 1847)

Read a return dated the 21st instant from the Acting 3d Judge on Circuit in the Central Division to the precept of the Conjoint Court of the 8th instant conveying his observations and notes on the Cockepit Calendar for the 2d Session for 1840—

(Here enter No. 1845)

Read letter dated the 22d instant from the 1st Judge of the Provincial Court of Appeal in the Southern Division, transmitting the original warrant in Case No. 1 on the 3d Session Calendar of Richmond for the 3d quarterly Session of 1840 which has been executed—

(Here enter No. 1852)

Tuesday,
29th September 1840.

At a Court of the Conjoint Board.

Present,

John Bird Esqre ——— 1st Puisne Judge,

Alexr Duncan Campbell Esqre — 2d Puisne Judge,

Henry Dickinson Esqre ——— 3d Puisne Judge,

The Criminal Reports due for the month of August last not having as yet been received from the Criminal Judge of Trinidad—

Ordered, that the Criminal Judge of Trinidad be required to forward the said Reports returnable in 3 days from and after the receipt, to submit the required Reports without further delay, and to explain, for the information of the Conjoint Board, the cause which has prevented him earlier complying with the Circular Order of the 15th April 1838. No. 40—

(Letter forwarding Precept No. 1402)

Read letter dated the 17th Instant from the Agent to the Governor of St. Vincent to the Bocas Island District, submitting with reference to Clause 6 Rule I of the Rules framed by Government for his guidance, a Summary of the evidence against [illegible]

the explanation called for in the Proceedings of the Cuyabara Estates dated the 11th instant relative to Case No. 70 on the Criminal Reports for the month of July last—

(Here enter No. 1847)

Read a letter dated the 21st instant from the Actg 3d Judge in Charge in the Outer Circle to the Precepts of the Cuyabara Estates of the 8th instant conveying his observations and reports on the Cook Estate Calendar for the 2d Session for 1840—

(Here enter No. 1848)

Read letter dated the 22d instant from the 1st Judge of the Provincial Court of Appeal in the Southern Division, transmitting the original Calendar of Prisoners for the 3d quarterly Session of 1840 which has been executed—

(Here enter No. 1852)—

C. of G.

At a Court of the Cuyabara Estates.

Present,

Tuesday, 29th September 1840.

John Bird Esqre ——— 1st Puisne Judge,

Alex. Duncan Campbell Esqre — 2d Puisne Judge,

Henry Dickinson Esqre ——— 3d Puisne Judge,

The Criminal Reports due for the Month of August last not having as yet been received from the Criminal Judge of Demerara—

Ordered, that the Criminal Judge of Demerara be required by Precept returnable in 3 days from and after its receipt, to submit the required Report without further delay, and to explain, for the information of the Cuyabara Estates, the cause which has prevented him earlier complying with the Circular Order of the 15th April 1838. No. 40—

(Cent. following Precept No. 1402)

Read letter dated the 17th instant from the Agent to the Governor of Fort St. George in the Virginia Estates District, submitting with reference to Clause 6 Rule 1 of the Rules framed by Government for his guidance, a Summary of the evidence against

29th September 1840.

John Spriggens charged with Forgery, and uttering
a Bill of Exchange for £5 with intent to defraud
one Allen Tr and 2d Prisoners

(Case entered No 1805)

The Court of Enquiry directed by
Sentence of Court of Session dated 26th
September 1840 to be held on the
Commitment of the Prisoner
before the Sheriff, the Statement of the Grounds of
the Commitment, and the Opinion of the Judge
who presided on the Trial of the Prisoner,
with reference to the Sentence
pronounced upon the Prisoner, and to such
other Evidence as may be adduced
by the Agent of the Crown on the Prisoner
Tr Lindsay & Hyslop

Agents

2d Lindsay Clerk to the Crown

Ordered that a Copy of the
Proceedings be forwarded to the Agent of the Crown
Col E. Sponge in the City of Edinburgh
information and guidance

(Case No 1805)

Wednesday
30th September, 1840

Criminal Letters
at the Instance of
Her Majesty's Advocate
No 2.
Case No 1.

Meeting of Lieutenancy Col 2.
No 1
Case No 1837.

Court of Justiciary

Present

The Lord Justice Clerk
Lord Bird
Lord Duncan Campbell
Lord Dickinson

Lord Justice Clerk stated that the Lord Advocate
had received a Letter from the Secretary of State
for the Home Department transmitting the Criminal Reports of the
Prisoners for the Months of July and August
(Criminal Letters No 1822 of 1840)

The Court of Session dated 26th September 1840
ordained the Prisoner to be imprisoned for the Period
of 3 Months and to find Caution for his good behaviour
for 2 Years after the Expiration of that Period
or in default of Caution to be further imprisoned
for the Space of 2 Months, and the Prisoner having
been brought to the Bar, and the Sentence
pronounced upon him, the Lord Justice Clerk
intimated to him that he would be set at liberty
upon finding Caution for his good behaviour
for the Space of 2 Years after the Expiration of the
Period of Imprisonment to which he had been
sentenced, and that if he failed to find Caution
he would be detained in Prison for the Space of
2 Months, and the Prisoner having declared
his willingness to find Caution, and Mr Lindsay
Clerk to the Crown having stated that he
was willing to accept of the Prisoner's own
Bond for £10 without Sureties, the Prisoner
was ordered to be set at liberty upon
subscribing a Bond for that Sum

Son-in-law was received - part of Ten - Rupees. The Agent will ascertain the Property of the Minister and pass order accordingly. - Report transmitted for the information of the Supreme Council

Report No. 2.
Case No. 114.

3.

The Proceedings in case reported to have been closed and forwarded Sent on the 31st of August for his opinion - The Court of Request desire to be informed of the nature and the Date of reference -

Ordered that from these Proceedings be sent to the Agent Fourmen of St. George at Vizagapatam by Returnable in 15 days from and after its receipt -

(Sent following Letter)

Read letter No. 5 Court of Circuit from the Criminal Court of Circuit in the Canara Division transmitting an English Translation pursuant to Clause 4th of the Code of Bengal Calendar for Session 1837 -

(Here enter No. 5 of 42)

Read return the 23d instant from the Criminal Court of Circuit Canara Division to the Precept of the Court of Sessions Dated the 15th August 1842 returning for further evidence the Proceedings of the trial in Case No. 9 on the Calendar for the 2d Session of 1842 -

(Here enter No.)

Mr. Reid,
and
Mr. Erskine,

The Court of Request open in the Calendar

deliberate consideration of all the circumstances of the case in evidence before them being of opinion that the prisoners

Nangoola Eirmala Condadoo,

and

Nangoola Eimmadoo,

are not convicted on presumptive proof nor on the evidence of credible witnesses nor on their own confessions of the crime of Highway Robbery by open violence do acquit them thereof, and order the provisions of Clause sixth Section II Regulation XI of 1803 direct that they be set at Liberty -

(Sent in Dft No. 1609)

Read petition dated the 31st instant received by Capital from Collah Gungiah and nine others late Sist Peons on the Establishment of the Joint Criminal Court at Vizagapatam -

(Here enter Petn No. 8 of No. 142.)

The Petitioners state, that they have been 1.
on the Establishment for periods varying from 20 to 40 years, and that they have been dismissed from their situations, by the Joint Criminal Judge of Vizagapatam, for no improper conduct on their part, but as infirm and inefficient -

They therefore pray the Court of Sessions 2.
to direct to take their case of distress into serious consideration, and pass order for reinstating them in their former situations

&c

30th September 1840.

3. The Court of Conjeeram Adawlut directs, that a copy of the above petition together with the enclosures which accompanied it, be forwarded to the Joint Criminal Judge of Chingleput, and that he be called upon to report for the information of the Court, whether the Petitioners have any sons, or other relatives fitted for undertaking the duties of Civil Peons, and if so, why in consideration of the long services of their fathers, the duties were not transferred to them.

Ordered, that Extract from these Proceedings be sent to the Joint Criminal Judge of Chingleput for his information and guidance, by precept returnable in 6 days from and after its receipt.

(Extract following Precept No. 1410)

Read return dated the 5th instant, from the Criminal Judge of Madura, to the precept of the Conjeeram Adawlut under date the 18th instant, conveying their observations and orders on the Criminal Returns for the Month of July last.

(Revenue Con. No. 1842.)

1. From the above return it appears, that the Prosecutor in Cases Nos. 56 and 57, reported that his house was entered at night by the outer door having been raised at the hinges. The 1st Prisoner in Case No. 56 declared upon the Pundit's Oath Amaen, that he accompanied the Prisoner in

in Case No. 57, to commit the robbery, and stood outside the door while his companion entered the house. That Prisoner in Case No. 57, confessed before the Pundit's Oath Amaen, that he had entered the Prosecutor's house, and committed the robbery; but did not state by what means he effected the entry.

2. As the Court of Conjeeram Adawlut are unable to decide from any thing they have before them whether the crime of "breaking into" the House of the Prosecutor was proved to have been committed in the Prisoners in these cases or whether their offence amounted to but simple theft; they resolve to direct, that the 2nd Judge on Circuit in the Southern Division be instructed to call for the two cases in question, and to pass such orders thereon, 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 Court of Conjeeram Adawlut.

Ordered, that Extract from these Proceedings be sent to the 2nd Judge on Circuit in the Southern Division for his information and guidance.

(Sent in No. 1411)

Read letter dated the 15th instant from the 2nd Judge on Circuit in the Southern Division stating

stating, that as under the Circular Order No. 123 the preparation of the English Records in appeals shall not be uniform as before, he is desirous of being informed how the pages are to be numbered.—

(Here enter No. 1533.)

The Court of Conjeeree directs the Interpreter to direct that the pages of the fair copy in red ink of the Trial before the Court of Circuit itself, be numbered and paged consecutively and separately from the rough translations of the depositions before the Criminal Court and the Magistracy or Police Officers which must also be so paged & distinctly.—

Ordered, that Extract from these proceedings be forwarded to the 2nd Judge on Circuit in the Northern Division for his information and guidance.—

(Sent in No. 1412.)

Ordered also that Extract from these proceedings be forwarded to the 4 Provincial Courts of Circuit to be by them communicated to the Judges at present on Circuit in their respective Divisions.—

(Sent in No. 1413.)

Read letter dated the 22d instant from the Criminal Judge of Salem transmitting the Criminal Return of this Court for the Month of August last.

(Here enter No. 1551.)

Ord. Cont. No. V

Cases Nos. 152 & 153.

The Criminal Judge will be pleased to send copies of the cases noted in the Margin, as they stand in the Return, and of this and the following Paragraphs referring to them, to the Magistrate of Salem, who will forward direct to the Conjeeree Vakeels the requisite explanations.—

2. In Case No. 152 the Court of Conjeeree Vakeels require to be informed of the date on which the Prisoner was apprehended.—

3. The cause of the detention of the Prisoners in case No. 153 for so long a period is not satisfactorily explained. It would appear that the Prisoners were apprehended on different dates, but this is not shewn in the proper Columns. The Magistrate will be pleased to furnish direct to the Conjeeree Vakeels a further explanation reporting the dates on which the Prisoners were respectively apprehended and on which they appeared before the Head of the Police of Cuddapah Talook.—

Ordered, that Extract from these Proceedings

30th September 1840.

Proceedings be sent to the Criminal Judge of Calicut for his information.—

(Sent in No. 1414)

Read the Criminal Reports for the Months of August last submitted by the Officiating Joint Criminal Judge of Cimenelly under date the 7th of September 1840.—

(Here enter F.R: Nos. 1818 of 1840)

Report No. V
Case No. 70.

1. In this case the prisoner was charged with having broken open the Cash chest containing the collections of the Zemindary of which he was the Amuen and abstracted Rupees 207-2-1 of the money therein deposited and with subsequently having forwarded the collections of the 1st and 2d of July as collection made in June 1840 and was sentenced to 3 Months imprisonment and to pay a fine of 100 Rupees commutable in default of payment to a further imprisonment of 3 Months under Section VII Regulation X of 1810. This sentence appears to the Court very inadequate the prisoner should have been committed to take his trial before the Court of Circuit.—

Case No. 73.

2. This would appear from the entry

of

30th September 1840.

of the case in the report clearly to be a case of cattle stealing punishable under Clause fourth Section III Regulation VI of 1822 and not merely a simple theft.—

Case No. 76.

3. With reference to the sentence in this case the Court of Sudder Adawlut observe that it should have been entered in the Report that he was adjudged to suffer imprisonment with or without labor in irons as the case might be.—

Case No. 77.

4. With reference to Case No. 77 the Court of Sudder Adawlut are of opinion that sufficient was established against the prisoners 2d and 3d to warrant their commitment for trial before the Court of Circuit and they observe that the sentence in this case appears the more inadequate when contrasted with the judgment passed in case No. 78. The Court accordingly resolve to call on the officiating Joint Criminal Judge to explain the grounds on which he proceeded to pass so inadequate a sentence in Case No. 77.—

Case No. 80.

5. The prisoners in this case are charged with having with two others robbed the Prosecutor. The Court do not clearly understand whether the offence charged falls within the description of Robbery by open violence but from the sentence having been passed under the provisions of Section VII Regulation X of 1810. The Court of Sudder Adawlut conclude that Robbery by open

violence

Thursday,
1st October 1840.

At a Court of the Fougidarre Adalut.

Present,

John Bird Esq.re _____ 1st Puisne Judge,
Alex.r Duncan Campbell Esq.re ___ 2d Puisne Judge,
Henry Dickinson Esq.re _____ 3d Puisne Judge,

Read letter dated the 21st Ultimo from the Acting 1st Judge of the Provincial Court of Circuit in the Southern Division, submitting for the consideration and final orders of the Fougidarre Adalut, an English translation of the record of the trial in case No 38 on the Bellary Calendar for the 4th Sessions of 1840.

Ordered that the Court of Fougidarre 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 Madoo Lumbadi
2d Sabroo do
3d Sungadi do
4th Rachalu do
and
5th Hanmer do

of the crime of gang robbery by open violence committed in the house of Timmareddy and others of Kurnool, and of which they have been convicted by the Court of Circuit, is sufficient to warrant the infliction of the punishment of death, but that the prisoners are entitled to the benefit of the doubt which exists as to the extent of the participation of each in the commission of the crime, do sentence each of the prisoners to imprisonment with hard labour in irons for the period of fourteen years.

Ordered that the Court of Circuit be informed that the sentence passed on the prisoners is considered adequate to the crime of which they have been convicted, and that the Court do not in future pass sentences of imprisonment with hard labour for a longer period than seven years, which is the limit of punishment that can be awarded in cases of theft under the provisions of Section 38 Regulation VII of 1816.

Ordered that the Court of Circuit be informed that the Court do not admit the validity of the reasons assigned by the Court for not having recorded the evidence of the witnesses Timmareddy and Chinnareddy, and that the Court do direct the Court of Circuit to record the evidence of witnesses in cases of gang robbery by open violence, in conformity to the provisions of Section 8 Regulation LI of 1803

under the provisions of Clauses first and fifth, Section IV Regulation XV of 1803, and Clause third Section II Regulation I of 1825, sentence each of them to receive one hundred and ninety five lashes with 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 labor in irons on the public roads or other public works, for and during the period of their natural lives, and being of opinion that the proof against the prisoner

6th Carrack Limbanah

is sufficient to convict him of the crime of receiving stolen property, knowing at the time of receiving the same, that such property had been obtained in the perpetration of robbery by the said prisoner and others they convict him thereof, and under the provisions of Clause second, Section IV Regulation VI of 1822, sentence him to receive one hundred and ninety five lashes with a cat of nine tails, to be banished to the district of Chinglepute, and to be imprisoned in the Jail at that station, and kept to hard labor in irons on the public roads, or other public works, for and during the period of fourteen years.

With reference to the proposition made by the Acting 1st Judge in the concluding paragraph of his letter of reference, the Court of Foujdaree Adaulut have resolved on

1st October 1845

virtue of the authority vested in them by Section XXIII Regulation X of 1810, to sanction the grant of a Sum of Rupees 250 to be distributed among the Officers of Police, who displayed so much activity in the pursuit and capture of the robbers, and the recovery of the plundered property, and they accordingly direct that the necessary instructions be issued by the Acting 1st Judge to the Magistrate of Bellary, for the distribution of this Sum in such proportions as may appear to this Officer proper.

Ordered, that Extracts from these proceedings be sent to the Acting 1st Judge of Circuit in the Centre Division, for his information and guidance.

Sent for following letter No. 1146

Read letter dated the 27th ultimo from the Acting 1st Judge of the Provincial Court of Circuit in the Centre Division, bringing to the notice of the Court of Foujdaree Adaulut, that the duty of holding the 4th Quarterly Sessions of the present year will devolve upon him, and that the trial of Mootiah Naik, who is likely to be committed on the same charge as his relation Govindoo Naik, will, in ordinary course, be held before him; but as, from the opinions already expressed by the Acting 1st Judge, in the matter of Mootiah Naik, the Acting 1st

Judge

under the provisions of Clauses first and fifth, Section IV Regulation XV of 1803, and Clause third Section II Regulation I of 1825, sentence each of them to receive one hundred and ninety five lashes with a cat of nine tails, and to be transported to such place or places beyond sea, as the Governor in Council shall appoint; them to be imprisoned and kept to hard labor in irons on the public roads or other public works, for and during the period of their natural lives, and being of opinion that the proof against the prisoner

6th Carreah Lumlanah

is sufficient to convict him of the crime of receiving stolen property, knowing at the time of receiving the same, that such property had been obtained in the perpetration of robbery by them and that they convict him thereof, and under the provisions of Clause second, Section IV Regulation VI of 1822, sentenced him to receive one hundred and ninety five lashes with a cat of nine tails, to be banished to the district of Chingleput, and to be imprisoned in the Jail at that station, and kept to hard labor in irons on the public roads, or other public works, for and during the period of fourteen years.

With reference to the proposition made by the Acting 1st Judge in the concluding paragraph of his letter of reference, the Court of Foujdaree Adaulut have resolved on

virtue of the authority vested in them by Section XXIII Regulation X of 1810, to sanction the grant of a Sum of Rupees 250 to be distributed among the Officers of Police, who displayed so much activity in the pursuit and capture of the robbers, and the recovery of the plundered property, and they accordingly direct that the necessary instructions be issued by the Acting 1st Judge to the Magistrate of Bellary, for the distribution of this Sum in such proportions as may appear to this Officer proper.

Ordered, that Extract from these proceedings be sent to the Acting 1st Judge of Circuit in the Centre Division, for his information and guidance.

Sent following letter No. 1476

Read letter dated the 27th ultimo from the Acting 1st Judge of the Provincial Court of Circuit in the Centre Division, bringing to the notice of the Court of Foujdaree Adaulut that the duty of holding the 4th Quarterly Sessions of the present year will devolve upon him, and that the trial of Moothial Naik, who is likely to be committed on the same charge as his relation Sowindee Naik, will, in ordinary course, be held before him; but as from the opinions already expressed by the Acting 1st Judge, in the matter of Moothial Naik, the Acting 1st

Judge

1st October 1840

Judge himself is aware that the said individual should be tried before him; he makes a special reference on the subject to the Court of Foujdaree Udalut.-

/Here enter F.Uc. No. 1864 of 1840/

In the event of the said Mortal Naik being committed to take his trial before the Court of Circuit on any charge connected with the abstraction of a document from the records of the Zillah Court of Chittoor the Court of Foujdaree Udalut resolve to communicate their opinion, that he be not put upon his trial, until the receipt of further orders from the Court of Foujdaree Udalut.-

Ordered, that Extracts from these proceedings be sent to the Acting 1st Judge of the Provincial Court of Circuit in the Centre Division, for his information and guidance.-

/Sent in No. 1407/

Ent 7th.

JB

WS

PK

F. Uc.

Friday,
2nd October, 1840.

At a Court of the Foujdaree Udalut.

Present,

John Bird Esqre ——— 1st Puisne Judge,
Alexr. Duncan Campbell Esqre 2nd Puisne Judge,
Henry Dickinson Esqre ——— 3d Puisne Judge,

Read letter dated the 14th Ultimo from the Criminal Judge of Bellary submitting the Criminal Reports of his Court for the month of August last.-

/Here enter F.Uc. No. 1820 of 1840/

Cases No. 145 of the 1st Supplemental Report and Case No. 159 of Report No. V.

These Cases are stated to be still undisposed of in consequence of the non arrival of the witness Kistnareddy, who is reported to be severely ill and unable at present to proceed to the Court to give evidence as required.-

2. The Court of Foujdaree Udalut are of opinion that the Criminal Judge should use every endeavor to dispose of the case early; if the evidence in the case is sufficient the prisoners should be committed to take their trial and the witness Kistnareddy cited to appear before the Court of Circuit.-

Case No. 156 of Sept. 1840 Report.

The Court are also of opinion that

2d October 1840

that the arrival of the prosecutor should no longer be allowed to interfere with the disposal of this case.-

Case No 160 — Report No V.

4. In Case No 160 the Court of Fouydaree Udalut require to be informed why the evidence necessary for the disposal of the case by the Criminal Court could not be forwarded by the Magestrate during the month of August-

5. The Court are concerned to observe that there were so many as 10 deaths among the prisoners confined in the Jail at Bellary during the month of August-

Ordered that Extract from these proceedings be sent to the Criminal Judge at Bellary for his information and guidance by precept returnable in 5 days from and after its

/Sent following precept No 1458/

Read letter dated the 15th September 1840 from the Criminal Judge of Chittoor submitting the Criminal Reports of his Court for the month of August last.

/Here enter F.H. No 1826 of 1840/

Report No 5 Case No 63.

1 With reference to the charge in this case the Court of Fouydaree Udalut direct that

2d October 1840

that the attention of the Criminal Judge be drawn to the Circular Order of the 20th April 1840 No 120- If the prisoner uttered the instrument which he is charged with having forged, a second count should have been entered charging him with that offence.-

Case Nos 163 & 164

2. The Court observe that the 2d prisoner in Case No 163 is stated to have been required to find security on a charge of receiving stolen property and that in Case No 164 she is sentenced to 18 months imprisonment with labor for alike offence-

3. The Prisoner having been convicted in the latter case, and punished for a specific offence, the order of a demand of security in the former case was irregular- The Court direct that the requisition of security may be annulled

Report No VI

4. In report No VI it is stated that Ashtanchary a prisoner was sentenced and confined in the Zillah Jail by the Joint Magistrate on a charge of Sorcery- The Court direct that the Magistrate be called on to submit an explanation of the circumstances of this case.-

Ordered that Extract from these

these Proceedings be sent to the Criminal Judge of Chittoor for his information and guidance by precept returnable in 5 days from and after its receipt.—

/Sent following precept No. 1419/

Read letter dated the 15th September 1840 from the Sudr Ameen in charge of the Court of the Principal Sudr Ameen at Ichapoor forwarding the Criminal Reports of that Court for the month of August last.—

/Here enter F 16 No. 1849 of 1840/

These Reports do not appear to call for any remark from the Court of Foujdaree Adalut.—

Ordered therefore, that Extract from these Proceedings be sent to the Sudr Ameen in charge of the Court of the Principal Sudr Ameen at Ichapoor for his information—

/Sent in No. 1420—/

Ext. F 16

WS

JB

F. 16.

Saturday
3d October 1840.

At a Court of the Foujdaree Adalut

Present,

John Bird Esqre ——— 1st Puisne Judge
Alexr Duncan Campbell Esqre 2d Puisne Judge
Henry Dickinson Esqre ——— 3d Puisne Judge

WS

JB

Read letter dated the 24th Ultimo from the Provincial Court of Circuit in the Centre Division transmitting Copy of a letter from the Criminal Judge of Cuddapah together with copy of an Extract from the Proceedings of the Acting 3d Judge now on Circuit in the Centre Division on Case No. 221 of 1839 of the Cuddapah Criminal file, which came before him on his late Circuit

/Here enter No. 1853/

The Case in question was included in the Cuddapah Calendar for the 2d Sessions of 1840, as Case No. 21, and the proceedings of the Acting 3d Judge on Circuit in the Centre Division in that case have already passed under the review of the Court of Foujdaree Adalut

Ordered, therefore that paras 10 to 15 of the proceedings of this Court of the 8th September last be communicated to the Provincial

3d October 1840. Provincial Court of Circuit in the Centre Division, to be by them communicated to the Criminal Judge of Cuddapah for his information.

/Sent in No. 1421/

Read return dated the 21st ultimo from the Acting Criminal Judge of Rajahmundry to the precept of the Foujdaree Adalut of the 15th ultimo, conveying their observations and orders on the Criminal Reports for the month of July last.

/Here enter F. Ct. No. 1857/

Under the explanation afforded in the above return, the Judges of the Foujdaree Adalut resolve, not to disturb the sentence passed on the prisoners in Case No. 28 of the Report No. V.

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

/Sent in No. 1422/

Read letter dated the 15th September 1840 from the Provincial Court of Circuit in the Western Division transmitting the translation of the Criminal Reports from the Principal Sudr Ameen at

3d October 1840. at Seicy for August 1840.

/Here enter No. 1824/

Supplemental Report 1.
Cases Nos. 30. 31 and 32.

The prisoner in these cases — charged with being found in possession of cloths forming part of those which had been stolen from the Prosecutors shops while they were open, was sentenced for theft. The Court of Foujdaree Adalut are unable to understand how these cases fall within the provisions of Clause fourth Section III Regulation VII of 1822, and unless there was proof of the Articles produced having been stolen, there seems to have been no sufficient evidence for the conviction of the Prisoner even as a receiver of stolen property. The Court therefore direct the Principal Sudr Ameen be called on thro' the Provincial Court to explain further the grounds on which the sentence in these cases were passed.

2. Under any circumstances it appears to the Court of Foujdaree Adalut that the Prisoner was not liable to be sentenced under Clause fourth Section III Regulation VII of 1822 since the aggregate value of the property said to have been stolen in the three cases does not amount to 50 Rupees, and there is no proof of the Prisoner having

3rd October 1840. having been "before convicted of theft, burglary, "robbery or other heinous offence."

3. If then there should be evidence to the theft it will be necessary that the Sentence should be made to conform with Section VII Regulation X of 1816.

Ordered, that Extract from these proceedings be forwarded to the Provincial Court of Circuit in the Western Division for their information and guidance by precept returnable in 15 days from and after it's receipt.

Sent following precept No. 1423.

Ext. W.

W.S

W.S

P.P

W.S

P.P

F 76.

Monday, 5th October, 1840.

At a Court of the Foujdaree Udalut.

Present,

John Bird Esquire ——— 1st Puisne Judge.

Alexr. Duncan Campbell Esquire 2d Puisne Judge.

Henry Dickinson Esquire — 3d Puisne Judge.

W.S

W.S

P.P

Read letter dated the 27th September 1840 from the Acting 3d Judge on Circuit in the Centre Division submitting for the consideration and final sentence of the Foujdaree Udalut an English translation of the record of the trial in Case No. 20 on the Bellary Calendar for the 2d Sessions of 1840.

Have enter No. 1893 of 1840

Mr. Bird 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

Naregandoo

is sufficient to convict him of the crime of murder, do 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.

The attention of the Court of Foujdaree Udalut has on a perusal of the record of this trial been attracted by the neglect on the part of the Acting 3d

Judge

5th October 1840.

Judge to examine the prosecutor and witnesses as to the immediate cause of the death of the murdered child. As far as appears on the trial the body of the girl was found in the well with a cloth tied round the neck: but it does not appear to have occurred to the Acting 3d Judge to ask whether the cloth was tied so tight as to have caused strangulation: and this omission is the more extraordinary since it appears that evidence was given on the subject before the Police Officer and Criminal Court.

2. The Court also deem it necessary to notice the inaccuracies observable in either the preparation or transcription of the translation of the record in this Case.

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

Sent in No 1124 /37

End 11th

Tuesday
6th October 1840

At a Court of the Tonjdaree Udalut

— Present —

John Bird Espire ——— 1st Puisne Judge.
Alexr Duncan Campbell Espre 2d Puisne Judge.
Henry Dickinson Espire — 3d Puisne Judge.

Read letter dated the 26th September 1840 from the Provincial Court of Circuit in the Centre Division submitting an English translation of the Record of the trial in Case No. 46 on the Bellary Calendar for the 2d Sessions of 1839 for the consideration and final sentence of the Court of Tonjdaree Udalut.

Here enter No. 1868 of 1840.

Mr Campbell and Mr Dickinson

The Court of Tonjdaree 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 G Bheemah
2d Poojaree Hanoomah
3d Canakah, and
4th C. Moodakah

is sufficient to convict them of the crime of murder committed in the perpetration of gang robbery by open violence, do convict them thereof, and, under the provisions of clauses first and fifth, Section IV Regulation XV of 1808

and

and clause third Section II Regulation I of 1825 Sentence the prisoners

1st G. Bheemah

and

2d C. Mordakah

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

2d Foojaree Hanoomah

and

3d Canakah

to receive one hundred and ninety five lashes on a cut 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 labor in irons, on the public roads or other public works for and during the period of their natural lives.

The 5th Prisoner Bapiah has been released by the Court of Circuit

Sent following letter No 1425

1. In reference to the allegation made by the 1st Prisoner as recorded at page 12 of the record that he had been instigated to commit the murder and robbery by Sungumhully Eppagah. the Court of Foujdaree Udalut direct that the translation of the record of this trial be sent from the Provincial Court to the Magistrate of Bellary with instructions to enter into a strict investigation

investigation of the conduct of this individual as well as of the Village Police whose supineness and apathy on the present occasion give occasion to suspect that they were leagued with the convicted Offenders, examining the parties who appear from the proceedings held before the Court of Circuit and Criminal Court to be able to give evidence regarding the acts of the individual in question and of the Village Police and such other persons as may be found to possess information on the Subject in view to the exemplary punishment of the guilty individuals on conviction before the Court of Circuit should there be found sufficient evidence to prove that they were implicated in the above proceedings.

The Court direct that a report of the result of the Proceedings instituted by the Magistrate in pursuance of these instructions be submitted for their consideration.

Ordered that Extract from these proceedings be sent to the Provincial Court of Circuit in the Centre Division for their information and guidance by precept returnable in 15 days from and after its receipt.

Sent following Precept No 1426

Read letter dated the 19th Ultimo,

from

from the 2d Judge on Circuit in the Southern Division transmitting copy of the Tinnevelly Calendar for the 2d Sessions of 1840.

/Hereunder No. 1831./

Case No. 1. 1. The 1st prisoner in Case No. 1 is charged "with having committed or been accessary to the Commission of Forgery," "in having inserted between the "23d and 27th November 1839, on a date unknown, to defraud "one Moottoosawmy Pillay, the Plaintiff in Suit No. 16. "of 1839 on the file of the Nelliambalom District &c. "Monsiff, the words "no knowledge" in an Extract from the "Diary of the Head Police Officer of Nelliambalom "Talook under date the 1st March 1827, which had been "authenticated by the Collector of Tinnevelly &c.

2 It is not apparent to the Court &c. Tonjdaree Adalut how the Plaintiff could have been defrauded by the words interpolated, and they desire therefore that the 2d Judge on Circuit will submit an explanation on this point.

Cases No. 3. 4 & 6. 3. In Cases No. 3. 4. and 6. the 2d Judge has omitted to state distinctly the grounds on which he concurred in the finding of acquittal recorded by the Mahomedan Law Officer, and the attention of the 2d Judge on Circuit is accordingly called to the Circular Order of

of the Tonjdaree Adalut of the 19th June 1828.

4. The Supplemental Calendar (containing one Cause) laid before the Court of Circuit, the Court of Tonjdaree Adalut observe was returned to the Joint Criminal Judge, with directions to bring the prisoners forward at the next Sessions.

5. The Cause of this Case being postponed was the absence of Sunkarlingoney, a material witness for the prosecution.

6. The 2d Judge should have called upon the Joint Criminal Judge to show what measures had been adopted for procuring the attendance of this witness. He is directed now to do so, and to forward a copy of any return that may in consequence be submitted by the Joint Criminal Judge.

7. The Court of Tonjdaree Adalut desire also to be informed if the recognizances of this witness have been declared forfeited.

Ordered, that Extract from these proceedings be forwarded to the 2d Judge on Circuit in the Southern Division for his information and guidance by precept returnable in 15 days from and after its receipt.

/But following Precept No. 1124/

S. No.

Wednesday
7th October 1840.

At a Court of the Toojdaree Udalut.

Present.

John Bird Esqre. ——— 1st Puisne Judge.

Alexr Duncan Campbell Esqre. — 2nd Puisne Judge.

Henry Dickinson Esqre. ——— 3rd Puisne Judge

Read letter dated the 22nd Ultimo from the 2nd Judge on Circuit in the Southern Division forwarding for the consideration and final sentence of the Toojdaree Udalut an English translation of the record of the trial in Case No. 2 on the Criminal Side Calendar for the 2nd Sessions of 1840.

[Here enter S.H. No. 1855.]

Mr. Campbell and Mr. Dickinson.

The Court of Toojdaree 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

"Shodalay."

is sufficient to convict him of the crime of murder do 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. 1432.

7th October 1840.

1. In the opinion of the Court the prisoner stands fully convicted of the murder with which he is charged and they concur with the Judge on Circuit that he should suffer the extreme penalty of the law.

2. In the confession of the prisoner before the Criminal Court as recorded in the proceedings he stated that he was obliged to receive the pair of earrings and the ball hook from the 2nd prisoner as she was unable to bear the hard treatment he suffered from the 2nd prisoners brother Dolaveedya Tavan and others who had proceeded to the Court as witnesses and it appears from a note affixed to this confession by the Officiating Joint Criminal Judge that there was a scar of a slight wound on the person of the prisoner.-

3. It does not appear from any thing in the record that the foregoing statement of the prisoner gave rise to any inquiry as to whether or not the purse was the property of the 1st prisoner or whether it belonged to the 2nd prisoner or if it could be identified by the complainants or any other person, nor does it appear that any inquiry was instituted calculated to elicit the truth of the assertion that the 1st prisoner and his mother was ill used.-

4. The Court of Foujdaree Udalut accordingly

7th October 1840.-

accordingly resolve to direct that the English proceedings in this trial be sent for perusal to the Magistrate in the Zillah of Tinnevelly who will be pleased to take such measures as may appear to be advisable to ascertain who is the owner of the purse above specified. And also to examine the Cavilgar Sheralay Moodoo Taver, with a view of discovering whether any further fresh evidence is not forthcoming against the 2nd Prisoner.

5 The Magistrate will also be instructed to inquire into the truth of the prisoners allegation of the ill usage to which he as well as his parent it is alleged was subjected and submit a report of the result of his inquiries for the information and further instruction of the Court of Foujdaree Adalut.-

6 The present case exhibits the Court regret to observe an instance of inattention on the part of the village police to their orders contained in the Circular Order No. 116 regarding the search for stolen property which it appears was made in the present instance in the absence of the village Moonsiff and also to their standing orders requiring the immediate transmission of every Prisoner to the Talook Sheristadar and they deem it necessary on the present occasion to direct

directed the Magistrate to issue such instructions to his Police Officers as will secure in future strict attentions to the injunctions contained in these orders and to warn them by exemplary punishment on any future occasion wherein it may be found that these orders have been disregarded.-

Ordered that Extract from these Proceedings be sent to the 2nd Judge on Circuit in the Southern Division for his information and guidance by precept returnable in 5 days from and after its receipt.-

(Sent following Precept No. 1423.-)

Read letter dated the 15th Ultimo from the Agent to the Governor of Fort St. George at Ganjam, transmitting the English record in Case No. 31 of 1840 in the file of the Agent to the Governor at Ganjam.-

(Here enter F. R. No. 1871.-)

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

Mr. Campbell

and

Mr. Dickinson

2nd Bhanoo Putty
5th Govind Dut
and
6th Runnoo Dah.

is

is sufficient to convict them of the crime of murder by Thuggee, do convict them thereof, and under the provisions of Section X Regulation VIII of 1802, sentence them severally to suffer death by being hanged, as soon as conveniently can be after the receipt of this warrant, at such spots as shall be selected by the Agent to the Governor of Fort St. George at Ganjam - their bodies to be subsequently suspended in chains, on high gibbets to be erected on those spots; and being of opinion that the proof against the Prisoners

7th Upsee Putty.

and

8th Jolledarah Juma.

is sufficient to convict them of the offence described in Act XXX of 1836, they do convict them thereof, and under the provisions of Section I of the Act aforementioned, sentence the said prisoners to be imprisoned and kept to hard labor in irons, on the public roads, or other public works, for and during the period of their natural lives.-

The Judges of the Foujdaree Udalut observe from pages 17 and 19 of the above record, that the Assistant General Superintendent for the

Suppression

suppression of Thuggee, has committed an error in examining
the 4th witness as to the identity of three persons produced
before him, without any note being entered in the record,
showing who those persons were; and they direct that
this observation be brought to the notice of Captain
Wallancey in order to prevent the occurrence of a
similar mistake in future.-

2.

Moreover the Court of Sudder Udalut
are of opinion that the articles specified in page 189 of
the record, should be returned to the Prisoners in case
No 2 of the Chicacole Criminal Court's file.-

3.

Adverting in conclusion to para 4th of
Mr Bannerman's letter above alluded to and to No 2
of the Appendix the Court of Sudder Udalut are of
opinion, that the person named A. Gungadoo who was
examined as the 1st witness in the case before the
Criminal Court, and deposed to having actually
been present and seen Ballana Mashana and four
or five others kill the travellers with sticks; thereby
attempting to take the lives of innocent men,
should be brought Trial on a charge of Perjury
and they therefore direct that the Magistrate of
Ganjam will adopt measures for bringing him to
trial for that offence.-

Ordered.

7th October 1840.

Ordered that Extract from these
proceedings be sent to the Government Agent at
Ganjam for his information and guidance.-

/Sent following letter No. 1434-/

Read letter dated the 25th Ultimo
from the Acting 3rd Judge on Circuit in the Centre
Division transmitting an English translation of
the record in case No 5 on the Bellaree Calendar
for the 2nd Sessions of 1840.-

/Vide inter Jud. No 1892-/

The Court of Sudder Udalut,

Mr. Campbell and Mr. Dickinson. on a deliberate consideration of all the circumstances of the case in evidence before them being of opinion that the proof against the prisoner

Dava Shaik.

is insufficient to convict him of the crime of rape, for which in the absence of the required conditions of Mud discretionary punishment is awardable under the Mahommedan Law as declared in the Futwa of their Law Officers, do convict him thereof and with reference to the provisions of Clause third Section VII Regulation XV of 1803 and Clause third Section II Regulation I of 1825 to receive One hundred and ninety five lashes on a cat of nine tails

tails on a market day before all the assembled people of the Town of Bellary 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 labor in irons on the public roads or other public works for and during the period of his natural life.

(Sent following letter &c. No. 35.)

Read Miscellaneous Petition presented on the 13th April 1840 by Devarangadas Sharyar of the Zillah of Chittoor.

(Here enter M. D. No. 44 of 1840.)

Read also Miscellaneous Petition presented on the 1st May 1840 by the Mooktyar Vakeel of the Appalacharier whose Mooktyarnamah was filed on the 29th June on behalf of Ragavacharry of the Zillah of Chittoor.

(Here enter M. D. No. 58 of 1840.)

Read also Miscellaneous Petition presented on the 24th July by the Mooktyar Vakeel of Ragavacharryar on behalf of Devarangadacharryar of the Zillah of Chittoor.

(Here enter M. D. No. 79 of 1840.)

1. In the proof of these Petitions the Petitioner averring to the ill treatment and false imprisonment

imprisonment to which he had been subjected by certain persons specified in his petition states that he brought the circumstances to the notice of the Magistrate from whom his complaint received no consideration that he subsequently applied to the Judge on Circuit who directed the Magistrate to inquire into the matter complained of whereupon the Magistrate made a full investigation into the cases and forwarded the parties to the Criminal Court but that the Criminal Judge without taking into consideration the nature of the complaint or the provisions of Clause first Section II Regulation III of 1833 which declares Sudr Ameens to be incompetent to try and decide the cases described in Regulation III of 1819 referred the cases Nos. 207 and 208 on his file to the Court of Sudr Ameen. The Petitioner argues on the illegality of this proceeding and alleges that through the influence and wealth of his opponents his case was misrepresented to the Sudr Ameen by the Officers of the Court and the prisoners acquitted and released.—

2. The Petitioner endeavours to show that the Judgment of the Sudr Ameen was erroneous

erroneous and prays the Court to call for the proceedings held in the cases cancel the sentences passed by the Sudr Ameen and issue orders for the apprehension and punishment of the prisoners.-

3

The second petition is counter to the first and in it the Petitioner who was the 3rd Prisoner in the case No. 209 alluded to seeks to justify his conduct and prays the Court to call for the proceedings held in that case and after a consideration of them in connexion with the circumstances advanced in his Petition to punish the Prosecutors and their witnesses the first for presenting a groundless and vexatious complaint on a matter which has been finally disposed of by this Court and the latter for giving false evidence before the lower Court.-

4.

In the last petition the Petitioner endeavours to rebut the plea of an alibi set-up by the Petitioner in the preceding Petition and he again prays the Court to order the reapprehension and trial of the prisoners in the cases in question.-

5.

The Court of Sunjaree Udalut observe that there seems to have been an irregularity in the reference of the cases in question to the Sudr Ameen but which was not noticed by the Court of

of Sunjaree Udalut in their orders of the 28th of December and 23d January last.-

6.

It appears that the cases in question were brought under the consideration not only of the Provincial Court but also of the Court of Sunjaree Udalut also and that three Judges of this last mentioned Court disposed of them finally and the Court as now constituted are of opinion that they would not be justified in again going into the cases upon a mere question of jurisdiction not raised until more than six months subsequently to the date of the decision.

Ordered therefore that Petitions No. 46 and 79 be rejected ordered also that the prayer of Petition No. 54 be rejected and that copy of these Proceedings be furnished to the Petitioners respectively on their applications.-

Minute of the 2d Native Judge.-

I am compelled to dissent, entirely from these proceedings of my two colleagues.-

As the only Judge who is now upon the bench, that passed the proceedings of the 20th December and 23d January last, I

have

have to place upon record my Statement that, on
neither of these occasions, were the Judges of this Court
aware that the accused were officers of Police, that
the Magistracy had given such credit to the charges
against them as to dismiss them from the offices the
2 chief accused held under them, and that the charges
were founded on Regulation III 1819, and therefore
were illegally decided by the Sudr Ameen - Nor was
the fact of the 1st Complainant being a village Moonsiff
previously before the Court -

I not only think this Court bound
to quash the illegal proceedings of the Sudr Ameen -
But the new characters in which the parties are
now exhibited before us - and the weight due to the
very decided part taken by the Magistracy against
the accused lead me to doubt the justice of the
decision which has been passed - I think a
prima facie case is made out of gross oppression and
torture by the accused officers of the Magistracy on a
village Moonsiff and others, such as requires an
investigation by a competent Tribunal - and that
the matter clearly comes within those cases which
are, by the order of Government of the 9th May 1836,
directed to be reported to them, if established before

a

a competent jurisdiction, before which it has not
yet been brought - I therefore desire to absolve
myself from all responsibility for any, but that
course which the law, as well as justice, appears
to me imperatively to require - viz.t a call for
the record -

(Signed) A. D. Campbell -
26th September 1840.

Read Miscellaneous Petition
presented on the 2nd instant by Ismala Gudda
Pitchee of the Zillah of Guntoor -

(Here enter M. D. No 107 of 1840.)

1. The Petitioner adverts to this Courts
decision on her former petitions Nos 35 and 45 of 1840,
and prays that orders may be issued directing that
her husband be set at liberty on competent security
until the complaint which she intends to prefer before
the Magistrate be disposed of -

2. The Court of Sudder Adalut
observe, that they have already declared, that they see
no reason for doubting the justice of the sentence
in the case and have explained to the Petitioner
that as to the alleged conspiracy she must address
the Magistracy and they direct that the Petitioner

be

Case No 7 of the
Guntoor Calendar
for 2nd Sessions of
1839 -

have to place upon record my Statement that, on neither of these occasions, were the Judges of this Court aware that the accused were officers of Police, that the Magistracy had given such credit to the charges against them as to dismiss them from the offices the 2 chief accused held under them, and that the charges were founded on Regulation III 1819, and therefore were illegally decided by the Sudr Ameen - Nor was the fact of the 1st Complainant being a village Moonsiff previously before the Court -

I not only think this Court bound to quash the illegal proceedings of the Sudr Ameen - But the new characters in which the parties are now exhibited before us - and the weight due to the very decided part taken by the Magistracy against the accused had one to doubt the justice of the decision which has been passed - I think a prima facie case is made out of gross oppression and torture by the accused officers of the Magistracy on a village Moonsiff and others, such as requires an investigation by a competent Tribunal - and that the matter clearly comes within those cases which are, by the order of Government of the 9th May 1836, directed to be reported to them, if established before a

a competent jurisdiction, before which it has not yet been brought - I therefore desire to absolve myself from all responsibility for any, but that course which the law, as well as justice, appears to me imperatively to require - viz^t a call for the record -

(Signed) A. D. Campbell
26th September 1840.

Read Miscellaneous Petition presented on the 2nd instant by Ismala Gudda Pitchee of the Zillah of Guntoor

(Here enter M. P. No 1075 of 1840.)

1. The Petitioner adverts to this Court's decision on her former petitions Nos 35 and 45 of 1840 and prays that orders may be issued directing that her husband be set at liberty on competent security until the complaint which she intends to prefer before the Magistrate be disposed of -

2. The Court of Sudder Adalut observe, that they have already declared, that they see no reason for doubting the justice of the sentence in the case and have explained to the Petitioner that as to the alleged conspiracy, she must address the Magistracy and they direct that the Petitioner be

Case No 7 of the Guntoor Calendar for 2nd Sessions of 1839 -

have to place upon record my Statement that, on neither of these occasions, were the Judges of this Court aware that the accused were officers of Police, that the Magistracy had given such credit to the charges against them as to dismiss them from the offices the 2 chief accused held under them, and that the charges were founded on Regulation III 1819, and therefore were illegally decided by the Sudr Ameen - Nor was the fact of the 1st Complainant being a village Moonsiff previously before the Court.

I not only think this Court bound to quash the illegal proceedings of the Sudr Ameen - But the new character in which the parties are now exhibited before us - and the weight due to the very decided part taken by the Magistracy against the accused had one to doubt the justice of the decision which has been passed - I think a prima facie case is made out of gross oppression and torture by the accused officers of the Magistracy on a village Moonsiff and others, such as requires an investigation by a competant Tribunal - and that the matter clearly comes within those cases which are, by the order of Government of the 9th May 1836, directed to be reported to them, if established before a

a competent jurisdiction, before which it has not yet been brought - I therefore desire to absolve myself from all responsibility for any, but that course which the law, as well as justice, appears to me imperatively to require - viz.t a call for the record.-

(Signed) A. D. Campbell.
26th September 1840.

Read Miscellaneous Petition presented on the 2nd instant by Tumala Guddu Pitchee of the Zillah of Guntoor -

(Here enter M. P. No 107 of 1840.)

1. The Petitioner adverts to this Courts decision on her former petitions Nos 35 and 45 of 1840, and prays that orders may be issued directing that her husband be set at liberty on competent security, until the complaint which she intends to prefer before the Magistrate be disposed of.-

2. The Court of Sunjdaree Udalut observe, that they have already declared, that they see no reason for doubting the justice of the sentence in the Case and have explained to the Petitioner that as to the alleged conspiracy she must address the Magistracy and they direct that the Petitioner be

Case No 7 of the Guntoor Calendar for 2nd Sessions of 1839.-

7th October 1840.

have to place upon record my Statement that on neither of these occasions, were the Judges of this Court aware that the accused were officers of Police, that the Magistracy had given such credit to the charges against them as to dismiss them from the offices the 2 chief accused held under them, and that the charges were founded on Regulation III 1819, and therefore were illegally decided by the Sudr Ameen - Nor was the fact of the 1st Complainant being a village Moonsiff previously before the Court -

I not only think this Court bound to quash the illegal proceedings of the Sudr Ameen - But the new characters in which the parties are now exhibited before us - and the weight due to the very decided part taken by the Magistracy against the accused lead me to doubt the justice of the decision which has been passed - I think a prima facie case is made out of gross oppression and torture by the accused officers of the Magistracy on a village Moonsiff and others, such as requires an investigation by a competent Tribunal - and that the matter clearly comes within those cases which are, by the order of Government of the 9th May 1836, directed to be reported to them, if established before a

7th October 1840.

a competent jurisdiction, before which it has not yet been brought - I therefore desire to absolve myself from all responsibility for any, but that course which the law, as well as justice, appears to me imperatively to require - viz.t a call for the record -

[Signed] A. D. Campbell -
26th September 1840.

Read Miscellaneous Petition presented on the 2nd instant by Ismala Yudda Pitchee of the Zillah of Guntoor -

[Here enter M. P. No 107 of 1840.]

1. The Petitioner adverts to this Court's decision on her former petitions Nos 35 and 45 of 1840, and prays that orders may be issued directing that her husband be set at liberty on competent security until the complaint which she intends to prefer before the Magistrate be disposed of -

2. The Court of Sudder Udalut observe, that they have already declared, that they see no reason for doubting the justice of the sentence in the case and have explained to the Petitioner that as to the alleged conspiracy she must address the Magistracy; and they direct that the Petitioner be

Case No 7 of the Guntoor Calendar for 2nd Sessions of 1839 -

Vizagapatam to the Precept of the Foujdaree Udalut of the 12th September 1840 directing that the instructions of his Acting Assistant regarding the Prisoners in Case No. 96 on his Criminal Report No 2 for the month of June be withdrawn and the Tahsildar of Comarapoo cautioned against disposing of cases of house-breaking in future.—

(Here enter No. 1858.)

Read return dated the 21st Ultimo from the Agent to the Governor of Fort St George at Vizagapatam to the precept of the Foujdaree Udalut of the 11th September 1840 conveying their observations and orders on the Criminal Reports of the Agent to the Governor of Fort St George at Vizagapatam for the month of July 1840.—

(Here enter No. 1859.)

Read return dated the 21st Ultimo from the Provincial Court of Circuit in the Western Division to the precept of the Foujdaree Udalut dated the 12th September 1840 conveying their observation and orders on the Tellicherry Criminal Reports for the Month of July last.—

(Here enter No. 1865.)

No. 16.

Thursday, 8th October, 1840.

At a Court of the Foujdaree Udalut.

Present,

John Bird Esqre. ——— 1st Puisne Judge,
Alexr. Duncan Campbell Esqre. — 2d Puisne Judge,
Henry Dickinson Esqre. ——— 3d Puisne Judge,

Read return dated the 6th and —

Supplemental return dated the 16th Ultimo from the Acting 3d Judge on Circuit in the Centre Division, to the precept of the Foujdaree Udalut under date the 26th August last, calling for the translation of the record in Case No. 28 on the Cuddapah Calendar for the 2d Sessions of 1840.—

(Here enter Nos. 1752 and 1830 of 1840.)

1 The Judges of the Foujdaree Udalut entirely differ from the Acting 3d Judge on Circuit in the Centre Division, in the view he has taken of the conduct of the Tahsildar of Chitwail, as connected with Case No. 28 of the Cuddapah Calendar for the 2d Sessions of 1840.—

2 They observe that the Statement made by the Prosecutor, is consistent throughout; and it is absurd to suppose, that were it not true, he would have made any complaint at all, thereby subjecting himself to the delay and trouble of a Prosecution before the Courts.—

Mr.

Vizagapatam to the Precept of the Foujdaree Udalut of the 12th September 1840 directing that the instructions of his Acting Assistant regarding the Prisoners in Case No 96 on his Criminal Report No 2 for the month of June be withdrawn and the Tahsildar of Connaraum cautioned against disposing of cases of house-breaking in future.—

/Here enter No 1858./

Read return dated the 21st Ultimo from the Agent to the Governor of Fort St George at Vizagapatam to the precept of the Foujdaree Udalut of the 14th September 1840 conveying their observations and orders on the Criminal Reports of the Agent to the Governor of Fort St George at Vizagapatam for the month of July 1840.—

/Here enter No 1859./

Read return dated the 21st Ultimo from the Provincial Court of Circuit in the Western Division to the precept of the Foujdaree Udalut dated the 12th September 1840 conveying their observations and orders on the Telicherry Criminal Reports for the Month of July last.—

/Here enter No 1860./

WS

JH

Thursday,
8th October, 1840.

At a Court of the Foujdaree Udalut.

Present,

John Birch Esqre ——— 1st Puisne Judge,
Alexr Duncan Campbell Esqre — 2d Puisne Judge,
Henry Dickinson Esqre ——— 3d Puisne Judge,

Read return dated the 4th and —

Supplemental return dated the 16th Ultimo from the Acting 3d Judge on Circuit in the Centre Division, to the precept of the Foujdaree Udalut under date the 26th August last, calling for the translation of the record in Case No 28 on the Cuddapah Calendar for the 2d Sessions of 1840.—

/Here enter Jdl. Nos 1752 and 1830 of 1840/

1 The Judges of the Foujdaree Udalut entirely differ from the Acting 3d Judge on Circuit in the Centre Division, in the view he has taken of the Conduct of the Tahsildar of Chittoor, as connected with Case No 28 of the Cuddapah Calendar for the 2d Sessions of 1840.—

2 They observe that the Statement made by the Prosecutor, is consistent throughout; and it is absurd to suppose, that were it not true, he would have made any complaint at all, thereby subjecting himself to the delay and trouble of a Prosecutor before the Courts.—

Mr

3. Mr Horsley credits the evidence of the attesting Witnesses, without putting to them a single cross questions, but in the opinion of the Court of Sonjdaree Udalut, there cannot be the slightest doubt, that the Prisoners intended to steal the Rupees, and the evidence of all the witnesses before the Tahsildar, is clear as to the Prisoners having freely and voluntarily acknowledged the theft, and pointed out the spots where they had buried the money.—

4. Under these circumstances the Judges of the Sonjdaree Udalut are of opinion, that there is not any ground at all for charging the Head of Police with misconduct, and they therefore, desire the Acting 3d Judge to recall his order for dismissing him.—

Ordered, that Extract from these proceedings be sent to the Acting 3d Judge on Circuit in the Centre Division for his information and guidance, by precept returnable in 5 days from and after its receipt.—

/Sent following precept No 1434/—

Read return, dated the 4th ultimo from the Officer Commanding at the Nilgherries, of the Convicts in the Jail at Ootacamund for the Month of August 1840.—

/Here enter F.H. No 1873 of 1840/ :

1 The Judges of the Sonjdaree Udalut observe, that three deaths are reported to have taken place among the Convicts in the Jail at Ootacamund during the Month of August, and two, during the Month of July 1840.—

2 They desire that Colonel King be called upon, to forward an explanation regarding the cause of these casualties, for the information of the Court of Sonjdaree Udalut.—

Ordered, that Extract from these proceedings be forwarded to the Officer Commanding the Nilgherries for his information.—

/Sent in No 1438/

Read return dated the 21st Ultimo from the Acting 2d Judge of the Provincial Court of Circuit in the Centre Division, to the precept of the Court of Sonjdaree Udalut, under date the 12th September 1840, calling for the Record of the trial in Case No 1 of the 6th Supplemental Calendar for the Chittoor 3d Quarterly Sessions of 1840.—

/Here enter F.H. No 1876 of 1840/

The Court of Sonjdaree Udalut, on a deliberate consideration of all the Circumstances of the Case

Mr Bird and Mr Dickinson

on

in evidence before them, being of opinion that the prisoner

Namasivaya Pillay

is not convicted on presumptive proof or on the evidence of credible witnesses, or on his own confession of the crime of perjury, do acquit him thereof and direct that he be set at liberty, under the provisions of Clause sixth, Section II, Regulation XV of 1803.—

/ Sent following letter No. 1139 /

1 The Court of Zongdare Udalut have perused the record of the proceedings in this Case with astonishment and regret, finding them to exhibit deviations from the most obvious principles of Judicial investigation, and a departure from the Spirit as well as the letter of their clear and positive instructions issued for the guidance of the lower Courts, in conducting trials for the crime of perjury.—

2 The arraignment of the prisoner before the Court of Circuit, is completely at variance with the form prescribed, and can scarcely be said to express a charge of perjury.—

3 The Court of Zongdare Udalut deem it proper to notice the neglect of their orders in this particular, exhibited by the Acting 2d Judge of Circuit.— Nothing was more easy than to have adopted the prescribed form

form of arraignment in this Case and no excuse is discoverable for a departure from it.—

4 It should have been stated in the charge that the alleged facts misrepresented by the prisoner was material to the issue of the suit, and that the prisoner well knew at the time of the said swearing, that his deposition was false.—

5 The Acting 2d Judge having put the prisoner on his trial on this defective arraignment appears to have hurried thro' the proceedings with a precipitation altogether unsuitable to a grave judicial investigation.—

6 The proceedings on the trial before the Court of Circuit are limited to the examinations of the Government Vakeel and of the witnesses for the defence, and although the prisoner pleaded "not guilty," there was no evidence taken in support of the charge, but he was at once put upon his defence.—

7 It will be for the Acting 2d Judge to account for this most extraordinary proceeding, if he be able to do so.—

8 It appears to the Court that the prisoner

in

in this case should never have been committed to take his trial, for the falsehood, if any was told by him, could not have been on a point material to the issue of the suit.

9 Under these circumstances the Court have felt it to be their duty to release the prisoner.

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

Sent following precept No 1440.

Read letter dated the 28th Ultimo from the Acting 1st Judge of the Provincial Court of Circuit in the Centre Division, communicating with reference to the proceedings of the Tongdaree Udalut of the 7th Ultimo, the Orders of the Court of Circuit on the Petition of V Soobier of the Zillah of Chingleput.

/Herewith Fil. No 1884 of 1840/

Read return dated the 26th Ultimo from the 3d Judge late on Circuit in the Northern Division, to the precept of the Tongdaree Udalut of the 14th September 1840 conveying their observations on case No 11 of the Vizagapatam

Vizagapatam Calendar for the 1st Sessions of 1840.

/Here enter Fil. No 1885 of 1840/

Read letter dated the 26th Ultimo from the Acting 3d Judge on Circuit in the Centre Division, reporting the day appointed for holding the 2d Sessions of 1840 at Chingleput.

/Herewith Fil. No 1888 of 1840/

Read letter dated the 29th Ultimo from the Magistrate of Chingleput, submitting the explanation called for in the proceedings of the Tongdaree Udalut dated the 18th September 1840, relative to case No 42 on the Chingleput Criminal Reports for the month of July last.

/Herewith Fil. No 1890 of 1840/

Read return dated the 24th Ultimo, from the Agent to the Governor of Fort St George at Tanjam, to the precept of the Tongdaree Udalut of the 15th Ultimo, calling for an English translation of the Trial in case No 41 of 1840.

/Herewith Fil. No 1897 of 1840/

Read letter dated the 26th Ultimo from the Acting Criminal Judge at Rajahmundry, forwarding copy of a letter from the Magistrate of Rajahmundry giving

8th October 1840

giving the explanation required in the 6th para of the proceedings of the Court of Foujdaree Udalut under date the 15th Ultimo.

/Here enter F.U. No. 1903 of 1840/

Read return dated the 29th Ultimo from the Acting Joint Criminal Judge of the Auxiliary Court at Coimbatore, to the precept of the Foujdaree Udalut of the 25th Ultimo, conveying their observations and orders on the Criminal Reports for the months of August 1840.

/Here enter F.U. No. 1907 of 1840/

Friday
9th October 1840.

F.U.

At a Court of the Foujdaree Udalut.

Present,

John Bird Esqre. ——— 1st Puisne Judge
Alexr. Duncan Campbell Esqre. 2nd Puisne Judge
Henry Dickinson Esqre. ——— 3d Puisne Judge

Read letter dated the 29th September 1840 from the Criminal Judge of Madura submitting an explanation with reference to the remarks recorded by the Court of Foujdaree Udalut in their Proceedings of the 25th Ultimo held in review of the Criminal Reports for the month of August last.

/Here enter F.U. No. 2001/

The Court of Foujdaree Udalut observe that the mode of address adopted by the Criminal Judge in replying to the observations contained in the Proceedings of this Court above recorded is irregular, and they desire it may be explained to the Criminal Judge of Madura, that whenever a subordinate Officer may have occasion to submit any explanation in regard to the remarks recorded in the Proceedings which issue to him under the orders of the Foujdaree Udalut, the explanation should be submitted in the form

of

9th October 1840. of a return under the seal and signature of that officer.-

Ordered that Extract from these Proceedings be sent to the Criminal Judge of Madura for his information.-

/Sent in No. 1451-/

Read return dated the 1st Instant from the Criminal Judge of Nellore to the precept of the Foujdaree Udalut of the 25th ultimo containing their remarks and orders on the Nellore Criminal Reports for the month of August last.-

/Here enter F.C. No. 2004/

The explanation afforded in the above return is satisfactory and the Court approving of the order passed by the Assistant Criminal Judge desire that their opinion be communicated to that officer.

Ordered that Extract from these proceedings be sent to the Criminal Judge of Nellore for his information.-

/Sent in No. 1452/

Read letter dated the 26th September 1840 from the Agent to the Governor of Fort St. George at Ganjam forwarding the original death warrant in case No. 40 on the file of the Agent to the Governor of

9th October 1840. of Fort Saint George at Ganjam.-

/Here enter F.C. No. 2000/

Read Return dated the 29th September 1840 from the Criminal Judge of Malabar to the precept of the Foujdaree Udalut dated the 19th September 1840, conveying their observations on the Criminal Reports for the month of July last.-

/Here enter F.C. No. 2002/

Read letter dated the 26th September 1840 from the Provincial Court in the Western Division forwarding copies of the return of the Principal Sudr Ameen at Honore submitting the explanation called for in the proceedings of the Foujdaree Udalut of the 11th Ultimo of the cause of the mortality in the jail at Honore.-

/Here enter F.C. No. 2006./

Read letter dated the 3d October 1840 from the 2d Judge on Circuit in the Southern Division reporting of the opening of the 2nd Sessions of 1840 at Combaconum on the 3d Instant, and the State of the Calendar.

/Here enter F.C. No. 2012/

Read letter dated the 1st Instant from

9th October 1840. from the Provincial Court of Circuit in the Western Division transmitting with reference to the Foujdaree Udalut's letter of the 16th ultimo copies of the returns of the Magistrates of Malabar and Canara, shewing that the orders circulated therewith have been duly published.-

/Here enter F. 76. No. 2024/

Read letter dated the 2nd Instant from the Acting Magistrate of Malabar, submitting explanation called for in the Proceedings of the Foujdaree Udalut of the 12th August last, relative to Case No. 116 on the Malabar Criminal Reports for the month of June 1840.-

/Here enter F. 76 No. 2021/

Read letter dated the 1st Instant from the 3d Judge on Circuit in the Western Division transmitting the Original death Warrant in case No. 14 on the Malabar Calendar for the 2d Sessions of 1840 which has been executed.

/Here enter F. 76. No. 2023/

Saturday
10th October 1840. At a Court of the Foujdaree Udalut

Present,

John Bird Esqre. ——— 1st Puisne Judge

Alexr. Duncan Campbell Esqre. 2nd Puisne Judge

Henry Dickinson Esqre. ——— 3d Puisne Judge.

Read letter dated the 2nd Instant from the 3d Judge on Circuit in the Western Division transmitting the English translation of the record in Case No. 5 on the Malabar Calendar for the 2nd Sessions of 1840.-

/Here enter F. 76. No. 2022/

Mr Bird 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

Kattadi

alias

Mangal Kdambil Mada

is sufficient to convict her of the Crime of Murder, do convict her thereof, and under the provisions of Section X Regulation VIII of 1802, sentence her to suffer death by being hanged, as soon as practicable under the separate directions herewith stated, at the usual place of execution

The

9th October 1840. from the Provincial Court of Circuit in the Western Division transmitting with reference to the Foujdaree Udalut's letter of the 14th ultimo copies of the returns of the Magistrates of Malabar and Canara, shewing that the orders circulated therewith have been duly published.

/Here enter F. No. 2024/

Read letter dated the 2nd Instant from the Acting Magistrate of Malabar submitting explanation called for in the Proceedings of the Foujdaree Udalut of the 12th August last relative to Case No. 116 on the Malabar Criminal Report for the month of June 1840.

/Here enter F. No. 2021/

Read letter dated the 1st Instant from the 3d Judge on Circuit in the Western Division transmitting the Original death Warrant in case No. 14 on the Malabar Calendar for the 2d Sessions of 1840 which has been executed.

~~2d~~ /Here enter F. No. No. 2023/

WS

WB

JB

Saturday
10th October 1840. At a Court of the Foujdaree Udalut

Present,

John Bird Esqre. ——— 1st Puisne Judge

WB Alexr. Duncan Campbell Esqre. 2nd Puisne Judge

JB Henry Dickinson Esqre. ——— 3d Puisne Judge.

Read letter dated the 2nd Instant from the 3d Judge on Circuit in the Western Division transmitting the English translation of the record in Case No. 5 on the Malabar Calendar for the 2nd Sessions of 1840.

/Here enter F. No. 2022/

Mr Bird 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

Kattadi
alias
Mangal Kolambil Imada

is sufficient to convict her of the Crime of Murder, do convict her thereof, and under the provisions of Section X Regulation VIII of 1802, sentence her to suffer death by being hanged, as soon as practicable under the separate directions herewith stated, at the usual place of execution

The

10 October 1840.

1.

The Judges of the Foujdaree Udalut observe, that the Prisoner has given birth to an infant during her confinement in Jail, which is now at her breast; and they deem it unadvisable, that the execution of the sentence passed upon her, should be carried into effect until a wet Nurse has been procured for the child, at the expense of its Father.

2.

They direct therefore, that this be done as soon as possible, and that care be taken meantime, lest the mother should enjure her new born babe.

Ordered that Extract from these proceedings be sent to the 3d Judge on Circuit in the Western Division for his information and guidance.—

/Sent following letter No. 1456./

Read letter dated the 27th September 1840 from the Criminal Judge at Calicut forwarding the Criminal Reports of that Court for the month of August last.

/Here entered No. 2003./

Supplemental Report 1.
Case No. 153

The 2d and 3d prisoners in this case are charged with having received property in pawn but the guilty knowledge which is the essence

10 October 1840

essence of the offence is not charged.—

2. And adverting to the remarks of the Assistant Criminal Judge on the examination and preparation of this case in the Talook the Court of Foujdaree Udalut direct that a Copy of it as it stands in the Report and of this para be sent by the Criminal Court to the Magistrate who will enquire into the conduct of the Police Officer who forwarded the case to the Criminal Court and take such notice of it as it may appear to deserve reporting the result for the information of the Foujdaree Udalut.—

Cases Nos. 171-172-173 and 174.

3 The Court regret to observe that these Cases which reached the Criminal Court on the 25th of August had not been disposed of by the close of that month and they direct that an explanation may be submitted of the Cause which prevented judgment being passed in them.—

Case No. 181.

4. In this case also the 5th prisoner is charged simply with receiving stolen property: the Court conclude that he was in fact tried for the offence of receiving it, knowing it to be stolen, and the charge should have been so expressed.—

10th October 1840.

5. It is remarked that the above Criminal Reports were not despatched from the Criminal Court in Malabar before the 27th September and as this is not the first occasion on which the Reports have been laid before the Foujdaree Adalut later than is prescribed by the Circular Order No. 40. the Court direct that the attention of the Criminal Judge be required to the 6th para of that Circular Order, wherein the several Courts are instructed to transmit their 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 of Malabar for his information and guidance by precept returnable in 5 days from and after its receipt.

Sent following precept No. 1157.

Read letter dated the 4th September 1840 from the Acting Joint Criminal Judge of Tellicherry submitting the Criminal Reports of that Court for the month of August last.

Here enter F.C. No. 1815 of 1840.

Report No V
Case No 101.

1. The Prisoner in this case charged with

10th October 1840.

with having in company with others smuggled 6 maunds of Tobacco was sentenced by the Pundit Sudr Ameen to pay a fine of 200 Rupees and in default thereof to be imprisoned with hard labor for two years but this sentence was on the appeal of the Prisoner to the Criminal Judge reduced to 100 Rupees fine and one years imprisonment respectively.

2. This sentence whether considered with reference to the character of the prisoner the declared prevalence of the offence of smuggling tobacco in Malabar or the supposition that the prisoner forms one of a wealthy party engaged in smuggling is far too lenient and they regret that the punishment awarded by the Pundit Sudr Ameen was reduced.

3. The Court also direct that their opinion, that cases of this discription should not be referred to the Sudr Ameen but should be reserved for the decision of the Joint Criminal Judge himself be communicated to the Acting Joint Criminal Judge at Malabar for his information and guidance.

Ordered that Extract from these

10th October 1840 these Proceedings be sent to the Acting Joint Criminal Judge of Malabar for his information and future guidance.

/Sent in No. 1158/

Read letter dated the 5th instant from the 2d Judge on Circuit in the Southern Division reporting his intention to open the 2d Sessions of 1840 at Salem on the 4th Proximo.

/Here enter F.C. No. 2026/

F.C.

Monday 12th October 1840

At a Court of the Foujdaree Udalut

Present

John Bird Esquire ——— 1st Puisne Judge

Alexr Duncan Campbell Esqre 2d Puisne Judge

Henry Dickinson Esquire — 3d Puisne Judge

Read Miscellaneous petition presented on the 13th July last by Canty Goorovadoo and Jarovgoo-mullee City of the Zillah of Guntoor.

/Here enter M. P. No. 76 of 1840/

The Petitioners refer to two former letters addressed to this Court by Tappal, and state that their relations, the Prisoners in Case No. 38 of the Guntoor Calendar 1st Sessions of 1835, were unjustly sentenced to 14 years imprisonment by the Acting 3d Judge then on Circuit in the Northern Division, on a false charge of Gang robbery, preferred against them by Nalaboloo Ramoodoo, the Prosecutor in the above case.

2. They therefore pray that the Court of Foujdaree Udalut will be pleased to take the above circumstances into consideration, and issue orders for the release of the Prisoners and for the punishment of the Prosecutor Nalaboloo Ramoodoo.

3. It is observed that in their Proceedings under date the 7th September 1835, the Court of

Foujdaree

Tonjdaree Udalut, refused to Sanction a mitigation of the Sentence passed by the Circuit Judge on the Prisoners in this Case, and the Judges See no grounds for altering their former decision.

4. They therefore direct that the foregoing petition be rejected.

Ordered accordingly, and that copy of these proceedings be furnished to Petitioners on their application.

Read again Miscellaneous petition presented with an Enclosure on the 2d. August last, by C. Venkatasawmy Setty of the Zillah of Chittoor.

(Here enter Fll. M. P. No. 702 of 1840.)

Read also return dated the 28th. Ultimo, and Supplemental return dated the 1st. Instant, from the Provincial Court of Circuit in the Centre Division, to precept of the Court of Tonjdaree Udalut under date the 11th. Ultimo, transmitting copy of the above petition, with directions to forward the same to the Criminal Judge of Chittoor, and to call upon that Officer to report on the circumstances related by Petitioner.

(Here enter Fll. Nos. 1877 and 2008.)

On a consideration of the circumstances related by the Criminal Judge of Chittoor regarding the case of the Petitioner Venkatasawmy Setty, the Court of Tonjdaree Udalut See no grounds for interfering in the manner

12th. October 1840.

manner prayed for by the Petitioner and they therefore direct that his petition be rejected.

Ordered accordingly, that Extract from these Proceedings be furnished to Petitioner on his application.

Read Miscellaneous petition presented on the 7th. Ultimo by Linga Soogooroo Hoolay Cundha Punchalehara Swamoolo of the Zillah of Chittoor.

(Here enter M. P. No. 116 of 1840.)

The Court of Tonjdaree Udalut observe that the foregoing petition is at present unintelligible and they desire therefore that the Petitioner be directed to State more exactly the nature of his Complaint.

Ordered that copy of these Proceedings be furnished to Petitioner on his application.

Read Miscellaneous petition presented on the 21st. Ultimo by Camatchee of the Zillah of Combaconum.

(Here enter M. P. No. 118 of 1840.)

1. The Petitioner complains that her Husband the 8th. Prisoner in Case No. 4 of the Combaconum Calendar for the 1st. Sessions of 1836, was falsely charged with the crime of Gang robbery, and sentenced unjustly

majesty by the then Acting 2d Judge on Circuit to 14 years imprisonment, and to receive 195 lashes—

2d. She therefore prays that the Court of Foujdaree Udalut will be pleased to call for and peruse the record of the trial, and issue orders for the release of her Husband—

3. The Court of Foujdaree Udalut are of opinion that the evidence justified the conviction of the Prisoner Saiwan, and they see no grounds for calling in question the correctness of the Sentence passed upon him by Mr. Harrington—

4. Accordingly they direct that the prayer of the foregoing petition be rejected—

Ordered accordingly, and that Extract from these Proceedings be furnished to Petitioner on her application—

Read Miscellaneous petition presented on the 21st Ultimo by Goorvee Setty of the Zillah of Chittoor—

(Here enter No. P. No. 119 of 1840)

1. The Petitioner complains of the injustice of the release granted by the Circuit Judge, to the Prisoners in Case No. 1. of the Chingleput Calendar for the 1st Sessions of 1840, against whom, he (Petitioner)

States,

12th October 1840.

States, that the charge of having murdered Baboo Setty his brother, was fully proved—

2. He therefore prays, the Court of Foujdaree Udalut, to be pleased to call for, and peruse the whole record of the Case in question, and award to the Prisoners, punishment adequate to their Offence—

3. The Court of Foujdaree Udalut, see no grounds for doubting the correctness of the acquittal pronounced by the Judge on Circuit, and direct therefore that the foregoing petition be rejected—

Ordered accordingly, and that Copy of these proceedings be furnished to Petitioner on his application—

Read Miscellaneous petition presented on the 21st Ultimo by Chengummah of the Zillah of Nellore—

(Here enter No. P. No. 123 of 1840)

1. The Petitioner alludes to her former petition No. 104 of 1840 and to the order of the Court of Foujdaree Udalut thereupon, and prays that she may be allowed true copies of the charge preferred by the Prosecutor against her Son, of the depositions given by the said Prosecutor and the 5th witness before the Criminal and Circuit Judges, and of the Sentences passed on the case by the Court of Circuit, and the Court of Foujdaree Udalut, on Common paper—

The

2. The Court of Zoujdaree Udalut direct that the Petitioner be allowed to take unauthenticated copies of the papers required by her, or if desired, with authenticated copies of them, on the production of the necessary Stamps.

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

Read return dated the 29th September 1840 from the Criminal Judge of Salem to the precept of the Zoujdaree Udalut of the 25th of that month conveying their remarks and orders on the Salem Criminal Reports for the month of August last.

/ Here enter F.U. No. 1901 for 1840 /

Case No. 123. 1. Adverting to the remarks of the Court on this Case the Criminal Judge explains that "in committing the prisoners in the number" he "was guided by the Circular Order of the 6th April 1830 but as the instructions in that order upon consideration have been too rigidly interpreted in this number and the prisoners although they proceeded in a gang to rob by night did so when no one was immediately near the grain heap and as by the Evidence they are shown to have got possession of the grain by breaking into the Straw Stack under which the grain was deposited they are punished under clause 6th Section II. Regulation VI of 1822 with one years imprisonment each instead of under the

the provisions of Clause 1st Section III Regulation VI of 1822."

2. The Court observe that the offence proved against the prisoners was theft and not "breaking into" as provided for in Section II. Regulation VI of 1822.

3. And inasmuch as the value of the property stolen did not exceed 50 Rupees and the Case was not attended with any of the circumstances of aggravation specified in Clause fourth Section III Regulation VI of 1822 the sentence as pointed out in Clause fifth of that Section must be awarded by the Criminal Judge under the powers vested in him by Section VII Regulation X of 1816.

4. With reference to Case No. 127 the Court observe that the prisoners did not steal the Sheep which was found, by the 1st and 2d witness lying dead. If the case was a case of "maliciously killing" the sentence was not adjudicable under the provisions quoted, but under Clause first Section VIII Regulation XIII of 1832.

5. Accordingly the Criminal Judge is instructed to amend the sentence passed in Cases Nos. 123 and 127 of the Criminal Report for the month of August with reference to the remarks recorded above.

Ordered that Extract from these proceedings

proceedings be sent to the Criminal Judge of Salem for his information.

(Sent in No. 1461.)

Read letter dated the 19th ultimo, from the Magistrate of Nellore, requesting that the Provincial Court in the Centre Division, may be authorized to furnish him with an attested copy of the Nellore District Tahsildar's declaration before that Court relative to the case of the Budwail Head of Police, with a view to the punishment of that Officer, should he have recanted before the Court of Circuit, any of the former statements made by him before the Magistrate of Nellore.

(Here enter F.H. No. 1829.)

Under the circumstances stated in the above letter, the Court of Foujdaree Adalut direct that the Provincial Court of Circuit in the Centre Division be called upon to furnish the Magistrate of Nellore with the declaration required.

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. 1462)

Read return dated the 26th ultimo, from the Officiating Criminal Judge of the Auxiliary Court at Vizagapatam, to precept of the Foujdaree Adalut of

of the 15th ultimo, conveying their observations and orders on the Vizagapatam Criminal Reports for the month of July 1840.

(Here enter F.H. No. 2018.)

1. In the above return, the Officiating Criminal Judge states, that copies of cases Nos. 1 and 2 as they stand in the report for the month of July last, together with a copy of the Proceedings of Foujdaree Adalut of the 15th ultimo, have been furnished to the Magistrate of Vizagapatam as directed. but that as the Proceedings held before himself, are not furnished to the Magistrate "that Officer is unable to ascertain the grounds which led "the Officiating Criminal Judge to form the opinion he "has of the Town Police" and "he therefore submits a "translation of the deposition given before him by the "said Police"

2. Under these circumstances the Judges of the Foujdaree Adalut direct the Officiating Criminal Judge to furnish the Magistrate of Vizagapatam with a copy of the Proceedings held before him, in order to afford that Officer the opportunity of seeing the whole case, and of forming a correct judgment thereon.

Ordered that Extract from these Proceedings be sent to the Officiating Criminal Judge of the Auxiliary Court at Vizagapatam and to the

Magistrate

Magistrate of that District for their information and guidance.

/ Sent in No. 1463. /

Read letter dated the 2d. Instant from the Acting 1st. Judge of Circuit in the Centre Division, submitting for the consideration and final Sentence of the Fonjdaree Adalut an English translation of the record of the trial in Case No. 6 on the Chingleput Calendar for the 1st. Sessions of 1840.

(Here enter F.H. No. 2009)

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 prisoner

2d. Samavien

is not convicted on presumptive proof or on the Evidence of credible witnesses or on his own confession of the crime of Murder do acquit him thereof but considering that a strong Suspicion though not amounting to Conviction attaches to him, they do under the provisions of Clause Sixth Section II Regulation XII of 1803 direct that he be required to furnish 2 Sureties in 200 Rupees each Surety for his good behaviour and appearance when required within 3 years or in default thereof that he be detained for 3 years in confinement.

The

12th October 1840.

The Court resolve to suspend pas
judgment on the prisoner

1st. Iungama Naick

until the further evidence required by them in the Extract
from their proceedings of this date shall have been furn

The 3d. prisoner Annah Moodelly
released by the Court of Circuit.

1. The Court of Fonjdaree Adalut reg
to remark that the Acting Criminal Judge investigated
this difficult and important case in a very insufficient
and unsatisfactory manner, and they are surprized to fin
that no notice whatever has been taken by the Acting
Judge of these very defective proceedings.

2. The Court are also struck with the
defective State, in which the trial of this Case has been
left by the Acting 1st. Judge, who has omitted to take Suffi-
cient proof of the enmity shewn in the Police proceedings
to have existed between Ramchandra Naick and the 1st.
prisoner, and also of the important facts that the Stick
No. 1. belonged to the said Ramchandra Naick and that
he took it with him when he left his house on the
night of the 2d. of September, tho' those facts could have
been proved by the Prosecutrix and by the 3d. witness for
the Prosecution and that there is no other Evidence
forthcoming to connect the remains found, with the

missing

missing individual.

3. It is indeed Stated in the Mahazzrnamah recorded at page 103. that "we" the inhabitants of the Talooks of Sydapettah and Noyer, "then went to Villacollam and dug up in the Onire the arm and breast bones, and Ramchandra Naicks turband, partly destroyed by the mire which was tied to the bones. but no evidence has been taken to Shew that the said turband had belonged to Ramchandra Naick nor indeed that any article Stated to have been found belonged to that person excepting the Stick No. 1.

4. In the judgment of the Court it is quite impossible to give any credit to the evidence of the 1st and 2d witnesses relative to the murder of Ramchandra Naik. The prosecutrix has pursued the Prisoners with unremitting perseverance and it is impossible to believe that She would have concealed her knowledge of Such important facts as they pretend to have witnessed had they related them to her as they State they did.

5. The Court entirely concur with the presiding Judge in his opinion that "the direct evidence in the Case" is false" and this being the Case there appears to them to be nothing against the 2d Prisoner tending to criminate him excepting the fact, most Suspicious as it certainly is, that he enticed Ramchandra Naick from his

house on false pretences, but it has been clearly proved that the Prisoner Subsequently appeared alone at Perumgavoor, and there is nothing to connect him with the alleged murder afterwards.

6. Had there been Sufficient evidence for the conviction of the 2d Prisoner the Court feel that they could not have accorded to the recommendation of the Acting 1st Judge as to the measure of punishment to be awarded him and that they would not have passed on him any other Sentence than that of death; but Since the proof does not appear to them Sufficient for his conviction the Court cannot go further than demand from him heavy Security.

7. The evidence in regard to the 1st & Prisoner being considered incomplete, the Court direct that the record of this trial be returned to the Acting 1st Judge with instructions to issue a precept to the Acting Criminal Judge of Chingleput, directing him to obtain the attendance of the Prosecutrix, and such other witnesses as are able to give evidence on the points above specified, and in the presence of the 1st Prisoner take their examination on oath in regard to them.

8. The Acting Criminal Judge will permit the prisoner to Cross examine the witnesses, and to offer any thing further in his defence Should he wish

missing individual.

3. It is indeed stated in the Mahazernamah recorded at page 103. that "we" the inhabitants of the Talooks of Sydapettah and Noyer, "then went to Villacollam and dug up in the Onire the arm and breast bones, and Ramchandra Naicks turband, partly destroyed by the Onire which was tied to the bones. but no evidence has been taken to shew that the said turband had belonged to Ramchandra Naick nor indeed that any article stated to have been found belonged to that person excepting the Stick No. 1.

4. In the judgment of the Court it is quite impossible to give any credit to the evidence of the 1st and 2d witnesses relative to the murder of Ramchandra Naik. The prosecutrix has pursued the Prisoners with unremitting perseverance and it is impossible to believe that She would have concealed her knowledge of such important facts as they pretend to have witnessed had they related them to her as they state they did.

5. The Court entirely concur with the presiding Judge in his opinion that "the direct evidence in the case" is false. and this being the Case there appears to them to be nothing against the 2d Prisoner tending to criminate him excepting the fact, most Suspicious as it certainly is, that he enticed Ramchandra Naick from his house

12th October 1840.

house on false pretences, but it has been clearly proved that the Prisoner subsequently appeared alone at Perongavoy, and there is nothing to connect him with the alleged murder afterwards.

6. Had there been sufficient evidence for the conviction of the 2d Prisoner the Court feel that they could not have acceeded to the recommendation of the acting 1st Judge as to the measure of punishment to be awarded him and that they would not have passed on him any other sentence than that of death, but since the proof does not appear to them sufficient for his conviction the Court cannot go further than demand from him heavy Security.

7. The evidence in regard to the 1st Prisoner being considered incomplete, the Court direct that the record of this trial be returned to the Acting 1st Judge with instructions to issue a precept to the Acting Criminal Judge of Chingleput, directing him to obtain the attendance of the Prosecutrix, and such other witnesses as are able to give evidence on the points above specified, and in the presence of the 1st prisoner take their examination on oath in regard to them.

8. The Acting Criminal Judge will permit the prisoner to Cross examine the witnesses and to offer any thing further in his defence Should he wish,

wish it at the close of his examination.

The Acting 1st Judge will annex English translations of the additional Evidence so taken to the record and will retransmit the same for the consideration and final judgment of the Faujdaree Udalut.

Ordered that Extract from these proceedings be sent to the Acting 1st Judge late on Circuit in the Centre Division by precept returnable in 30 days from and after its receipt.

Sent following Precept No. 1146.

F.Cs.

Tuesday 13th October 1840.

At a Court of the Faujdaree Udalut

Present,

John Bird Esqre. — 1st Puisne Judge.

Alexr. Duncan Campbell Esqre. — 2d Puisne Judge.

Henry Dickinson Esqre. — 3d Puisne Judge.

Read letter dated the 19th September 1840 from the Agent to the Governor of Fort St. George in the Ganjam District, submitting with reference to Clause 5 Rule 1 of the Rules framed by Government for his guidance, a report on the trial of No. 43 of 1840.

(Here enter F.Cs. No. 1896 of 1840.)

The Court of Faujdaree Udalut having maturely considered the evidence taken before the Agent; the Statement of his grounds for the conviction, and his opinion as to the punishment to be passed on the prisoner, resolved to confirm the Sentence of 14 Years imprisonment with hard labor in irons, proposed by the Agent to be passed on the prisoner.

Gongah Naiko

Ordered, that Extract from these proceedings be forwarded to the Agent to the Governor of Fort St. George in the Ganjam District

District for his information and guidance.-

(Entrd 13th 1165)

Read return dated the 27th September 1840 from the Acting Criminal Judge of Rajahmundry to the precept of the Foujdaree Udalut of the 21st of that month conveying their observations and orders on the Rajahmundry Criminal Reports for the month of August last.-

(Here entr Fl. No. 1904.)

1. Adverting to the remarks of the Foujdaree Udalut on Case No. 37 in the Criminal Report the Acting Criminal Judge observes that he is not aware why the sentence is considered "far too severe" because it was passed with a due regard to the instructions and interpretation of Regulation VI of 1822 as will be seen by a copy of the 5th Parah. of the Proceedings of the Foujdaree Udalut dated the 30th August 1839 which was furnished to the Acting Criminal Judge.-

2. It appears from the explanation afforded in this return that the remarks of the Court were occasioned by the careless manner in which the Criminal Reports submitted to the Foujdaree

Foujdaree Udalut by the Acting Criminal Judge were prepared - whereby the Court was misled into viewing the case as one of simple secret theft when in fact it was a case of forcible breaking into a granary.-

3. The Criminal Judge certifies that in the charge as worded in the rough draft "the prisoners are "charged with having broken open the prosecutors grain pit" but in the copy furnished to this Court the "breaking" is not mentioned - since it now appears that the prisoners had rendered themselves amenable to the punishment prescribed in Clause Sixth Section IV Regulation VI of 1822 it will not be necessary to reduce the punishment as judged by the Sudr Ameen.-

4. But the Court take this opportunity of pointing out to the Acting Criminal Judge, that the order of the 30th of August 1839 was not furnished to the Acting Criminal Judge, in reply to a reference he made to the Foujdaree Udalut objecting to the inadequacy of the sentence passed by the Sudr Ameen Pundit in Cases specified in the Preamble to Regulation VI of 1822," but emanated from this

this Court on a review of the Criminal Reports.-

5. With reference to the remarks of the Acting Criminal Judge in Cases Nos. 39 and 40 the Court observe that the principle advocated by that Officer is at variance with the principles laid down in the Circular Order of the 28th of October 1823 & the 27th May 1829.- In the latter of which orders it is provided that "when an offence is newly discovered which had been committed before sentence had been passed for that of which a prisoner is convicted if the new offence be minor or equivalent to that of which the prisoner has been convicted the punishment for it merges in the sentence the prisoner is already undergoing, but if the new crime be of a more grave description than that of which the prisoner has been convicted, its superior enormity requires a new trial,- and the sentence passed on it, if more severe, will no doubt take into consideration the minor sentence the prisoner is already undergoing for the lower offence".-

6. The error therefore committed by the Acting Criminal Judge in these Cases would appear to have arisen from a want of due consideration

consideration of these orders.-

7. It has been repeatedly ruled by the Court that the same individual cannot be legally sentenced at one time to two or more specific terms of imprisonment under separate charges brought against him except in cases where the second charge may be for escape, which is an offence distinct from all others, but when a prisoner may be brought before a tribunal charged at the same time with two or more offences, judgment should not be passed until the trial of all the separate cases shall have been concluded and then sentence should be passed not on each one separately but on the whole of the proceedings held against the prisoner.- The Judge being then guided by the Provisions of the existing Regulations as to the degree of Punishment to be awarded.-

8. In this instance as the offence charged in Case No. 39 was far more serious than that in No. 40 a sentence adequate for both offences should have been passed in No. 40.-

Ordered, that Extract from these Proceedings

this Court on a review of the Criminal Reports.—

5. With reference to the remarks of the Acting Criminal Judge in Cases Nos. 39 and 40 the Court observe that the principle advocated by that Officer is at variance with the principles laid down in the Circular Order of the 28th of October 1823 & the 27th May 1829.—In the latter of which orders it is provided that "when an offence is newly discovered which had been committed before sentence had been passed for that of which a prisoner is convicted if the new offence be minor or equivalent to that of which the prisoner has been convicted the punishment for it merges in the sentence the prisoner is already undergoing, but if the new crime be of a more grave description than that of which the prisoner has been convicted, its superior enormity requires a new trial,—and the sentence passed on it, if more severe, will no doubt take into consideration the minor sentence the prisoner is already undergoing for the lower offence".—

6. The error therefore committed by the Acting Criminal Judge in these Cases would appear to have arisen from a want of due consideration

consideration of these orders.—

7. It has been repeatedly ruled by the Court that the same individual cannot be legally sentenced at one time to two or more specific terms of imprisonment under separate charges brought against him except in cases where the second charge may be for escape, which is an offence distinct from all others, but when a prisoner may be brought before a tribunal charged at the same time with two or more offences, judgment should not be passed until the trial of all the separate cases shall have been concluded and then sentence should be passed not on each one separately but on the wholes of the proceedings held against the prisoner.—The Judge being then guided by the Provisions of the existing Regulations as to the degree of punishment to be awarded.—

8. In this instance as the offence charged in Case No. 39 was far more serious than that in No. 40 a sentence adequate for both offences should have been passed in No. 40.—

Ordered, that Extract from these Proceedings

13th October 1840.

proceedings be sent to the Acting Criminal Judge of Rajahmundry for his information and guidance.—

(Sent in No. 1866.)

Read return dated the 26th Ultimo from the Criminal Judge of Salem to the precept of the Foujdaree Udalut of the 21st Ultimo directing that previous to the release of the 6 prisoners included in the roll forwarded to Arcot that they be sent back to the Criminal Court of Salem in order that the stripes may be duly inflicted.—

(Here enter No. 1866.)

Read return dated the 23rd Ultimo from the Criminal Judge of Bellary to the precept of the Foujdaree Udalut under date the 14th September 1840 requiring an explanation of the cause of the mortality among the prisoners in the Bellary Jail during the month of July last.—

(Here enter No. 1867.)

Wednesday, 14th October 1840.

At a Court of the Foujdaree Udalut.

Present,

John Bird Esqre. ——— 1st Puisne Judge,

Alexr. Duncan Campbell Esqre. 2d Puisne Judge,

Henry Dickinson Esqre. ——— 3d Puisne Judge,

Read letters dated the 21st and 25th ultimo from the Assistant General Superintendant and Joint Magistrate of Vizagapatam, relative to the Thug Prisoner Koofsaw alias Koofsaree.—

(Here enter F.U. Nos. 1872 and 1905 of 1840.)

The Court of Foujdaree Udalut direct with reference to paras 4 and 5 of their proceedings of the 6th ultimo, a copy of which the Provincial Court of Circuit in the Northern Division were instructed to forward to the Criminal Judge of Vizagapatam, that copies of the above letters be transmitted to Mr. Glass, and that he be called upon to submit, as soon as possible, a return to the Foujdaree Udalut's Proceedings above alluded to, and to report on the circumstances related in Captain Vallancey's letters, which at present are not clearly understood by the Court of Foujdaree Udalut.—

Ordered, that Extract from these proceedings be sent to the Criminal Judge of Vizagapatam

for

for his information and guidance by precept returnable in 10 days from and after its receipt.

/Sent following precept No 1470/-

Read return dated the 29th ultimo from the Acting Criminal Judge of Canara to the precepts of the Foujdarry Udalut of the 21st ultimo, conveying their observations on the Criminal Reports for the Month of August last.

/Here enter J.D. No 2017 of 1840/.

1 With the above return, is forwarded a Medical Certificate furnished by the Zillah Surgeon, stating that Mr. S.N. Ward the Register is prevented by indisposition from the performance of his duties.

2 The Court of Foujdarry Udalut direct that Mr. Ward be called upon to state for the information of the Judges and of Government for what period, and under what Section of the rules published in the Fort St. George Gazette 21st. February 1840, he requires leave of absence from his duties.

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

/Sent in No 1471/-

Read letter dated the 29th ultimo from the

the Agent to the Governor of Fort St. George at Vizagapatam requesting permission to offer a conditional pardon to Mungaly Jumpa Appoyah and Curredlah Sunnacy, two Prisoners in a case of Murder.

/Here enter J.D. No 2019 of 1840/

1 Before granting the permission requested the Judges direct that Mr. Arbuthnot be called upon to state for the information of the Court of Foujdarry Udalut the nature and extent of the evidence against both these proposed approvers.

2 The Judges of the Foujdarry Udalut observe, that one of the prisoners appears by his own confession to have been charged with the crime of murder once before.

Ordered, that Extract from these proceedings be sent to the Agent to the Governor of Fort St. George at Vizagapatam for his information and guidance.

/Sent in No 1472/-

No.

Thursday
15th October 1840.

At a Court of the Foujdaree Udalut

Present:

John Bird Esqre. ——— 1st Puisne Judge
Alexr. Duncan Campbell Esqre. — 2d Puisne Judge
Henry Dickinson Esqre. — 3d Puisne Judge

JS

WD

WT

Read letter dated the 8th Instant from the Acting 2nd Judge of the Provincial Court of Circuit in the Centre Division transmitting an English translation of the Record in Case No. 1 of the Chittoor 3d Supplemental Calendar for the 3d Quarterly Sessions of 1840.—

(Here Enter No. 2031.)

Mr. Campbell.

The Court of Foujdaree Udalut (1) on a deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the proof against the prisoner

"Hundala Basavuppah"

is sufficient to convict him of having uttered a forged document, knowing it to be forged, for which, according to the Mahommedan Law, as declared in the Futwahs of their Law Officers, discretionary punishment is awardable, do convict him thereof; and, with reference to the provisions of

provisions of Clause first Section V Regulation VIII of 1831, and Clause third Section VII Regulation XV of 1803, adjudges him to be exposed in the manner commonly denominated Tasheer, 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 four years, commencing from and after the fourteenth day of April 1840.—

(Sent following letter No. 1143)

Read letter dated the 22d September 1840 from the 2d Judge on Circuit in the Northern Division submitting an explanation to the Proceedings of the Court of Sunjdaree Udalut of the 7th of that month relative to the remarks made by the 2d Judge as to the disposal of certain cases on the Petty Calendars of the Nellore Criminal Court.—

(Here Enter F. No. 1860.)

1. Adverting to the remarks contained in the concluding Parah of this return the Court of Sunjdaree Udalut are of opinion that the construction of the Law declared in the order of the 14th May 1835 (on which the proceedings of the 2d Judge dated the 29th July 1840 are founded) is

incorrect and it was virtually declared to be so in the Circular Order No. 73.—

2. The parenthetical Passage at the close of Clause second Section III Regulation VI of 1822 only provides that the Prisoners shall be committed for trial if the Criminal Judge shall from the causes enumerated consider them to be deserving of a severer punishment than he can inflict thus leaving it to his judgment either to commit or pass sentence on the offenders.— In this case it was considered sufficient to sentence the prisoners to 18 Months imprisonment and unless the Court had the record of the proceedings before them (which they do not consider it necessary to call for) they feel themselves unable to declare the sentence passed by the Sudr Ameen inadequate or the contrary as far as at present informed the Court see no reason to depart from the opinion expressed in the 6th Parah of the Proceedings of the 7th September last.—

Ordered, that Extract from these proceedings be sent to the 2nd Judge on Circuit in the Northern Division for his information and guidance.—

(Sent in No. 1174)

Read

15th October 1840.-

Read letter dated the 30th Ultimo from the 1st Judge of the Provincial Court of Circuit in the Western Division, submitting the Tellicherry Calendars for the 3rd Quarter Sessions of 1840.-

(Here enter No. 2014.)

Case No. 1. 1. In Case No. 1 of the additional Calendar five prisoners stood charged with Robbery by open violence.-

2. Considering the prisoners duly convicted the 1st Judge sentenced the 1st and 2d prisoners to imprisonment and hard labor for 14 Years, with corporal punishment, but "on account of the offence not being attended with "aggravating circumstances," and of the 3rd 4th and 5th prisoners "appearing to be inferior parties," the 1st Judge submits that each of those three prisoners should be sentenced to imprisonment with hard labor for 8 years.-

3. The Court of Foujdaree Udalut resolve under the authority vested in them, by Claude third, Section III, Regulation I of 1825, to accede to the recommendation of the Presiding Judge; and accordingly authorize that Officer to pass the mitigated sentence above indicated upon

2. J.C.
15th October 1840.-

upon the prisoners

3rd Parrakundyadan alias Yelikot Cheeatty

4th Mootundavidatha Kadotty

and

5th Pallayotoomel Poduvan.

Ordered, that Extract from these Proceedings be sent to the 1st Judge of the Provincial Court of Circuit in the Western Division for his information and guidance.-

(Sent in No. 1475.)

Read return dated the 3rd Instant from the 3rd Judge on Circuit in the Southern Division to the precept of the Foujdaree Udalut dated the 26th Ultimo conveying their observations and orders on the Madura Calendar for the 2d Sessions of 1840.-

(Here enter No. 2013.)

15th October 1840.-

Read letter dated the 30th Ultimo from the 1st Judge of the Provincial Court of Circuit in the Western Division, submitting the Tellicherry Calendars for the 3rd Quarter Sessions of 1840.-

(Here Enter No. 2014.)

Case No. 1.- 1. In Case No. 1 of the additional Calendar five prisoners stood charged with Robbery by open violence.-

2. Considering the prisoners duly convicted the 1st Judge sentenced the 1st and 2d prisoners to imprisonment and hard labor for 14 years, with corporal punishment, but "on account of the offence not being attended with "aggravating circumstances," and of the 3rd 4th and 5th prisoners "appearing to be inferior parties," the 1st Judge submits that each of those three prisoners should be sentenced to imprisonment with hard labor for 8 years.-

3. The Court of Foujdaree Udalut resolve under the authority vested in them, by Claude third, Section III, Regulation I of 1825, to accede to the recommendation of the Presiding Judge; and accordingly authorize that Officer to pass the mitigated sentence above indicated upon

2. No. 116.

15th October 1840.-

upon the prisoners

3rd Parrakundygalias Yelikot Cheerthy

4th Koolindravidaltha Kadotty

and

5th Pallayotaomel Podun.-

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

(Sent in No. 1175.)

Read return dated the 3rd Instant from the 2nd Judge on Circuit in the Southern Division to the precept of the Foujdaree Udalut dated the 26th Ultimo conveying their observations and orders on the Madura Calendar for the 2d Sessions of 1840.-

(Here Enter No. 2013.)

Saturday
17th October 1840

At a Court of the Foujdaree Udalut

Present,

John Bird Esqre _____ 1st Puisne Judge

Alexr Duncan Campbell Esqre _ 2nd Puisne Judge

Henry Dickinson Esqre _____ 3d Puisne Judge.

Read letter dated the 12th Instant from the Magistrate of Nellore bringing to the notice of the Court of Foujdaree Udalut that a very daring Gang robbery committed on the 22nd of last month in the house of an unprotected female, the widow of a reddy, who was supposed to have considerable property and that the Robbers succeeded in carrying off property to the amount of Rupees 3642.-

(Here enter No. 2056)

The Magistrate states that he has been successful in tracing out the principal parties concerned, who are a gang of Robbers organized and protected by two influential Reddies in the District, and that the legal evidence at present adduced is insufficient to convict the principal parties concerned, and but one of the persons who accompanied the party named Cokoolee Goorroovadoo has since declared that

if

17th October 1840

if a pardon is extended to him he will make a full disclosure of every thing, and point out the place where the stolen property is concealed, and he requests therefore the authority of the Court of Foujdaree Udalut to offer him a pardon.-

2 The Court of Foujdaree Udalut having maturely considered the circumstances represented in the letter from the Magistrate of Nellore now recorded, resolve under the authority vested in them by Section XII Regulation XIII of 1832 to sanction the offer of a pardon to the prisoner "Cehoolo Goorroodoo" on the terms and conditions specified in Section XX Regulation VIII of 1802.-

Ordered that Extract from these proceedings be forwarded to the Magistrate of Nellore for his information and guidance.-

/ Sent in No. 1179 /

Read again Supplemental Return dated the 11th July 1840 from the 3d Judge Eastern Circuit in the Southern Division submitting an English translation of the record of the trial in Case No. 3 on the Coimbatoor Calendar for the 1st Sessions of 1840.

/ Here enter F. No. No 1356 /

Read also Return dated the 31st August

17th October 1840

August and Supplemental Return dated the 3d October 1840 from the same officer to the precept of the Foujdaree Udalut of the 8th August last calling for additional evidence in the case above recorded.-

/ Here enter F. No. No 1721 & 2028 /

The Court of Foujdaree Udalut

1 observe that the evidence in this Case in respect of the particular acts perpetrated by each of the prisoners in the robbery abounds with contradiction but they see no reason for disbelieving the testimony as to the identification of the prisoners at the time of the robbery.-

It appears clear that the

2 Prosecutor named only the 2d and 6th prisoners when first questioned but he seems then to have been in great pain and faint which circumstance may account for his failure to name all the prisoners, since, as shewn by the Moneagar's report dated the 8th December last, he the very next day mentioned having seen them all.-

It is also proved that the 3d prisoner

3 made a verbal confession which is corroborative of the evidence against him.-

On a consideration of the whole

4 Case

17th October 1840. Case the Court of Fouydaree Udalut concur in the conviction and sentence which the 3d Judge has passed on the 1st 2d 3d 4th 6th & 8th prisoners but considering that the prisoner

5th Avoonasy

has at his trial clearly established an alibi which is confirmed by the additional evidence now submitted the Court of Fouydaree Udalut resolve to set aside the sentence of the Court of Circuit so far regards him and they direct that he be set at liberty.

Ordered that Extract from these Proceedings be sent to the 3d Judge late on Circuit in the Southern Division for his information and guidance with directions to communicate the same to the Joint Criminal Judge of Coimbatore with reference to the order of this Court of the 5th August last directing the suspension of the punishment passed on all the prisoners except the 7th.

(Sent in No. 1450)

Read letter dated the 26th Ultimo from the Acting 3d Judge on Circuit in the Centre Division, submitting Copy of the Bellary Calendar for the 2d Sessions of 1840.

(Here enter No. 1891)

Also

2

F. 16.

17th October 1840.

Also read letters dated respectively the 26th Ultimo, from the Acting 3d Judge on Circuit in the Centre Division having reference to Cases Nos. 1 and 6 of the Bellary Calendar for the 2d Sessions 1840.

(Here enter Nos. 1886 & 1889)

Case No. 1.

1 The prisoner in Case No. 1 was committed to take his trial before the Court of Circuit, on the 20th July 1839, on a charge of Rape, and the Case having been postponed at the 2d Sessions of 1839, and a second time at the 1st Sessions of 1840, in Consequence of the non-attendance of the Prosecutor and the 1st 2d and 3d Witnesses; and these persons having also failed to attend at the present Sessions, the Acting 3d Judge requests authority to direct the release of the prisoner who has been 15 Months in confinement waiting his trial.

2 It is much to be regretted for the sake of public justice that the Police have found it "quite impossible to discover where the Prosecutor and Witnesses are to be found" but under the circumstances, the prisoner is entitled to his release, and the Acting 3d Judge will accordingly issue the necessary orders to the Criminal

Judge

17th October 1840. Judge of Bellary.

Case No 3. 3. The trial of the Prisoner concerned in Case No 3 has been ordered to be postponed a second time in consequence of the absence of a material witness - the Court of Foujdaree Udalut desire that the Acting 3d Judge will call upon the Criminal Judge of Bellary to report for their information, the measures that may have been adopted by the Police or the Magistracy in view to obtain the appearance of the 1st witness at the past Sessions.

Case No 6. 4. In Case No 6 three prisoners stood charged with having attacked the Prosecutor's house with intent to commit a Robbery, and the Acting 3d Judge who presided at the trial explains in his letter of the 26th Ultimo, that he had intended to recommend a mitigation of the 2d prisoner's sentence, but that he inadvertently sentenced him to 7 years imprisonment with labor in irons for the attempt, instead of the 14 years, under Clause 3d Section IV Regulation XV of 1803.

5 The Court of Foujdaree Udalut observe that under the intention of the Acting 3d Judge to recommend a mitigation of punishment no Sentence at all should have been passed upon

17th October 1840. the prisoner, but merely the punishment to which the prisoner had rendered himself liable, made known to him -

6 Under the explanation however now submitted, the Court of Foujdaree Udalut resolve to authorize the Acting 3d Judge to amend the sentence passed by him in the said Case No 6, and having duly considered the circumstances urged in favor of a mitigation of the punishment to which the 2d prisoner has rendered himself liable, the Court of Foujdaree Udalut resolve to authorize the Acting 3d Judge to pass the mitigated sentence of 7 years - imprisonment on the prisoner

"Vencatagadoo"

Case No 7. 7. In Case No 7 four prisoners are charged with having, in company with others, by force and violence carried from the Prosecutor's field grain of the value of 6 Annas.

8. The Acting 3d Judge states that "the number of persons concerned in the Robbery, "and the resistance offered by them, evidently "shewed that they came for the purpose of stealing "the grain, and had they not been resolutely - "opposed the extent of their depredation would have

17th October 1860.

Judge of Bellary.

Case No 3.

3. The trial of the Prisoner concerned in Case No 3 has been ordered to be postponed a second time in consequence of the absence of a material witness - the Court of Foujdaree Udalut desire that the Acting 3d Judge will call upon the Criminal Judge of Bellary to report for their information, the measures that may have been adopted by the Police or the Magistracy in view to obtain the appearance of the 1st witness at the past Sessions.

Case No 6.

4. In Case No 6 three prisoners stood charged with having attacked the Prosecutor's house with intent to commit a Robbery, and the Acting 3d Judge who presided at the trial explains in his letter of the 26th Ultimo, that he had intended to recommend a mitigation of the 2d prisoner's sentence, but that he inadvertently sentenced him to 7 years imprisonment with labor in irons for the attempt, instead of the 14 Years, under Clause 3d Section IV Regulation XV of 1803.

5 The Court of Foujdaree Udalut observe that under the intention of the Acting 3d Judge to recommend a mitigation of punishment no Sentence at all should have been passed upon

17th October 1860.

the prisoner, but merely the punishment to which the prisoner had rendered himself liable, made known to him -

6 Under the explanation however, now submitted, the Court of Foujdaree Udalut resolve to authorize the Acting 3d Judge to amend the sentence passed by him in the said Case No 6, and having duly considered the circumstances urged in favor of a mitigation of the punishment to which the 2d prisoner has rendered himself liable, the Court of Foujdaree Udalut resolve to authorize the Acting 3d Judge to pass the mitigated sentence of 7 years - imprisonment on the prisoner

"Vencatagadoo"

Case No 7.

7 In Case No 7 four prisoners are charged with having, in company with others, by force and violence carried from the Prosecutor's field grain of the value of 6 Annas. -

8. The Acting 3d Judge states that "the number of persons concerned in the Robbery, "and the resistance offered by them, evidently "shewed that they came for the purpose of stealing "the grain, and had they not been resolutely - "opposed the extent of their depredation would have

17th October 1840. "have been much greater than it was;" and that therefore he sentenced them to 14 years imprisonment with hard labor in irons.

9 The Court of Foujdaree Udalut adverting to the circumstances of the case, and to the small quantity of grain stolen, are of opinion that the sentence passed by the Court of Circuit is too severe and that the ends of Justice will be attained by a sentence not exceeding 8 years imprisonment with labor in irons.—

10. Should the Acting 3d Judge upon further consideration concur in this view, the Court of Foujdaree Udalut authorize him, in that event, to pass a sentence of 8 years imprisonment upon the prisoners

1st Timmadoo

2d Channoogandoo

3d Mahemundel

and

4th Nanoonoogadoo;

but should he be unable to do so he will be pleased to submit an English Translation of the Record for the Courts consideration.

Case No. 11. 11 In Case No. 11 the Mahomedan Law officer delivered in a Futwah of Tohmut as regards the 1st prisoner, and notwithstanding that

17th October 1840.

that finding the presiding Judge has proceeded to pass sentence on the said 1st prisoner.—

12. The Court of Foujdaree Udalut desire that the Acting 3d Judge be informed that it was not competent to him to sentence to punishment on a futwah of Tohmut, or mere suspicion.—

13 In such a case, if the Judge considers the prisoner convicted, it is necessary that he should refer the trial to the Foujdaree Udalut; and the Acting 3d Judge is directed to observe this Course, and to explain the grounds on which he proceeded to pass sentence in the case.—

Case No. 13. 14 In Case No. 13 it is stated by the Acting 3d Judge that the Law officer found the prisoners concerned therein "not guilty" referring however to the Futwah it appears that the Mahomedan Law officer convicted the prisoners of an assault tho' not of the robbery charged against them.—

15. Under these circumstances it becomes necessary that the Acting 3d Judge should explain upon what grounds he acquitted the prisoners of all crimes—but as the period of

17th October 1840. of confinement which they have undergone, is considered a sufficient punishment for this offence the prisoners need not be reapprehended.

Case No. 14. 16. In Case No. 14 three prisoners were charged with Highway Robbery, and with taking from the person of the Prosecutrix property valued at 3 Rupees and 8 Annas.

17. The Acting 3d Judge has sentenced them to 14 years imprisonment with hard labor in irons, Considering however that the Robbery was not attended by any circumstances of aggravation the Court of Foujdaree Udalut are of opinion that this punishment is too severe.

18. The ends of Justice will in their opinion be attained by a sentence not exceeding 8 years imprisonment, and if the Acting 3d Judge concur in this view the Court of Foujdaree Udalut authorize him to pass a sentence of imprisonment to that extent upon the prisoners

1st Rungah

2d Nullaboo

and

3d Jawla gadoo

Should the Acting 3d Judge however not be able to concur in opinion with the Court of Foujdaree Udalut, he will submit an English translation of

17th October 1840. of the Trial for their consideration and final orders.

Case No. 26 19. The same remark that has been recorded on Case No. 11 in respect to the incompetency of the presiding Judge to sentence to punishment on a Futwah of Tahmut is applicable to the sentence awarded to the 5th, 7th, 16th & 18th prisoners in Case No. 26.

20 Clause 6th Section II Regulation XV of 1803 prohibits the infliction of any punishment in such cases; but as the Acting 3d Judge differs with his Law Officer as to the conviction of these four prisoners, the trial as regards all the prisoners must be referred for the consideration and final Orders of the Court of Foujdaree Udalut.

Ordered that Extract from these proceedings be forwarded to the Acting 3d Judge on Circuit in the Centre Division for his information and guidance by precept returnable in 10 days from and after its receipt.

Sent following precept No. 1484.

Read letter dated the 8th Instant from the 2d Judge on Circuit in the Northern Division submitting a reference on the question of

17th October 1840

of jurisdiction Jca connected with Case No. 10 on the Rajahmundry Primary Calendar for the 2d Sessions of 1840.-

/ Here enter No. 2042. /

1. The 2d Judge submits that the offence charged against the prisoner concerned in Case No. 10 of the Rajahmundry Calendar for the present Sessions was committed in the District of Masulipatam, and that he doubts therefore whether the case ought not to be transferred to Masulipatam, to be tried before the Quarterly Sessions.

2. As the case has been included in the Rajahmundry Calendar, and the witnesses already summoned to attend the Court of Circuit, the Court of Foujdaree Udalut consider it preferable that under Section III Regulation III of 1827 the sanction of Government should be obtained for the trial of the prisoner at Rajahmundry; and accordingly the Court of Foujdaree Udalut direct that an application to that effect be forwarded to the Chief Secretary to Government.-

3. The Court of Foujdaree Udalut do not however consider it necessary that fresh Police Proceedings should be held in this case, merely because those which accompanied the Calendar

were.

4. F. C.
17th October 1840.

were conducted by the Police Officers of the Rajahmundry District.-

4. With regard to the power which a Tahsildar can exercise over the police proceedings of the Sub Officers of Police, the Magistrate of Rajahmundry should be instructed to refer the Head of Police of Yernagoodem to the Circular Order of the Foujdaree Udalut of the 10th March 1834 for his future guidance.-

Ordered that Extract from these proceedings be forwarded to the 2d Judge on Circuit in the Northern Division for his information and guidance.-

/ Sent in No. 1482 -/

Read letter dated the 5th Instant from the 3d Judge of the Northern Provincial Court reporting the opening of the Court of 4th Quarterly Sessions of 1840.

/ Here enter F. C. No. 2041. /

Read Statement dated the 9th Instant from the Acting 1st Judge of the Provincial Court of Circuit in the Centre Division required by Circular Order No. 4.-

/ Here enter F. C. No. 2043 /

Read return dated the 7th Instant

from

17th October 1840

from the Criminal Judge of Malabar to the precept of the Foujdaree Udalut dated the 29th September 1840, calling upon the Criminal Judge to submit the Criminal Reports due for the month of August last.-

/Here enter F. No. 2044./

Read letter dated the 1st Ultimo from the Acting Chief Magistrate and Superintendent of Police at Madras forwarding the report of Cases tried under Act No. XXII of 1837 for the month of August 1840.-

/Here enter F. No. 2049./

Read letter dated the 9th Instant from the 2d Judge on Circuit in the Northern Division reporting that the usual Proclamation for the opening of the present Sessions at Vizagapatam on the 9th Proximo has been sent to the Criminal Court at that Station and recommending that Mr. Story may be authorized to undertake the temporary charge of the Ichapoor Court until a permanent Incumbent be appointed.-

/Here enter F. No. 2051./

Read letter dated the 10th Instant from the 2d Judge on Circuit in the Northern Division reporting the receipt of a Supplemental Calendar from

17th October 1840 from the Criminal Court at Rajahmundry.-

/Here enter F. No. 2052./

Read Return dated the 9th Instant from the Agent to the Governor of Fort St. George at Vizagapatam. to the Precept of the Foujdaree Udalut dated the 30th Ultimo conveying their observations and orders on the Agents Criminal Reports for the month of August last.-

/Here enter F. No. 2060/

Read letter dated the 12th Instant from the Acting 3d Judge on Circuit in the Centre Division transmitting the Original death warrant in Case No. 30 of the Cuddapah Calendar for the 2d Sessions of 1840 which has been executed.-

/Here enter F. No. 2063/

Read letter dated the 15th Instant from the Chief Secretary to Government intimating that the Marine Board have been informed that the number of Convicts to be transported to Singapore amounts to 9.-

/Here enter F. No. 2070./

22.2.84

W5

W5

JP

J. U.

Monday,
19th October, 1840.

At a Court of the Soydaree Udalute,

Present,

John Bird Esqre _____ 1st Puisne Judge,

Alexr Duncan Campbell Esqre 2d Puisne Judge,

Henry Dickinson Esqre _____ 3d Puisne Judge,

Read Miscellaneous petition presented on the 14th ultimo by Shre Rungamatteraw of the Zillah of Combaconum—

/Here enter M P No 117 of 1840/

The Court of Soydaree Udalut direct that this petition be forwarded to the 3d Judge of the Provincial Court of Circuit in the Southern Division, and that he be requested to state, whether the circumstances therein related, lead him in any way to doubt the justice of the Sentence passed on the 6th Prisoner in Case No 2 of the Combaconum Supplimental Calendar for the 1st Sessions of 1840.—

Ordered, that Extract from these proceedings be sent to the 3d Judge of the Provincial Court of Circuit in the Southern Division for his information and guidance, and that copy be furnished to the Petitioner on his application,—

/Sent in No 1490/

Read

19th October 1840

Read Miscellaneous petition presented on the 21st ultimo by M Rookmabayar of the Zillah of Chittoor.—

/ Herewith M P No 120 of 1840 /

1 The Petitioner states, that she was beaten, and forcibly deprived of a purse, containing gold ornaments worth 10 Pagodas, and Cash to the amount of Rupees 50, by certain Cousins of her deceased Husband, who have instituted a suit against her, for the recovery of an estate belonging to her Husband.—

2 She further adds, that although a complaint has been preferred by her before the Talooke Cutcherry, and the Head Assistant Magistrate of Chittoor, no inquiry, has been made into the case, and prays therefore that the Court of Sovdaree Udalut will be pleased to take her case into their consideration, and cause her property to be restored to her.—

3 The Judges of the Sovdaree Udalut direct, that the Petitioner be instructed to apply to the Court of Circuit, if the Magistrate do not afford her redress.

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

Read

19th October 1840.

Read Miscellaneous petition presented on the 24th ultimo by Maurador of the Zillah of Cuddapah.—

/ Herewith M P No 122 of 1840 /

1 The Petitioner states that his daughter has been unjustly committed for trial before the Circuit Court, on the ground of her being the wife of one of the Prisoners in Case No 10 of the Cuddapah Calendar for the 2d Sessions of 1840 in which she is charged with having received Stolen property knowing it to be stolen.—

2 He further states that his daughter never was married and prays the Court of Sovdaree Udalut to be pleased to call for the whole record of the case, and issue orders for the release of his daughter Vencattee.—

3 If the Petitioner refers to the 6th Sessions in the said case, the Court of Sovdaree Udalut see no reason to doubt the justice of her conviction in the case above alluded to, and decline therefore interfering in the manner prayed for by the Petitioner.

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

Read

19th October 1840

Read letter dated the 12th instant from the 2nd Judge on circuit in the Southern Division, transmitting an English translation of the Record in Case No. 6 of the Combaconum Calendar 2nd Sessions of 1840.

/ Here enter F.H. No. 2069 of 1840 /

Mr. Byrd
and
Mr. Campbell

The Court of Sunderee Adalut, on a deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the proof against the 1st prisoner

"Narooden"

is sufficient to convict him of the crime of murder; do convict him thereof, and, under the provisions of Section X Regulation VIII of 1802, do sentence him to suffer death, by being hanged, at the usual time and place of execution.

/ Sub following letter No. 1491 /

Read Supplemental Return dated the 9th instant, from the Criminal Judge of Chittoor, to the precept of the Sunderee Adalut of the 3rd August last, conveying their observations and orders on the Chittoor Criminal Reports for the Month of June last.

/ Here enter F.H. No. 2037 of 1840 /

With reference to the above return, the Judges of the Court of Sunderee Adalut direct that it be pointed out for the

the information of the Criminal Judge, that under Section IX of the Rules for the management of Convicts employed in the provinces, published at page 648 of the Official Gazette, Lieutenant Worster is required only to furnish the Criminal Judge with a simple report of the escape of a Convict accompanied with a list shewing the name, sentence &c.a of the Convict as extracted from the detailed list furnished to him on the transfer of the Convicts under Section II, and under Section XIX of the same Rules a copy thereof must be forwarded by the Criminal Judge to the Court of Sunderee Adalut.

2 The detailed Report shewing the cause of the escape and the degree of blame attaching to those in charge, is under Rule IX required to be furnished to the Board of Revenue under whose control the Convicts employed in the provinces have been placed.

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

/ Sent in No. 1492 /

Copy sent to Lieutenant Worster for his information.

/ Sent in No. 1493 /

Read return dated the 8th instant from the

19th October 1840

Read letter dated the 12th instant from the 2d Judge on circuit in the Southern Division, transmitting an English translation of the Record in Case No 6 of the Combaconum Calendar 2d Sessions of 1840 —

/ Here enter F.H. No 2069 of 1840 /

Mr Byrd 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 1st prisoner

"Narooden"

is sufficient to convict him of the crime of murder; do convict him thereof, and, under the provisions of Section X Regulation VIII of 1802, do sentence him to suffer death, by being hanged, at the usual time and place of execution —

/ Sent following letter No 1491 / —

Read Supplemental Return dated the 9th instant, from the Criminal Judge of Chittoor, to the precept of the Foujdaree Udalut of the 3d August last, conveying their observations and orders on the Chittoor Criminal Reports for the Month of June last

/ Here enter F.H. No 2037 of 1840 /

With reference to the above return, the Judges of the Court of Foujdaree Udalut direct that it be pointed out for the

F.H.
19th October 1840.

information of the Criminal Judge, that under Section IX of the Rules for the management of Convicts employed in the provinces, published at page 648 of the Official Gazette, Lieutenant Worster is required only to furnish the Criminal Judge with a simple report of the escape of a convict accompanied with a list shewing the name, sentence &c. of the convict as extracted from the detailed list — furnished to him on the transfer of the convicts under Section II, and under Section XIX of the same Rules a copy thereof must be forwarded by the Criminal Judge to the Court of Foujdaree Udalut —

2 The detailed Report shewing the — cause of the escape and the degree of blame attaching to those in charge, is under Rule IX required to be furnished to the Board of Revenue under whose controul the convicts employed in the provinces have been placed —

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

/ Sent in No 1492 / —

Copy sent to Lieutenant Worster for his — information —

/ Sent in No 1493 / —

Read return dated the 8th instant from the

19th October 1840.

Tuesday 20th October 1840.

J. C.

At a Court of the Zoujdaree Udalut,

Dusmo,

John Bird Esqre ——— 1st Puisne Judge,

Alexr Duncan Campbell Esqre — 2d Puisne Judge,

Henry Dickinson Esqre ——— 3d Puisne Judge.

Read letter dated the 7th instant from the Criminal Judge of Canara forwarding the Criminal Reports of that Court for the month of September last.

/Here enter J.C. No 2045 of 1840/

Case No 115

1

Of the three prisoners charged in this case with having assaulted the Prosecutor and broken his leg by striking him with clubs, the 1st and 2d were sentenced to pay a fine of 20 Rupees, or in default to be imprisoned for a period of 2 months under Section X of 1816 by the Dundeh Sudr Ameen.—

2

The Court observe that this sentence was inadequate. The fact being established against the prisoners of having caused the fracture of the Prosecutors leg, they should have been committed for trial before the Court of Circuit.

Case No 168.

3

It is stated that there is no evidence against the prisoners in this Case who it appears were sent up

19th October 1840.

the Acting Joint Criminal Judge of Tinnevelly to the receipt of the Zoujdaree Udalut of the 30th ultimo, conveying their observations and orders on the Criminal Reports for the month of August last.

/Here enter J.C. No 2016 of 1840/

The Court of Zoujdaree Udalut deeming the explanation afforded in the above return relative to the measure of punishments awarded in Case No 77 satisfactory direct that this opinion be communicated to the Officiating Joint Criminal Judge.

Ordered, that a Extract from these proceedings be sent to the Acting Joint Criminal Judge at Tinnevelly for his information.

/Sent in No 1494/

up to the Criminal Court solely on the ground of the prisoner in Case No. 154 having implicated them.

4 The Court of Fouzdaree Adalut direct therefore that a Copy of this Case as it Stands in the Report and of this parah be sent by the Criminal Judge, to the Magistrate of Canara who will be pleased to take such notice of the Conduct of the Police Officer who transmitted it, as he may deem proper reporting the result for the information of the Fouzdaree Adalut

5 The Court of Fouzdaree Adalut observe that the Criminal Judge has omitted to enter in the Supplemental Report the date of the former Report.

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

/Sentence No. 1496/

Read return dated the 8th instant from the 2d Judge on Circuit in the Southern Division, to the precept of the Fouzdaree Adalut of the 15th September last, directing him to call for the proceedings held in Case No. 77 of the Report No V of the Coimbatore Criminal Report for the month of July 1840 and pass on them such orders as may appear to him proper with reference to the provisions of Section XXII Regulation X of

of 1816 reporting the result for the information of the Fouzdaree Adalut.

/Here enter F.H. No. 2035 of 1840/

Read letter dated the 8th instant from the Joint Criminal Judge at Cochin, transmitting the Criminal Reports for the months of September last.

/Here enter F.H. No. 2058 of 1840/

Read letter dated the 5th instant from the Sudr Ameen in charge of the Principal Sudr Ameen's Court at Tellicherry, forwarding the Criminal Report for September 1840.

/Here enter F.H. No. 2067 of 1840/

Read letter dated the 15th instant from the Acting Criminal Judge of Chingleput, reporting the arrival of 3 Convicts from Guntoor.

/Here enter F.H. No. 2078 of 1840/

Read letter dated the 9th instant from the Agent to the Governor of Fort St George at Ganjam forwarding the Original death warrant in Case No. 1 on the file of the Agent to the Governor of Fort St George at Ganjam which has been executed.

/Here enter F.H. No. 2082 of 1840/

Read letter dated the 14th instant from the Acting Joint Criminal Judge of Trichinopoly, transmitting a

a Statement of the actual produce of the labour of the Prisoners in the Jail at his Station for the 3d Quarter of 1840.—

/Here enter F.H. No. 2086 of 1840/

Read Letter dated the 9th instant from the Provincial Court of Circuit in the Western Division, transmitting with reference to the Foujdaree Udalut proceedings dated the 12th ultimo, copy of an Extract from their Proceedings held in Cases Nos. 79, 82 and 84 on the Tellicherry Criminal Report for the month of July last.

/Here enter F.H. No. 2094 of 1840/

Read Letter dated the 16th instant from the 2d Judge on Circuit in the Southern Division, submitting his opinion with reference to the proceedings of the Foujdaree Udalut under date the 16th September 1840, regarding Case No. 106 of the Report No. V of the Combaconum Criminal Reports for July 1840.—

Ex 27th

/Here enter F.H. No. 2095 of 1840/

F. C.

Wednesday,
21st October, 1840.

At a Court of the Foujdaree Udalut.—

Present,

John Bird Esqre. ——— 1st Puisne Judge,

Alexr. Duncan Campbell Esqre. 2d Puisne Judge,

Henry Dickinson Esqre. ——— 3d Puisne Judge,

Read again Appeal Petition from Collah Tungiah and nine others, late Jail Peons on the Establishment of the Joint Criminal Court at Masulipatam

/Here enter F.H.M.P. No. 142 of 1840/

Read also return dated the 10th instant from the Joint Criminal Judge of Masulipatam, to the precept of the Foujdaree Udalut under date the 30th ultimo, calling for information relative to the dismissal of the above Petitioners.—

/Here enter F.H. No. 2074 of 1840/

With the above return the Joint Criminal Judge of Masulipatam forwards an Extract from the proceedings of the Provincial Court of Circuit in the Northern Division dated the 30th ultimo, and further states in reply to para 3 of the Foujdaree Udalut's proceedings of the 30th ultimo, that only 4 of the Petitioners have Sons fit for service, and that he objects to employing these, on the ground "that he has not found the Sons of "Peons brought up in idleness, at any time form good Servants"

Moreover

2

Moreover, "it was only when the Establish-
"ment was becoming in his opinion generally inefficient, that
"he adopted the course of reducing the most aged who by their
"own statements, must be many of them upwards of 60 years of
"age."

3.

From the Extract of Proceedings accompany-
-ing the above return, it appears, that the Northern Provincial
Court are of opinion that the Petitioners are "strong able bodied
"and active, and ought to be restored to their respective
"situations"; and they have accordingly directed their
restoration.

4

In the propriety of the order of the
Northern Provincial Court, the Judges of the Zoyjdaree
Udalut concur, inasmuch as they are of opinion that old
and faithful servants ought always to be considered, and
when they are really unable to perform their duties with
efficiency, should be allowed the privilege of producing a
substitute, who must of course be an efficient person.

Ordered, that Extract from these
Proceedings be sent to the Joint Criminal Judges of
Masulipatam for his information and guidance, and
copy be furnished to the Petitioners on their application.

(Sent in No 1149 8)

Read letter dated the 26th Ultimo from the

the 2d Judge on Circuit in the Northern Division —
Soliciting the instructions of the Court of Zoyjdaree
Udalut as to the Course to be pursued by him in regard
to the 2d prisoner in Case No 4 on the Rajahmundry
Primary Calendar, who was released by the Criminal
Court —

(Here enter Jl. No 1898 of 1840)

In this case it appears that of the
three prisoners originally charged with murder, the first
was committed to take her trial before the Court of Circuit
another died while in confinement before the Police —
Officer, and the third was released by the Criminal
Court on the ground that there was no evidence to
prove that she was in any way concerned in the murder,
and her having concealed the murder was not deemed
punishable —

2 The 2d Judge being of opinion that
the last mentioned person may fairly be pronounced
to be an accessary after the fact, soliciting the opinion and
instructions of the Court as to how she can be dealt with,
since he is not aware that the Regulations of Government
or the Mahomedan Law provide any punishment for —
persons standing so accused —

3 The Court of Zoyjdaree Udalut observe
that they are not aware of any objection to sentence a
prisoner

21st October 1840

prisoner convicted as an accessary in murder after the fact.

It has been ruled by the Court that the term accomplice used in the concluding part of Section XVII Regulation VIII. of 1802 includes all the participes criminis whether they are considered in strict legal propriety as principals in the first or second degree or merely as accessaries before or after the fact. And according to the Mahomedan Law as declared in the futwas of their Law Officers, accessaries in murder after the fact are liable to discretionary punishment.

4 When a prisoner therefore is convicted of being an accessary after the fact to a murder, the case must be referred to the Court of Sunjdaree Udalut for their final decision.

5 With regard to the case which forms the subject of the 2d Judge's reference, the Court of Sunjdaree Udalut feel themselves precluded from giving any opinion; as far however as the Court are able to judge from the perusal of the papers submitted, there does not appear to be the slightest evidence to establish the fact of the prisoner in question being an accessary after the fact.

6 But should the 2d Judge still continue of opinion that there are sufficient grounds for charging her with that offence, the Court observe that he should pursue the course laid down in Section XXIII Regulation X of 1816 which

21st October 1840.

provisions are explained in the Circular Order No. 23 of the 2d December 1834.

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

/ Sent in No. 11499 /

Read Supplemental Return dated the 15th Instant from the 2d Judge on Circuit in the Southern Division to the precept of the Sunjdaree Udalut of the 15th Ultimo directing him to call for the proceedings held in Case No. 77 of the Report No. V of the Coimbatore Criminal Report for the Month of July 1840 and pass on them such orders as may appear to him proper with reference to the provisions of Section XXII Regulation X. of 1816 reporting the result for the information of the Sunjdaree Udalut.

/ Here enter S.R. No. 2096 of 1840 /

Read Letter dated the 7th Instant from the 3d Judge late on Circuit in the Northern Division reporting the death by drowning of the 1st Prisoner in Case No. 1 on the Rajahmundry Calendar for the 1st Sessions of 1840 sentenced by the Sunjdaree Udalut to transportation for life.

/ Here enter S.R. No. 2097 of 1840 /

Read

prisoner convicted as an accessary in murder after the fact.

It has been ruled by the Court that the term accomplice used in the concluding part of Section XVIII Regulation VIII of 1802 includes all the participes criminis whether they are considered in strict legal propriety as principals in the first or second degree or merely as accessaries before or after the fact. And according to the Mahomedan Law as declared in the futwas of their Law Officers, accessaries in murder after the fact are liable to discretionary punishment.

4 When a prisoner therefore is convicted of being an accessary after the fact to a murder, the case must be referred to the Court of Sunjdaree Udalut for their final decision.

5 With regard to the case which forms the subject of the 2d Judges reference, the Court of Sunjdaree Udalut feel themselves precluded from giving any opinion; as far however as the Court are able to judge from the perusal of the papers submitted, there does not appear to be the slightest evidence to establish the fact of the prisoner in question being an accessary after the fact.

6 But should the 2d Judge still continue of opinion that there are sufficient grounds for charging her with that offence, the Court observe that he should pursue the course laid down in Section XXIII Regulation X of 1816 which provisions

provisions are explained in the Circular Order No 23 of the 2d December 1834.

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

(Sent in No 1499)

Read Supplemental Return dated the 15th Instant from the 2d Judge on Circuit in the Southern Division to the precept of the Sunjdaree Udalut of the 15th Ultimo directing him to call for the proceedings held in Case No 77 of the Report No V of the Coimbatore Criminal Report for the Month of July 1840 and pass on them such orders as may appear to him proper with reference to the provisions of Section XXII Regulation X of 1816 reporting the result for the information of the Sunjdaree Udalut.

(Herewith F.H. No 2096 of 1840)

Read letter dated the 7th Instant from the 3d Judge late on Circuit in the Northern Division reporting the death by drowning of the 1st Prisoner in Case No 1 on the Rajahmundry Calendar for the 1st Sessions of 1840 sentenced by the Sunjdaree Udalut to transportation for life.

(Herewith F.H. No 2097 of 1840)

Read

Read Statement dated the 1st Instant from the Criminal Judge of Combaconum, of the amount realized by the labour of the Prisoners in the 3d Quarter of 1840.

/Herewith I.H. No 2099 of 1840/

Read Return dated the 15th Instant from the Criminal Judge of Bellary to the precept of the Sowdaree Udalut dated the 2d Instant, conveying his observations and orders on the Bellary Criminal Reports for the month of August last.

/Herewith I.H. No 2100 of 1840/

Read letter dated the 15th Instant from the Officer Commanding the Nilgherries, explaining with reference to the proceedings of the Sowdaree Udalut under date the 8th Instant that an inspection of the 1st September last a discrepancy was inadvertently made regarding the casualties in the Jail at Cotacamund during the month of August last.

/Herewith I.H. No 2103 of 1840/

Thursday, 22nd October, 1840.

At a Court of the Sowdaree Udalut

Present

John Bird Esqre — 1st Puisne Judge

Alexr Duncan Campbell Esqre — 2d Puisne Judge

Henry Dickinson Esqre — 3d Puisne Judge

No return having been received from the Acting Joint Criminal Judge of Trichinopoly to the precept of this Court of the 25th Ultimo conveying their observations and orders on the Criminal Reports for the month of August 1840.—

Ordered, that the Acting Joint Criminal Judge of Trichinopoly be required to make a return to the precept aforesaid without delay.—

(Sentin No 1501)

Read letter dated the 9th Instant from the Magistrate of Vizagapatam submitting an explanation of the grounds on which the 4th Prisoner in Case No 1 on the report No V of the Vizagapatam Criminal Court for the month of July 1840 was committed and of the conduct of the Head Police of Vizagapatam regarding his proceedings in

Case

22nd October 1810.

Case No 2 of the same Report.—

(Here enter F. Uc. No 2059.)

1. Under the explanation afforded in the above letter the Court of Foujdaree Udalut are of opinion that the Head Police of Godaveriberlah acted correctly in forwarding the prisoner to the Criminal Court.—

2. And they consider the explanation of the Magistrate in Case No 2 satisfactorily absolves the Head of Police at Vizagapatam from all blame in his conduct of the Proceedings of this case.—

3. With reference however to the exposition of his views of the course to be adopted in regard to the prisoners in this case the Court of Foujdaree Udalut observe that the Magistrate has erred in applying a rule of English Law to a point of procedure clearly established and laid down that the place wherein the offence is committed and not that wherein the offence of the principal was committed must in every case determine the jurisdiction by which the Offenders shall be tried in case of

Ordered

22nd October 1810.—

Ordered, that Extract from these proceedings be sent to the Magistrate of Vizagapatam for his information and guidance

(Sent in No 1502)—

F. C.

Friday
23d October 1840.

At a Court of the Foujdaree Udalut

Present,

John Bird Esqre _____ 1st Puisne Judge
Alexr Duncan Campbell Esqre 2d Puisne Judge
Henry Dickinson Esqre ___ 3d Puisne Judge

Read letter dated the 13 Instant from the Joint Criminal Judge of Guntoor forwarding the Criminal Reports of his Court for the month of September last.

(Here enter F. C. No. 2080)

These Reports do not appear to call for any remark from the Court of Foujdaree Udalut.

Ordered therefore, that Extract from these Proceedings be sent to the Joint Criminal Judge of Guntoor for his information

(Sent in No. 1508)

Read letter dated 12th October 1840 from the acting Criminal Judge of Chingleput forwarding the Criminal Reports of his Court for the month of September last.

(Here enter F. C. No. 2057)

These Reports do not appear

to

to call for any remark from the Court of Tonjdaree Udalut.

Ordered accordingly, that Extract from these proceedings be sent to the acting Criminal Judge of Chingleput for his information.

(Sent in No. 1509)

Read letter dated the 12 Instant from the late Assistant Magistrate of Cuddalore now acting Register of the Zillah Court of Salem. Submitting an explanation to the remarks of the Court of Tonjdaree Udalut contained in their Proceedings of the 7th Instant relative to Case No. 75 on the Cuddalore Criminal Reports for the month of August last.-

(Here enter F.C. No. 2090)

The Court of Tonjdaree Udalut direct that it be pointed out to the late Assistant Magistrate that it is not competent to him to address to this Court directly any explanation he may wish to offer on the subject of his proceedings should be forwarded through the head of the office in which those proceedings were conducted.-

Ordered, that Extract from these proceedings be sent to the Magistrate of Cuddalore

Cuddalore for the information and guidance of his Assistants with directions to forward a Copy to Mr. Oswell.-

(Sent in No. 1510-)

Read letter dated the 8th Instant from the 2d Judge on Circuit in the Northern Division transmitting for final sentence the Trial of Case No. 3 on the Rajahmundry Primary Calendar.-

(Here enter F.C. No. 2062)

The Court of Tonjdaree Udalut

Mr Campbell and Mr Dickinson

on a deliberate consideration of all the circumstances of the case in evidence before them being of opinion that the proof against the prisoner

Tolum Murdee

is sufficient to convict her of the crime of murder do convict her thereof and under the provisions of Section X Regulation VIII of 1802 do sentence her to suffer death at the usual place of execution but direct that the sentence be not carried into execution until a nurse be procured at the expence of the father for the infant now at her breast.

(Sent in No. 1511-)

F. 116.

Saturday,
24th October, 1840.

At a Court of the Foujdaree Udalut.

Present,

John Bird Esqre. 1st Puisne Judge,
Alexr. Duncan Campbell Esqre. 2d Puisne Judge,
Henry Dickinson Esqre. 3d Puisne Judge.

Read letter dated the 16th Instant from the Acting Joint Criminal Judge at Trichinopoly forwarding copy of a letter from the Medical Officer in charge of the Jail at that Station recommending the removal of a prisoner named "Naunadicum" to the Jail at Combaconum on account of ill health.

(Here enter No. 2111)

The Court of Foujdaree Udalut are accordingly pleased to authorize the transfer of the prisoner in question, to the Jail at Combaconum, and the Acting Joint Criminal Judge is directed to take the necessary measures for carrying this resolution into effect, and to communicate a copy of these proceedings to the Criminal Judge of Combaconum for his information.

(Sent in No. 1512)

Read

Read letter dated the 24th September 1840 from the Provincial Court of Circuit in the Western Division transmitting an Extract from their Proceedings relative to Cases Nos. 114 and 115 on the Malabar Criminal file for the orders of the Foujdaree Udalut.

(Here enter F. No. No. [illegible])

1. From these papers it appears that the 3d Judge having in compliance with the orders of the Court of Foujdaree Udalut examined the Proceedings held in the cases above alluded has recorded his opinion "that the prisoner in No. 115 "who was charged also in 114 was fully convicted "on both charges and there appears no reason "whatever why the punishment awarded by the "Sudr Ameen (mostly of 10 months imprisonment "and 50 lashes should have been reduced to 6 months "imprisonment only but that he fully deserved "the whole" The 3d Judge therefore directed the Criminal Judge to forward "the whole of the "proceedings in the cases to the Collective Court of "Circuit for their orders."

2. The Collective Court having doubts "how far it is competent to them to interfere "in these cases, with reference to the authority vested in the Criminal Judge by Clause first Section II Regulation III of 1833 to over-rule judgments passed by the Sudr Ameens attached to his Court and as it did not clearly appear to have been intended by the Foujdaree Udalut that these cases should have been referred to the Provincial Court, the Judges resolved to submit for the orders of this Court "the question whether they are expected "and authorized to dispose of these cases as "to them may seem proper."

3. In the 9th para of their Proceedings of the 12th August the Court of Foujdaree Udalut observed that they saw "reason from the entry of "the case in the Report to doubt the sufficiency "of the evidence for the conviction of the prisoners"

4. And under that doubt they resolved to direct that the 3d Judge on Circuit in the Western Division be ordered to call for the proceedings and pass such orders on them as may appear to him proper.

5. The object of their order 4 consequently was to ascertain whether there was sufficient evidence to establish the charges brought against the prisoner. It was never intended that any reference should have been made

24th October 1840.

made to the Provincial Court as to the question of the measure of punishment proper to be awarded the prisoner in such a cases.

6. In the opinion of the Court of Fonjdaree Udalut it rests entirely with themselves to determine when the sentence of the Criminal Judge should be allowed to stand and when it should be altered.-

7. But in all cases in which the propriety of the Criminal Judge's order may be brought into question by petition with reference to the evidence adduced - the Provincial Court are undoubtedly authorized and even required by the Provisions of Section XXIV Regulation X of 1816 to interfere and should it appear to them necessary to over rule that order.-

8. Since it appears from the report of the 3d Judge that the prisoner was fully convicted the Court will not now disturb the order passed by the Criminal Judge, but resolve to give the prisoner the benefit of his error they however deem it necessary that the Criminal Judge should be advised not again to interfere without just and sufficient cause.

Ordered that Extract from these

F. 46.

24 October 1840

these proceedings be sent to the Provincial Court of Circuit in the Western Division for their information and guidance.-

Sent in No. 1573 -/-

End 7th.

Monday.
26th October 1840.

At a Court of the Foujdaree Udalut

Present:

John Bird Esqre _____ 1st Puisne Judge

Alex.r Duncan Campbell Esqre 2d Puisne Judge

Henry Dickinson Esq re 3d Puisne Judge

The records of the trials in Cases Nos 1, 2, 4, 5 and 6 of the Vizagapatam Calendar and Case No. 3 of the Ichapoor Calendar for the 1st Sessions of 1840 not having been submitted to the Court of Foujdaree Udalut

Ordered that the 3d Judge late on Circuit in the Northern Division be required by precept returnable within 5 days from and after its receipt to shew what progress has been made in the preparation of English translations of the trials in question, and to explain the cause of the great delay in referring those trials for the final orders of the Court of Foujdaree Udalut.-

Sent in No. 1520 /.

The records of the trials in Cases Nos 3, 7, 8 and 12 of the Madura Calendar for the 2d Sessions of 1840 called for in the Proceedings of

of the Tongdaree Udalut of the 26th September last not having been submitted to the Court of Tongdaree Udalut

Ordered, that the 2d Judge on Circuit in the Southern Division, be required by precept returnable within 5 days from and after its receipt, to shew what progress has been made in the preparation of English translations of the trials in question, and to explain the cause of the delay in referring those Trials for the final orders of the Court of Tongdaree Udalut.—

/Sent in No. 1521/

The record of the trial in case No. 26 of the Cuddapah Calendar for the 2d Sessions of 1840, set down for reference to the Court of Tongdaree Udalut, not having been yet received.

Ordered, that the Acting 3d Judge on Circuit in the Centre Division be required by precept returnable within 5 days from and after its receipt, to shew what progress has been made in the preparation of the English Translation of the trial in question, and to explain the cause of the delay in referring this Trial for

for the final orders of the Tongdaree Udalut

/Sent in No. 1522/

Read return dated the 19th instant made by the Acting 1st Judge late on Circuit in the Centre Division to the precept of the Court of Tongdaree Udalut of the 12th October 1840 conveying their observations and orders on Case No. 6 of the Chingleput Calendar for the 1st Sessions of 1840.—

/Here enter No. 2124/

The Court of Tongdaree Udalut in the proceedings of the 12th instant held on review of the record of the trial No. 6 of the Chingleput Calendar for the 1st Sessions of 1840, expressed their surprise that the Acting 1st Judge of the Provincial Court for the Centre Division, who presided at the trial, had not noticed the defective proceedings of the Acting Criminal Judge, and they observed that the proceedings of the Court of Circuit were also defective, and they directed the Acting 1st Judge to call upon the Acting Criminal Judge to furnish certain evidence, which was wanting, to enable them to dispose of the case as regarding the 1st Prisoner.

The

2.

The Acting 1st Judge reports in the above return that he has obeyed the orders of the Court, by directing the Acting Criminal Judge to take and to submit the evidence required, but notwithstanding the recorded opinion of the Superior Court, that the case was investigated by the Acting Criminal Judge in a very insufficient and defective manner. Mr Lewin has in the same return commended the proceedings of the Acting Criminal Judge, observing that the proceedings of the late Acting Criminal Judge are not in his opinion "defective beyond the fact of his "placing an undue reliance on the direct "testimony in the Case;" that "the proceedings "of the Acting Criminal Judge were brief "but that he considered arose from the "circumstance of the record being already "very abundant, the case having been investi "gated by two Tahsildars."

3. And in alluding to the recorded opinion of the Court of Fouzdaree Udalut that the trial before the Court of Circuit itself was defective, by reason of the acting 1st Judge having omitted to take sufficient proof of the enmity

shown

shown in the police proceedings to have existed "between Ramachundra Naik and the first "prisoner, and also of the important facts that "the Stick M.O.I belonged to the said Rama "chundra Naik, and that he took it with him "when he left his house;" Mr Lewin has permitted himself to comment on this judgment of the Fouzdaree Udalut in language perhaps as disrespectful as any that has ever been addressed to the Court. He states that he is "unable to account for the strictures" on his proceedings recorded by the Court of Fouzdaree Udalut, that "he cannot assent to the justice of them;" that, having again perused the entire record, he submits that "the remarks of the Fouzdaree Udalut are "in direct opposition to the record out of which they proceed;" that there are no less than 60 different places in the record in which the facts of the dispute are related, and that there are not less than 12 different persons who depose to the facts of the dispute in detail.—

4 In this defence of his proceedings the Acting 1st Judge has either altogether overlooked

overlooked the fact, that no evidence is admissible against a prisoner but that which is given at the trial itself, held before the Court of Circuit; or if such defence has been made by the Acting 1st Judge in utter ignorance of the rule, that every material fact must be proved at the trial, before the Circuit Judges.

Mr Lewin requires to be instructed as to the first principle of his duty as a Judge of Circuit.

5. It is explained in the standing orders of the Fongdaree Udalut that no evidence is admissible against a Prisoner, but that which is given at the trial before the Court of Circuit, - excepting in the case of confessions or documents, which to render them available as evidence, must be read and proved at the trial; and in the case of depositions, those which have been given by witnesses who have died, or who may not be procurable, - on which occasion also the depositions of such witnesses must be read, and the due execution of them proved at the trial before the Court of Circuit. -

6. The facts upon which the Court of Fongdaree Udalut required evidence in this case

case were not proved at the trial before the Court of Circuit, nor were they established before the Criminal Court, and this being the case the Court of Fongdaree Udalut could not do less than notice the defective proceedings of the two Courts, which was done by them without any expression of censure, and in a manner the least calculated to cause pain; but which has elicited from the Acting 1st Judge a return which the Fongdaree Udalut are constrained to pronounce utterly incompatible with that respect which is due by an inferior to a superior Court.

7. The Court of Fongdaree Udalut hope that this expression of their disapprobation will have the effect of inducing the Acting 1st Judge to regret the want of consideration which has betrayed him into addressing to the Court of Fongdaree Udalut observations so utterly inconsistent with the respect due to those placed in authority over him, and they trust that they will not have again to notice any such improper style in his correspondence

with

26th October 1840 with his official Superiors.

Ordered, that Extract from these proceedings be forwarded to the Acting 1st Judge on Circuit in the Centre Division for his information and future guidance.-

Sent in No. 1523 p.

F. 16

Tuesday
27th October 1840

At a Court of the Foujdaree Udalut.

Present,

John Bird Esqre ——— 1st Puisne Judge,
Alexr Duncan Campbell Esqre 2d Puisne Judge,
Henry Dickinson Esqre ——— 3d Puisne Judge,

Read letter dated the 19th of October 1840 from the 2d Judge on Circuit in the Northern Division forwarding an English translation of the record of the trial in Case No. 4 on the Rajahmundry Calendar for the 2d Sessions of 1840.-

(Here enter F. 16 No. 21430 of 1840)

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 Sahib"

Mr Campbell is sufficient to convict him of the crime of perjury, do convict him thereof, and, under the provisions of Clause first Section V Regulation VIII of 1831, and Clause first Section III Regulation VII of 1811, do sentence him to be exposed in the manner commonly denominated

26th October 1840 with his official Superiors.

Ordered, that Extract from these proceedings be forwarded to the Acting 1st Judge on Circuit in the Centre Division for his information and future guidance.-

Sent in No. 1523 -

Tuesday 27th October 1840.

F. 16 1836 as

At a Court of the Foujdaree Udalut.

Present,

John Bird Esqre. ——— 1st Puisne Judge,

Alexr. Duncan Campbell Esqre. 2d Puisne Judge,

Henry Dickinson Esqre. ——— 3d Puisne Judge,

Read letter dated the 19th of October 1840 from the 2d Judge on Circuit in the Northern Division forwarding an English translation of the record of the trial in Case No. 4 on the Rajahmundry Calendar for the 2d Sessions of 1840.-

(Here enter F. 16 No. 2143 of 1840)

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 Sahib"

Mr. Campbell is sufficient to convict him of the crime of perjury, do convict him thereof, and, under the provisions of Clause first Section V Regulation VIII of 1831, and Clause first Section III Regulation VII of 1811, do sentence him to be exposed in the manner commonly denominated

denominated Feathers, 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 five years.

The Court of Foujdaree Udalut observe that the prisoner on his defence admitted the deposition given on the former trial on which the present charge of perjury is founded. But it was nevertheless the duty of Mr Bidean to have caused it to be proved on the part of the prosecution; for, had it not been admitted by the Prisoner, there would have been proof merely that the prisoner was sworn, but none that the prisoner had deposed to such and such facts In all cases of Perjury the deposition containing it should be proved and read at the trial.—

Ordered that Extract from these proceedings be sent to the 2d Judge on Circuit in the Northern Division for his information and guidance.—

/Sent following letter No. 1524/

Read letter dated the 15th Instant from the 3d Judge of the Provincial Court of Circuit in the Northern Division intimating that

that having considered Act No. XXX of 1836 as dispensing with a Futwah, "in all cases of Thuggee of whatever kind," he closed the Trials Nos 2 4 and 6 of the Vizagapatam Calendar 1st Sessions of 1840, without taking a Futwah from the Mahomedan Law Officer; but having been since given to understand that the Act does not apply to cases of persons charged with murder by Thuggee, he requests to be informed whether the trials must be quashed, or whether he may be allowed now to call upon the Law Officer for a Futwah in each case.

/Here enter No. 2110/

If the Law Officer who accompanied the Court of Circuit was actually present at the Trials, the 3d Judge may now call upon the Law Officer who presided with him at the 1st Sessions for a Futwah in each case; but if the Law Officer was not so present at the hearing of the Trials the proceedings are irremediably defective, and the trials themselves null and void.—

The prohibition contained in Section III Act XXX of 1836 against requiring any Futwah from a Law Officer is specifically limited

27th October 1840

limited to trials of persons accused of the offence made punishable by that Act, and the Court of Foujdaree Udalut will very much regret if in the Cases referred to, the ends of justice are defeated by reason of any inattentive consideration on the part of Mr Stromboom of the Provisions of Act XXX of 1836.

Ordered that Extract from these proceedings be forwarded to the 3d Judge of the Provincial Court of Circuit in the Northern Division for his information and guidance.—

Sent in No. 1525.

Read letter dated the 15th Instant from the 3d Judge of the Provincial Court in the Northern Division representing that in a Civil Case pending before him he has every reason to believe that one of the witnesses has committed Perjury and that he is accordingly taking evidence on the point with a view to his eventual committal for Trial, but under the circumstances requesting to be informed whether he is himself to prepare the Indictment and the Calendar for committal or whether the Proceedings must be sent to the joint Criminal Judge as in Cases of Perjury—

Committed

2. F. Ha.

27th October 1840

committed before the 3s of the Head Assistant

Here on 14th September 1840 found

1. The 3d Judg forwarded in a the proceedings in question in charge observe to the joint Criminal Judge, who we having be bound to commit the case for trial by the Court of Circuit, according to the instructions that may be addressed to him by the 3d Judge.—

2. It is only in Cases of Perjury brought before the Criminal Court by an inferior authority that the Criminal Judge can exercise a discretionary power as to the commitment of a prisoner forwarded on such a charge; unless indeed the Superior Officer may direct the Criminal Judge to release or to commit the prisoner according as he may be of opinion that the charge is or is not supported by the Evidence before him.—

See C. C. 5th August 1824.

3. In the event however of the commitment of the witness being ordered by the 3d Judge, the Court of Foujdaree Udalut are of opinion that the trial of the individual in question should not be conducted before the 3d Judge himself but the case

should

27th October 1840

limited to trials of persons accused of the offence made punishable by that Act, and the Court of Foujdaree Udalut will very much regret if in the cases referred to, the ends of justice are defeated by reason of any inattentive consideration on the part of Mr Stromboom of the Provisions of Act XXX of 1836.

Ordered that Extract from these proceedings be forwarded to the 3d Judge of the Provincial Court of Circuit in the Northern Division for his information and guidance.—

Sent in No. 1525.

Read letter dated the 15th Instant from the 3d Judge of the Provincial Court in the Northern Division representing that in a Civil Case pending before him he has every reason to believe that one of the witnesses has committed Perjury and that he is accordingly taking evidence on the point with a view to his eventual committal for Trial, but under the circumstances requesting to be informed whether he is himself to prepare the Indictment and the Calendar for committal or whether the Proceedings must be sent to the Joint Criminal Judge as in cases of Perjury committed

27th October 1840.

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2. It is only in Cases of Perjury brought before the Criminal Court by an inferior authority that the Criminal Judge can exercise a discretionary power as to the commitment of a prisoner forwarded on such a charge; unless indeed the Superior Officer may direct the Criminal Judge to release or to commit the prisoner according as he may be of opinion that the charge is or is not supported by the evidence before him.—

See C. C. 5th August 1824.

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should

27th October 1840

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rimincial Court.-

dered that Extract from these

warded to the 3d Judge of

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formation and guidance.

t in No. 1526/-

ad letter dated the 10th of October

1840 from the Joint Criminal Judge of Cuddalore

submitting the Criminal Reports of that Court

for the month of September last.

/Here enter F. 16 No. 2076/

1.

These reports do not appear to

call for any remark from the Court of Tonjore

Udalut.

2.

With reference however to the Extract

from the Proceedings of the Criminal Court on

Criminal Case No. 87 under date the 7th September

1840 and the reply thereto which accompanied

it the Court of Tonjore Udalut premising

that the Magistrate of Cuddalore is aware

of the irregularity of any correspondence being

carried on between the Criminal Court and

his office otherwise than through the head of his

office and therefore supposing that the Extract

from

27th October 1840

from the proceedings of the Head Assistant

Magistrate dated the 11th September 1840 found

amongst those papers was forwarded in a

letter from the Magistrate in charge observing

that the investigation of this case having

been on a former occasion mismanaged by

the Head of the Police of Tendaramam it

becomes the duty of the Magistrate either to

have examined it himself or referred it to one

of his European Assistants and not to have

referred it to that officer by whom the

previous enquiry was so inadequately and

improperly conducted.

Ordered that Extract from

these Proceedings be sent to the Joint

Criminal Judge of Cuddalore for his

information and guidance with direction

to communicate Extract of para 2 to the

Magistrate of Cuddalore.

/Sent in No. 1524/

Read the Criminal Reports

for the month of September last submitted

by the Criminal Judge of Madura

/Here enter F.R. No. 2083/

In this Case the Criminal

Judge

Supplemental Report

Case No. 67

27th October 1840

Judge has modified the sentence passed by the Sudr Ameen the Criminal Judge will be pleased to report for the information of the Court of Fonjdaree Udalut the circumstances which induced him to adopt this measure.

2. The Court view even this amended sentence of the Criminal Judge as inadequate and observe that a difference is made in the punishment inflicted upon the persons guilty of the theft and the receivers of the stolen property as a general rule the Judges are disposed to view the case of both classes of offenders as deserving of like punishment and without some special cause a less penalty should never be awarded to the receiver than to the thief.

Report No V
Case No 68.

3. In this case it is stated that the prisoner denied the charge and denied her confession before the Head of Police and complained that previously to her being brought before the Head of Police she was confined for several days in the Prosecutors house and there suffered much ill usage from him and from the 1st witness the Court of Fonjdaree Udalut direct that a copy of this case as it stands in the report and

of

27th October 1840

of this para be sent by the Criminal Court to the Magistrate of Madura who will be pleased to inquire into the conduct of the parties concerned and report direct to the Fonjdaree Udalut whether he has found it necessary to take any and what notice thereof.

Ordered that Extract from these proceedings be sent to the Criminal Judge of Madura for his information and guidance by precept returnable in 5 days from and after its receipt.-

/Sent following precept No 1528/

Read the Criminal Report for the month of September last submitted by the Acting Joint Criminal Judge of Tinnevelly

/Here enter F. No 2084/

Report No V
Case No 86.

1. In this case the 2d and 3d prisoners have been sentenced for "having been "accessary to the 1st prisoner in preferring" a false complaint to 6 months imprisonment under Section II Regulation IX of 1832 the Court of Fonjdaree Udalut having ruled that the party preferring the false complaint to the Police alone is punishable direct that the sentence passed on the prisoners in

question

27th October 1840

Judge has modified the sentence passed by the Sudr Ameen the Criminal Judge will be pleased to report for the information of the Court of Fonjdaree Udalut the circumstances which induced him to adopt this measure.

2. The Court view even this amended sentence of the Criminal Judge as inadequate and observe that a difference is made in the punishment inflicted upon the persons guilty of the theft and the receivers of the stolen property as a general rule the Judges are disposed to view the case of both classes of offenders as deserving of like punishment and without some special cause a less penalty should never be awarded to the receiver than to the thief.

Report No V
Case No 68

3. In this case it is stated that "the prisoner denied the charge and denied her confession before the Head of Police" and complained "that previously to her being brought before the Head of Police she was confined for several days in the Prosecutors house and there suffered much ill usage from him and from the 1st witness" The Court of Fonjdaree Udalut direct that a copy of this case as it stands in the report and

of

3. F. H.

27th October 1840

of this para be sent by the Criminal Court to the Magistrate of Madura who will be pleased to inquire into the conduct of the parties concerned and report direct to the Fonjdaree Udalut whether he has found it necessary to take any and what notice thereof.

Ordered that Extract from these proceedings be sent to the Criminal Judge of Madura for his information and guidance by precept returnable in 5 days from and after its receipt.-

(Sent following precept No 1528)

Read the Criminal Reports for the month of September last submitted by the Acting Joint Criminal Judge of Tinnevelly

(Here enter F. H. No 2084)

Report No V
Case No 86

1. In this case the 2d and 3rd prisoners have been sentenced for "having been "accessary to the 1st prisoner in preferring" a false complaint to 6 months imprisonment under Section II Regulation IX of 1832 the Court of Fonjdaree Udalut having ruled that the party preferring the false complaint to the Police alone is punishable direct that the sentence passed on the prisoners in

question

27th October 1840

Judge has modified the sentence passed by the Sudr Ameen the Criminal Judge will be pleased to report for the information of the Court of Fonjdaree Udalut the circumstances which induced him to adopt this measure.

2. The Court view even this amended sentence of the Criminal Judge as inadequate and observe that a difference is made in the punishment inflicted upon the persons guilty of the theft and the receivers of the stolen property as a general rule the Judges are disposed to view the case of both classes of offenders as deserving of like punishment and without some special cause a less penalty should never be awarded to the receiver than to the thief.

Report No V
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of

F. C.

27th October 1840

of this para be sent by the Criminal Court to the Magistrate of Madura who will be pleased to inquire into the conduct of the parties concerned and report direct to the Fonjdaree Udalut whether he has found it necessary to take any and what notice thereof.

Ordered that Extract from these proceedings be sent to the Criminal Judge of Madura for his information and guidance by precept returnable in 5 days from and after its receipt.-

Sent following precept No 1328

Read the Criminal Report to for the month of September last submitted by the Acting Joint Criminal Judge of Tinnevelly

Here enter F. C. No 2084

Report No V
Case No 86.

1. In this case the 2d and 3d prisoners have been sentenced for "having been "accessary to the 1st prisoner in preferring" a false compliant to 6 months imprisonment under Section II Regulation IX of 1832 the Court of Fonjdaree Udalut having ruled that the party preferring the false complaint to the Police alone is punishable direct that the sentence passed on the prisoners in

question

27th October 1840

Judge has modified the sentence passed by the Sudr Ameen the Criminal Judge will be pleased to report for the information of the Court of Fonjdaree Udalut the circumstances which induced him to adopt this measure.

2. The Court view even this amended sentence of the Criminal Judge as inadequate and observe that a difference is made in the punishment inflicted upon the persons guilty of the theft and the receivers of the stolen property as a general rule the Judges are disposed to view the case of both classes of offenders as deserving of like punishment and without some special cause a less penalty should never be awarded to the receiver than to the thief.

Report No V
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of

3. F. No.

27th October 1840

of this para be sent by the Criminal Court to the Magistrate of Madura who will be pleased to inquire into the conduct of the parties concerned and report direct to the Fonjdaree Udalut whether he has found it necessary to take any and what notice thereof.

Ordered that Extract from these proceedings be sent to the Criminal Judge of Madura for his information and guidance by precept returnable in 5 days from and after its receipt.-

(Sent following precept No 1528.)

Read the Criminal Report to for the month of September last submitted by the Acting Joint Criminal Judge of Tinnevelly

(Here enter F. No. 2084.)

Report No V
Case No 86.

1. In this case the 2d and 3d prisoners have been sentenced for "having been "accessary to the 1st prisoner in preferring" a false complaint to 6 months imprisonment under Section II Regulation IX of 1832 the Court of Fonjdaree Udalut having ruled that the party preferring the false complaint to the Police alone is punishable direct that the sentence passed on the prisoners in

question

27th October 1840.

Case No. 87

question in this case be set aside.

2. And adverting to the sentence passed on the 1st and 2d prisoners who are charged in the case No. 87 with escape the Court of Fouzdaree Udalut observe that a seperate sentence should always be passed in cases of escape in addition to that which a prisoner is already undergoing since the offence of escape is distinct from all others because it must be in addition to a former offence or at least to an accusation of one.

3. Accordingly the Acting Joint Criminal Judge is instructed to amend the sentences passed in Cases Nos. 86 & 87 with reference to the construction put on the law by the Court of Fouzdaree Udalut in the preceding paras.

Cases Nos. 92. 93 & 94.

4. The Court of Fouzdaree Udalut conclude that the prisoners in these cases who are charged with perjury in having given contradictory depositions before the Criminal and Circuit Courts on the 13th May and 1st September respectively, were committed to stand their trial by order of the Court of Circuit.

Case No. 101.

5. In this case the 2d and 3rd

Prisoners

27th October 1840.

Prisoners are charged with having been found in possession of certain things stolen from the Prosecutor but the guilty knowledge is not charged.

Ordered that Extract from these proceedings be sent to the Acting Joint Criminal Judge of Tinnevelly for his information and guidance by precept returnable in 5 days from and after its receipt.—

(Sent following precept No. 1529)

Read letter dated the 8th instant from the Principal Sudr Ameen at Hoovore transmitting the Criminal Reports of his Court for the month of September last.

(Here enter F. No. No. 2087)

Case No. 49.

The Court of Fouzdaree Udalut seeing reason to doubt the propriety of the acquittal recorded in this case and under the peculiar circumstances represented in the abstract of it given in the report resolve to direct the 3d Judge now on Circuit in the Western Division to call for the proceedings held in the case and pass upon them such orders as may appear to him proper with reference to the Provisions of Section XXIII Regulation

27th October 1840

Regulation X of 1816 reporting the results for the information of the Foujdaree Udalut.

Ordered that Extract from these Proceedings be sent to the Principal Sudr Ameen for his information.

/Sent in No. 1530./

Ordered also that Extract be sent to the 3d Judge on Circuit in the Western Division for his information and guidance by precept returnable in 20 days from and after its receipt.

/Sent following precept No. 1531./

Read letter dated the 12th Instant from the acting Joint Criminal Judge of Tellicherry transmitting the Criminal Reports of that Court for the month of September last.

/Here enter F. Uc. No. 2085./

Report No. V Case No. 113

1. A further explanation of the grounds on which the sentence has been passed, in this case is necessary to enable the Foujdaree Udalut to judge of the propriety of the order recorded by the Pundit Sudr Ameen.

2. The Court do not understand why the offence charged against the prisoner was "not punishable by the Criminal Court".

4 F. Uc.

27th October 1840

yet they are surprised to find that in direct violation of this declaration the prisoner has been sentenced to 15 days imprisonment with hard labor

Case No. 115

3. In this case the prisoner is charged with preferring a false complaint before the Lieutenant Head of Police and has been sentenced by the Pundit Sudr Ameen to 2 months imprisonment and hard labor under the provisions of Regulation IX of 1832

4. The Court of Foujdaree Udalut seeing reason, from the entry of the case in the Report, to doubt the sufficiency of the evidence for the conviction of the prisoner resolve to direct the Judge presiding at the 4th Quarterly Sessions at Tellicherry 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 reporting the results for the information of the Foujdaree Udalut.

Ordered that Extract from these proceedings be sent to the Acting Joint Criminal Judge at Tellicherry for his information

27th October 1840

information and guidance by precept returnable in 5 days from and after its receipt.

(Sent following precept No 1532)

Ordered also that Extract from these proceedings (paras 3 and 4) be sent to the 2d Judge presiding at the 4th Quarterly Sessions at Tellicherry by precept returnable in 20 days from and after its receipt.

(Sent following precept No 1533)

Read letter dated the 16th instant from the Criminal Judge of Combaconum forwarding the Criminal Reports of his Court for the month of September last.

(Here enter F.H. No 2092)

1. The Court of Foujdaree Udalut require to be informed where the prisoners in this case were from the 1st to the 7th of September the date on which they are alleged to have been brought before the Police Ameen of Irnaad.

2. The Criminal Judge will accordingly send copy of this Case as it stands in the Report and of this para to the Magistrate of Tanjore who will be pleased to furnish the required information direct to the

27th October 1840

the Court of Foujdaree Udalut.

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

(Sent in No 1534)

Read the Criminal Reports for the month of September last submitted by the joint Criminal Judge of Coimbatore.

(Here enter F.H. No 2093)

Report No V
Case No 97

Adverting to the remarks of the joint Criminal Judge in this Case, the Court of Foujdaree Udalut observe that no grounds have been shown in the abstract for the order of the release of the 1st prisoner who being in the Government employ, is amenable to punishment for allowing smugglers who had been apprehended to escape. The Court accordingly direct that further explanation on this point may be submitted.

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

(Sent following precept No 1535)

Wednesday,
28th October, 1840.—

At a Court of the Foujdaree Udalut.

Present

The Hon.ble John Bird Esq.re ——— 1st Puisne Judge
Alex.r Duncan Campbell Esq.re — 2d Puisne Judge
Henry Dickinson Esq.re — 3d Puisne Judge

Read letter dated the 16th Instant from the Acting Joint Criminal Judge of Tellicherry annexing a list containing the particulars regarding a Prisoner in Case No 1 on the Tellicherry Calendar, 4th Quarterly Sessions of 1840, who has been sentenced to banishment by the Court of Quarterly Sessions.—

[Here enter No 2122 of 1840.]

The Court of Foujdaree Udalut direct that the prisoner

Vengatery Cannan alias Nowookel Cannan.

be removed to the Jail at Coimbatore, there to be imprisoned agreeably to the terms of his sentence.—

Ordered, that Extract from these Proceedings be forwarded to the Acting Joint Criminal Judge of Tellicherry and to the Joint Criminal Judge of Coimbatore for their information and guidance respectively.—

[Sent in Mess.rs 1539 & 1540.]—

Read

Wednesday,
28th October, 1840.— At a Court of the Foujdaree Udalut.

Present

WS John Bird Esqre —— 1st Puisne Judge
WS Alexr Duncan Campbell Esqre — 2d Puisne Judge
JB Henry Dickinson Esqre — 3d Puisne Judge

Read letter dated the 16th Instant from the Acting Joint Criminal Judge of Tellicherry annexing a list containing the particulars regarding a Prisoner in Case No 1 on the Tellicherry Calendar, 4th Quarterly Sessions of 1840, who has been sentenced to banishment by the Court of Quarterly Sessions.—

(Here enter No 2122 of 1840.)

The Court of Foujdaree Udalut direct that the prisoner

Vengatery Cannan alias Kowookel Cannan.

be removed to the Jail at Coimbatore, there to be imprisoned agreeably to the terms of his sentence.—

Ordered, that Extract from these Proceedings be forwarded to the Acting Joint Criminal Judge of Tellicherry and to the Joint Criminal Judge of Coimbatore for their information and guidance respectively.—

(Sent in Nos 1539 & 1540)—

Read

Read letter dated the 20th Instant from the Acting 1st Judge of the Provincial Court of Circuit in the Centre Division submitting the Calendar of Case No. 3 of the Chittoor 4th Quarterly Sessions of the present year and recommending that a compromise instead of a trial be allowed to take place.—

(Here Enter No. 2125.)

1. The Acting 1st Judge submits that "the prisoner, (the Son of the Prosecutrix' Sister.) "was received into the House of the Prosecutor for "protection on the death of his father, which "happened in his infancy;" and that "the proceedings "in the case shew that he has been the dupe "of 2 other persons tried with him, but released "for want of sufficient proof." He added that it does not appear to the Acting 1st Judge that "Society would derive any advantage from a "prosecution of this nature;" that the Prosecutor himself is also unwilling to prosecute his nephew, and that the punishment of the prisoner would only add to the pain which the prosecutor "has already endured in losing his "property, at the hands of a person bound to him "as well by ties of relationship as of gratitude."—

2. The Acting 1st Judge adds his "opinion that the prisoner is not perhaps an "object of consideration, except on the grounds "of his youth, but the prosecutor is greatly "so," and he suggests that the prisoner should be acquitted "on the ground of the Prosecutor's "noli prosequi."—

3. The Acting 1st Judge has omitted to state the age of the prisoner referred to, but unless he is a mere child, the Court of Foujdaree Adalut see no sufficient cause to justify his discharge without trial.—

4. The fact of the prisoner having been an inmate of the prosecutor's House is an aggravation of his offence, and unless his age is such as to justify the measure proposed, the Court of Foujdaree Adalut direct that the trial be proceeded with.—

5. In the event of the conviction of the Prisoner, it will be open to the Acting 1st Judge to recommend a mitigation of punishment should he consider it right to do so.—

Ordered, that Extract from these Proceedings be forwarded to the Acting 1st Judge of the Provincial Court of Circuit in the Centre

Read letter dated the 20th Instant from the Acting 1st Judge of the Provincial Court of Circuit in the Centre Division submitting the Calendar of Cases No 3 of the Chittoor 4th Quarterly Sessions of the present year and recommending that a compromise instead of a trial be allowed to take place.-

(Here enter No 2125.)

1.
The Acting 1st Judge submits that "the prisoner, (the Son of the prosecutrix Sister.) "was received into the house of the prosecutor for "protection on the death of his father, which "happened in his infancy," and that "the proceedings "in the case shew that he has been the dupe "of 2 other persons tried with him, but released "for want of sufficient proof." He added that it does not appear to the Acting 1st Judge that "Society would derive any advantage from a "prosecution of this nature;" that the prosecutor himself is also unwilling to prosecute his nephew, and that the punishment of the prisoner would only add to the pains which the prosecutor "has already endured in losing his "property, at the hands of a person bound to him "as well by ties of relationship as of gratitude."-

2.
The Acting 1st Judge adds his opinion that "the prisoner is not perhaps an "object of consideration, except on the grounds "of his youth, but the prosecutor is greatly "so," and he suggests that the prisoner should be acquitted "on the ground of the prosecutrix "noli prosequi."-

3.
The Acting 1st Judge has omitted to state the age of the prisoner referred to, but unless he is a mere child, the Court of Foujdaree Udalut see no sufficient cause to justify his discharge without trial.-

4.
The fact of the prisoner having been an inmate of the prosecutors house is an aggravation of his offence, and unless his age is such as to justify the measure proposed, the Court of Foujdaree Udalut direct that the trial be proceeded with.-

5.
In the event of the conviction of the Prisoner, it will be open to the Acting 1st Judge to recommend a mitigation of punishment should he consider it right to do so.-

Ordered, that Extract from these Proceedings be forwarded to the Acting 1st Judge of the Provincial Court of Circuit in the Centre

28th October 1840.-

Centre Division for his information and guidance,
and that the original Calendar be returned
to that Officer as requested.-

(Sent in No 154)

Read return dated the 5th Instant
from the 1st Judge of the Provincial Court of Circuit
in the Northern Division to the precept of the
Tanjaree Udalut of the 23rd of September last
calling for an English translation of the Record
of the trial in Case No 1. on the Mofussilpatam
Calendar for the 3rd Quarterly Sessions of 1840.-

(Here enter J. U. No 2050.)

1. In this case two prisoners stood
charged before the Court of Circuit the 1st with
administering medicine to the Prosecutors wife
who was pregnant and introducing a wick rubbed
with certain ingredients into her womb for the
purpose of procuring abortion of which treatment
she died and the 2nd with assisting the 1st
Prisoner by preparing and delivering to her the
medicine and giving her advice for effecting
the abortion.-

2. Both Prisoners were acquitted
but the 1st was required to find Security for
her future good behaviour.-

The

28th October 1840.-

3 The Court of Tanjaree Udalut entirely disapprove of the proceedings of the 1st Judge in this case there appears to them to be no doubt that medicine was administered to the wife of the Prosecutor for the purpose of inducing a miscarriage and that in consequence of the medicine so administered and probably other ill treatment the Prosecutors wife died.-

4. There is no direct proof that the Prisoners administered the medicine. Before the Police each denied that she had administered it and charged the other with having done it.-

5. Witnesses state that the deceased declared that the medicine had been given to her by the 1st Prisoner it having been prepared by the 2nd. It is however not clear what she said on the subject for the Prosecutor declared before the Police that wicks had been introduced into her (which he could only have known from his wife) whereas before the Court of Circuit he spoke of medicine having been given her to eat.-

6 No examination was taken by

the

28th October 1840.-

Centre Division for his information & guidance, and that the original Calendar be returned to that Officer as requested.-

(Sent in No 154)

Bad return dated the 5th Instant from the 1st Judge of the Provincial Court of Circuit in the Northern Division to the precept of the Tanjdaree Udalut of the 23rd of September last calling for an English translation of the Record of the trial in Case No 1. on the Masulipatam Calendar for the 3rd Quarterly Sessions of 1840.-

(Here enter F.16. No 2050.)

1. In this case, two prisoners stood charged before the Court of Circuit the 1st with administering medicine to the Prosecutors wife who was pregnant and introducing a wick rubbed with certain ingredients into her womb for the purpose of procuring abortion of which treatment she died and the 2nd with assisting the 1st Prisoner by preparing and delivering to her the medicine and giving her advice for effecting the abortion.-

2. Both prisoners were acquitted but the 1st was required to find security for her future good behaviour.-

28th October 1840.-

3 The Court of Tanjdaree Udalut entirely disapprove of the proceedings of the 1st Judge in this case there appears to them to be no doubt that medicine was administered to the wife of the Prosecutor for the purpose of inducing a miscarriage and that in consequence of the medicine so administered and probably other Treatment the Prosecutors wife died.-

4. There is no direct proof that the Prisoners administered the medicines Before the Police each denied that she had administered it and charged the other with having done it.-

5. Witnesses state that the deceased declared that the medicine had been given to her by the 1st Prisoner it having been prepared by the 2nd. It is however not clear what she said on the subject for the Prosecutor declared before the Police that wicks had been introduced into her (which he could only have known from his wife) whereas before the Court of Circuit he spoke of medicine having been given her to eat.-

6 No examination was taken by the

the Head of Police from the deceased the Court direct that this omission be pointed out to the Magistrate who will be required to take such measures as may appear to him proper to prevent a similar irregularity in future.—

7. It appears however to the Court that there is in this case strong presumptive proof of both the prisoners having been concerned in administering medicine to the deceased and they are of opinion that the 1st Judge seriously erred in judgment in not referring the trial for the final sentence of the Fouzdaree Udalut.—

8. Finally the perusal of the trial leads the Court to observe that they cannot find the slightest foundation for the extraordinary opinion propounded by Mr. Montgomery in the conclusion of his remarks on the Calendar "that the death of the Prosecutor's wife was solely to her improper conduct in having drank too much water against the rule of her diet—

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

(Sent in No. 1542)

Read

Read letter dated the 16th of October 1840 from the Provincial Court of Circuit in the Western Division submitting a translation of the Criminal Reports of the Sirey Principal Sudr Ameen's Court for the month of September last.—

(Here enter F.C. No. 2132.)

Report No. V
Cast. No. 57

The amount and the term of the security demanded in this case appeard to the Court of Fouzdaree Udalut to be too high.—

The sentence as it at present stands is tantamount to a sentence of 6 months imprisonment.—

The Court of Fouzdaree Udalut accordingly direct that the Principal Sudr Ameen be instructed to modify it, and that the prisoner be required to produce security in the amount of 5 Rupees for his appearance and good behaviour for the period of one month.—

Ordered that Extract from these proceedings be sent to the Provincial Court of Circuit in the Western Division for their information and guidance by precept returnable in 5 days from and after its receipt.—

(Sent following precept No. 1543)

the Head of Police from the deceased the Court direct that this omission be pointed out to the Magistrate who will be required to take such measures as may appear to him proper to prevent a similar irregularity in future.—

7. It appears however to the Court that there is in this case strong presumptive proof of both the Prisoners having been concerned in administering medicine to the deceased and they are of opinion that the 1st Judge seriously erred in judgment in not referring the trial for the final sentence of the Fouzdaree Udalut.—

8. Finally the perusal of the trial leads the Court to observe that they cannot find the slightest foundation for the extraordinary opinion propounded by Mr. Montgomery in the conclusion of his remarks on the Calendar "that the death of the Prosecutor's wife was solely to her improper conduct in having drank too much water against the rule of her diet.—

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

(Sent in No. 1512)

Read letter dated the 16th of October 1840 from the Provincial Court of Circuit in the Western Division submitting a translation of the Criminal Reports of the Surey Principal Sudr Ameen's Court for the month of September last.—

(Here enter S.W. No. 2132.)

Report No. V

Cases No. 57

The amount and the term of the security demanded in this case appears to the Court of Fouzdaree Udalut to be too high.— The sentence as it at present stands is tantamount to a sentence of 6 months imprisonment.—

The Court of Fouzdaree Udalut accordingly direct that the Principal Sudr Ameen be instructed to modify it, and that the prisoner be required to produce security in the amount of 5 Rupees for his appearance and good behaviour for the period of one month.—

Ordered that Extract from these proceedings be sent to the Provincial Court of Circuit in the Western Division for their information and guidance by precept returnable in 5 days from and after its receipt.—

(Sent following precept No. 1513)

F.U.

Thursday. 29th October 1840.

At a Court of the Foujdarree Udalut.

Present.

WB

John Bird Esqre ——— 1st Puisne Judge.

Alexr Duncan Campbell Esqre — 2nd Puisne Judge.

Henry Dickinson Esqre — 3d Puisne Judge.

Read letter dated the 21st Instant from the 2d Judge on Circuit in the Southern Division transmitting an English translation of the Record in Case No. 5 of the Combaconum Calendar for the 2nd Sessions of 1840.

(Here enter F.U. No. 2155.)

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

Mr. Bird and Mr. Campbell.

"Veeranootaun"

is sufficient to convict him of the crimes of murder and wounding, do convict him thereof, and, under the provisions of Section X Regulation VIII of 1802, do sentence him to suffer death, by being hanged, at the usual time and place of execution.

(Sent following letter No. 1545.)

Circular.

F.U.

Thursday 29th October 1840.

At a Court of the Foujdaree Udalut.

Present.

JS

John Bird Esqre ——— 1st Puisne Judge.

Alexr Duncan Campbell Esqre 2nd Puisne Judge.

Henry Dickinson Esqre ——— 3d Puisne Judge.

Read letter dated the 21st Instant from the 2d Judge on Circuit in the Southern Division transmitting an English translation of the Record in Case No. 5 of the Combaconum Calendar for the 2nd Sessions of 1840.

(Here enter F.U. No. 2155.)

The Court of Foujdaree Udalut,

Mr. Bird and Mr. Campbell. on a deliberate consideration of all the circumstances of the Case in evidence before them, being of opinion that the proof against the prisoner

"Veeramootanee"

is sufficient to convict him of the crimes of murder and wounding, do convict him thereof, and, under the provisions of Section X. Regulation VIII of 1802, do sentence him to suffer death, by being hanged, at the usual time and place of execution.

(Sent following letter No. 1545.)

Circular

29th October 1830

Circular Order No. 126.

Read letter dated the 6th Instant from the Magistrate in the Northern Division of Arcot submitting for the consideration of the Court at the instance of the Joint Magistrate of the District certain questions connected with the construction of Section III Regulation I of 1818.—

(Here enter No 2101.)

1. The 1st Question proposed is.— "Whether the wife and adulterer are punishable criminally where the husband has connived at their illicit intercourse.—

2. The Court of Sudder Adalut would answer this question in the negative.— The prosecutor under such circumstances would not have grounds of complaint as an injured party, and it was not intended by the Legislature that the offence should be prosecuted as an offence against the public.

3. The 2nd Question proposed is.— Does the enactment that the charge in cases of Adultery shall be "exclusively by the husband "against the wife, or by the wife against the "husband, "secure the paramour of the guilty wife or husband from punishment.—

Under

29th October 1830.

4. Under the construction put by the Court of Sudder Adalut under dates the 24th February 1820 and 28th February 1831 on Clause 4th Section III Regulation I of 1818 the injured husband is competent to prosecute the party who has violated his bed as well as his wife.—

5. The object of the Clause in question was to declare that in all cases of adultery the charge must be preferred by the injured party it not being intended that the crime should be punished as a public offence.—

6. To construe the Clause in question as implying a prohibition against the prosecution of any other individual than the offending husband or the offending wife, would in fact be exempting in many cases the most guilty party from punishment.—

Ordered, that Extract from these proceedings be forwarded to the Magistrate in the Northern Division of Arcot for his information and guidance.—

(Sent following Circular Order No 1546)

Ordered also that Extract from these proceedings be forwarded to the Sudder

Provincial

th October 1840.

Criminal Courts of Circuit for communication to the several Criminal and Joint Criminal Judges and Magistrates within their jurisdiction.-

(Sent following Circular Order No. 1547)-

Read letter dated the 9th of October 1840 from the Officiating Criminal Judge of the Auxiliary Court at Vizagapatam submitting the Criminal Reports for the Month of September last.-

(Here enter Ill. No. 106.)

Report No. V

Case No. 4

1. In this case a prisoner is charged with having voluntarily confessed before the Assistant Magistrate of Guntoor on the 8th of April 1836 that he was present when the party of Thugs with whom he was a follower murdered two Mussulmen and it would appear from the column of remarks that the proceedings in this case had originated with the Criminal Judge.-

2. The Court of Foujdaree Udalut require further explanation in this case both as to the nature of the offence charged against the prisoner which as at present stated in the Report is not apparently rightly worded and also under what authority

authority the Criminal Judge considered himself justified in taking primary cognizance of this offence, since in his ordinary jurisdiction he possesses not the right of receiving original charges and issuing process.-

Case No. 13

3. The Court of Foujdaree Udalut observe that the wording of the order in this case exhibits a want of revision on the part of the Officiating Judge.-

4. Appended to the Statement shewing the number of prisoners in the Jail and the mode of the employment is a note shewing the number of "prisoners sentenced by the Governor's Agent at Vizagapatam in the Zillah Jail on the 30th September 1840.- The Court of Foujdaree Udalut conclude that the convicts exhibited in this note are also included in the general Statement.-

Ordered that Extract from these Proceedings be sent to the Officiating Criminal Judge of the Auxiliary Court at Vizagapatam by precept returnable in 5 days from and after its receipt.-

(Sent following Precept No. 1548.)

Read letter dated the 16th Instant from

from the Criminal Judge of Malabar forwarding the Criminal Reports of his Court for the Month of September last.—

(Here enter F. C. No 2115.—)

Case No. Sep: Report 161.
Report No V Cases Nos 184, 189 & 192.

The Court of Foujdaree Udalut direct that copies of the cases noted in the Margin and of this and the following paras relating to them be sent by the Criminal Court to the Magistrate who will be pleased to forward direct to the Foujdaree Udalut the required explanations and be instructed to conform to the orders therein conveyed.—

Supplemental Report Case No 161

2.

From the abstract of this Case given in the Report it would appear that the charges preferred before the Head of the Police of Kottanad was a perfectly true one.— The Magistrate will accordingly be instructed to call for the parties concerned and re-investigate the original charge either personally or by one of his European Assistants reporting the result for the information of the Foujdaree Udalut.

Report No V Case 184.—

3.

As the prisoners in this case were apprehended on the 9th of August the Court require to be informed where they were from that date till the 18th of August the date on which they were brought before the Head of Police the Magistrate

will

will also require the attention of the Police Officer to the Circular Order Foujdaree Udalut No 62. dated 26th February 1836.—

Case No. 189.

With reference to the remarks of the Assistant Criminal Judge in this case the Court of Foujdaree Udalut trust that the Magistrate will be careful to take every necessary step for procuring evidence in this mysterious case and will never omit to stimulate his Police Officers to further exertions until the perpetrators of this foul murder have been discovered and brought to trial.—

Case No. 192.

5

The prisoners in this case who were apprehended on the 2nd of September were not forwarded to the Criminal Court until the 22nd and no explanation has been given of this extraordinary delay in the primary investigation held by the Assistant Magistrate.—

6

The Court accordingly desire that the Assistant Magistrate of Malabar be called on there the Magistrate to explain the cause of the detention of this case before him and at the same time they direct that his attention be pointed to the Circular Order of the 8th February 1836 with

the

from the Criminal Judge of Malabar forwarding the Criminal Reports of his Court for the Month of September last.—

(Here enter F. U. No. 2115.—)

Case No. Supt. Report 161—
Report No. V Cases Nos. 184, 189 & 192—

The Court of Foujdaree Udalut direct that copies of the cases noted in the Margin and of this and the following paras relating to them be sent by the Criminal Court to the Magistrate who will be pleased to forward direct to the Foujdaree Udalut the required explanations and be instructed to conform to the orders therein conveyed.—

Supplemental Report Case No. 161—

2. Upon the abstract of this Case given in the Report it would appear that the charges preferred before the Head of the Police of Kootnaad was a perfectly true one.— The Magistrate will accordingly be instructed to call for the parties concerned and re-investigate the original charge either personally or by one of his European Assistants reporting the result for the information of the Foujdaree Udalut.—

Report No. V Case 184—

3. As the prisoners in this case were apprehended on the 9th of August the Court require to be informed where they were from that date till the 18th of August the date on which they were brought before the Head of Police the Magistrate will

also require the attention of the Police Officer to the Circular Order Foujdaree Udalut No. 62. dated 26th February 1836.—

Case No. 189—

With reference to the remarks of the Assistant Criminal Judge in this case the Court of Foujdaree Udalut trust that the Magistrate will be careful to take every necessary step for procuring evidence in this mysterious case and will never omit to stimulate his Police Officers to further exertions until the perpetrators of this foul murder have been discovered and brought to trial.—

Case No. 192.

5 The prisoners in this case who were apprehended on the 2nd of September were not forwarded to the Criminal Court until the 22nd and no explanation has been given of this extraordinary delay in the primary investigation held by the Assistant Magistrate.—

6. The Court accordingly desire that the Assistant Magistrate of Malabar be called on there the Magistrate to explain the cause of the same detention of this case before him and at the time they direct that his attention be pointed to the Circular Order of the 8th February 1836 with the

the instructions of which it is required he will in future comply in all cases of delay exceeding five days.-

Cases Nos 177 and 183.- In Case No 177 the 4th prisoner and in Case No 183 the 2d 3d 4th and 5th prisoners are charged with receiving stolen property but the guilty knowledge which is the essence of the offence is not charged. The Court direct that the attention of the Criminal Judge be in a particular manner called to these omissions since the Court have of late had frequent occasion to notice similar defects in the charges of this nature prepared by the Criminal Judge of Malabar.-

Case No 188.- 8 In this Case the prisoner is charged with stealing from the prosecutor property to the value of Rupees 2-12-4 while he lodged in the said house and on conviction was sentenced to one years imprisonment 3 months being in solitary confinement under the provisions of Clause fourth Section III Regulation VI of 1822.-

9 As the value of the property stolen did not exceed 50 Rupees the Court presume that the previous conviction and punishment of the prisoner was the circumstance of aggravation which brought the case of the prisoner under the

the provisions of the Clause quoted.-

10 In order however to enable the Court to judge of the propriety of the Sentence the Criminal Judge will be pleased to report the nature of the former offence and the date and extent of the punishment previously inflicted.-

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

(Sent following Precept No. 1549.)

Read letter dated the 19th of October 1840 from the 2nd Judge on Circuit in the Northern Division submitting a correspondence relative to an Insane female detained in the Jail at Guntoor by order of the late Acting Head Assistant Magistrate of that place and requesting the orders of the Court for her disposal.-

(Annexed F. C. No. 2139.)

1. The female who forms the object of this reference is the wife of the Prosecutor in Case No 4 on the Guntoor Calendar for the 1st Sessions of 1840.-

2. In that case the Prosecutor charged the

the prisoner with having seduced his wife the individual in question and committed adultery with her and the charge being established the prisoner was sentenced to six months' imprisonment.-

3 It no where appears from the papers submitted by the 2nd Judge under what circumstances the state of the prisoner's mind was brought under the cognizance of the Magistracy whether he was charged with having committed any criminal act in a state of insanity or whether her husband had interfered to obtain her restraint. It is stated in the Acting Head Assistant Magistrate's order for her admission into the Guntoor Jail that it appears that "she" is deranged, and that it is necessary for the public welfare to confine her, but the grounds on which he formed this opinion are no where recorded. These circumstances the Court are of opinion should have been reported for their information, and a certificate from the medical Officer shewing the state of her mind, and her conduct during her confinement in the Jail, and at present, should also have been forwarded.-

4 Under the circumstances however recorded in the 2nd Judge's letter and as it appears that the

she is not deemed a fit subject for the Lunatic Hospital at Madras by the Assistant Surgeon of the Zillah. The Court consider that she should be forwarded to the Rajahmundry District and made over to her Mother and Sister who are stated to be residing in that Zillah.-

Ordered that Extract from these Proceedings be sent to the 2nd Judge on Circuit in the Northern Division for his information and guidance.-

Sent in No 1550-

Read letter dated the 5th Instant from the Acting Criminal Judge at Rajahmundry forwarding the Criminal Reports of his Court for the Month of September last.-

/Here enter F.R. No 2066./

Report No V Case No 48-

1. The Court of Foujdaree Adawlut do not intend to disturb the sentence passed by the Acting Criminal Judge on the prisoners in the Case noted in the margin but for the future guidance of that Officer they would record their opinion that for such extensive cattle stealing the prisoners should have been committed to trial before the Court of Circuit.-

Case No 51

2. The Court of Foujdaree Adawlut do-

29th October 1840

do not consider that sufficient grounds have been shown
in the abstract of the evidence of this case for the
conviction of the 1st prisoner who appears to have been
convicted solely on his confession before the Police Officer
Court
the accordingly resolve to direct the 2nd Judge on
Circuit in the Northern Division to call for the
proceedings held in the case and 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.-

3. The Court also observe that in this
case a double set of numbers appears to have been
used in specifying the several articles of stolen property
referred to therein since No. 1 is described as applying
to a cloth and also to a bell metal plate.-

Case No. 53.

4 The Acting Criminal Judge will
forward copy of this case, as it stands in the
report, and of this parah, to the Magistrate who
will be pleased to inquire into the circumstances
of it particularly as regards the maltreatment
employed to extort a confession from the 1st prisoner
and report direct to the Foujdaree Udalut
what notice he has deemed it proper to take
of

F. 16.

29th October 1840.

of the conduct of the Peons and others concerned

Cases Nos. 54 and 55.- 5. The Acting Criminal Judge will also
be pleased to send copies of the cases noted in the
margin and of this and the following paras referring
to them to the Magistrate who will forward direct
to the Foujdaree Udalut the requisite explanations.

54 6. In Case No. 54 according to the
statement of it given in the Report the prisoners would
appear to have been sent up to the Criminal Court
very unnecessarily. The Magistrate will inquire into
the conduct of the Police Officer who forwarded it and
report what notice he has deemed proper to take
of it.-

55 7. The Magistrate will also report
what notice he has deemed it proper to take of
the conduct of the village police in consequence of
the representation made to him by the Criminal
Court in this case.-

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

(Sent in No. 1551)

Ordered

29th October 1840.-

Ordered also that a Extract from the proceedings / para 2 / be sent to the 2nd Judge on Circuit in the Northern Division by first post returnable in 25 days from and after date of receipt.-

Ext. 29th

(Sent following Receipt No. 1552.-

Friday,
30th October, 1840.-

No. 46.

Adda Court of the Soujdaree Udalut.-

Present,

John Bird Esqre. ——— 1st Puisne Judge,
Alexr. Duncan Campbell Esqre. — 2d Puisne Judge,
Henry Dickinson Esqre. ——— 3d Puisne Judge,

Read again order of Government dated the 20th July 1840 communicating Copies of two letters and their enclosures addressed by the Magistrate of Tellore to the Chief Secretary to Government, under dates the 4th of February and 2d July 1840, commenting on the little assistance rendered by the Head of Police of the Budwail Talook, towards apprehending the Gang traced to that part of the Cuddapah District, who are supposed to have been concerned in the attack on the Talook Treasury at Rapoor, desiring accordingly that a Strict enquiry be made into the conduct of the Head of Police of the Budwail Talook as represented by Mr. Stonhouse, and directing the Court of Soujdaree Udalut to report the result, with their opinion thereon, for the consideration and orders of Government.-

(Herewith Ltr. No. 1452 of 1840.)

The Provincial Court of Circuit in the Centre Division were accordingly directed to make

enquiry

enquiry into the Conduct of the Head of Police of the Budwail Talook — 1st as to whether the said Head of Police did or did not, in the instances noticed by Mr Boulderson in paras 3, 4 and 6 of his letter to Government of the 2d July 1840, impede the Police Officers of the Nellore District in their pursuit thro' the Budwail Talook of the persons supposed to have attacked the Ravoor Talook Treasury, or 2ndly if no actual impediments were thrown in the way of the Police of the District of Nellore, whether the Police of the Budwail Talook gave that assistance in the efforts made to discover the perpetrators, which the local Police in general, and the Head of Police in particular, were bound to afford —

2 And in order to prevent any unnecessary detention of the Police Officers whom the Provincial Court might consider requisite should be examined, the Magistrate of Nellore was required to forward to the said Provincial Court in the Centre Division, together with the Police Officers of his own District, all other persons residing within the limits of his jurisdiction, whom he might consider necessary should be examined in support of the representations made by him against the Police of the District of Cuddapah contained in his letters to Government of the 4th February and 2d July 1840 —

Also read Extract from the Proceedings of the Provincial Court of Circuit in the Centre Division under

under date the 30th Ultimo submitting with reference to the Proceedings of the Sungdanee Adalut of the 7th August last the result of the enquiry made by them into the conduct of the Head of Police of the Budwail Talook together with copies of all the depositions and papers connected with the case —

(Here enter S.D. No 1894 of 1840)

3 The Provincial Court of Circuit in their proceedings of the 30th Ultimo have communicated their opinion that "the charges against the Budwail Tahsildar were made too hastily, and too readily given "credence to, by the Magistrates of Nellore and Cuddapah "and that had either of those Officers looked into the "grounds upon which they rested, the matter would "not have been deemed worthy of the proceedings they "have since given rise to," that "the charges rest upon mere surmise and suspicion, and" that the Judges of the Provincial Court of Circuit, "are of opinion that the 10 "years service of the Budwail Tahsildar would alone "have been a sufficient answer to them all" — that "on "the Tahsildar's (of Ravoor) own shewing the Tahsildar "of Budwail would not have been justified in seizing "a single individual, on such information, as the "Tahsildar of Ravoor placed before him;" — while "on the "other hand it seems abundantly clear that the Tahsildar

of

"of Ravoor was prepared to Seize any body and every body
"with reason and without reason" and the Judges of the Provincial
"Court submit that much credit is due to the Tahsildar
"of Budwail in refusing (if he did refuse) compliance with
"the demands of the Ravoor Tahsildar."

4 The Provincial Court of Circuit however in their proceedings of the 30th Ultimo have so fully considered the conduct of the Police on the occasion which gave rise to this investigation, that the Court of Fouzdaree Udalut concurring generally in the opinions which have been expressed by the Provincial Court, do not consider it necessary to follow the Provincial Court thro' their remarks in detail. The Court of Fouzdaree Udalut would therefore close these proceedings with recording their opinion, in concurrence with the Provincial Court of Circuit, that the Ravoor Tahsildar had no sufficient grounds for the assumption that the parties who committed the Robbery on the Talooke Treasury at that place, fled to the Budwail Talooke, indeed the letter of the Tahsildar of Siddout written the day after the Robbery, and the Sakeed of the Head Assistant Magistrate of Nellore written 3 days after the Robbery, both state "that "the Robbers of the Treasury were seen at Saidapully "and that they thence passed on to Boggavencatapouram."

5 The Court of Fouzdaree Udalut entertaining therefore the opinion that no sufficient grounds existed for impugning the conduct of the Tahsildar of Budwail

Budwail, consider that the fine of 20 Rupees imposed upon that Officer by the Acting Magistrate of Cuddapah for his conduct on this occasion should be remitted:— if however the Magistrate of Cuddapah considers that this "very old servant of the Government" is now unfit for his situation, as a Head of Police, measures ought, in the opinion of the Fouzdaree Udalut, to be immediately adopted by the Magistrate in view to his obtaining for this old Servant such pension as his services may entitle him to—

6 Adverting however to paras 37 and 40 of the proceedings of the Provincial Court of Circuit, the Court of Fouzdaree Udalut would record their opinion that the Acting Magistrate of Cuddapah is deserving of censure for the threat held out by him to the Police Peons in the Budwail Talooke, of stopping their pay until they should shew a "proper zeal and spirit in "seizing the Robbers:" no order is more calculated to lead to injustice, and to the seizure of individuals without sufficient grounds and due authority, and the Court of Fouzdaree Udalut agree with the Provincial Court of Circuit in considering that the practice of withholding the pay of a Police Officer, dependant on the discovery of a Robbery, cannot be sufficiently condemned—

Ordered that Extracts from these proceedings together with the proceedings of the Provincial

"of Ravoor was prepared to seize any body and every body,
"with reason and without reason" and the Judges of the Provincial
"Court submit that "much credit is due to the Tahsildar
"of Budwail in refusing (if he did refuse) compliance with
"the demands of the Ravoor Tahsildar."

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6 Adverting however to paras 37 and 40 of the proceedings of the Provincial Court of Circuit, the Court of Sovidarer Udalut would record their opinion that the Acting Magistrate of Cuddapah is deserving of censure for the threat held out by him to the Police Peons in the Budwail Talooke, of stopping their pay until they should shew a "proper zeal and spirit in seizing the Robbers:" no order is more calculated to lead to injustice, and to the seizure of individuals without sufficient grounds and due authority, and the Court of Sovidarer Udalut agree with the Provincial Court of Circuit in considering that the practice of making the pay of a Police Officer, dependant on the discovery of a Robbery, cannot be sufficiently condemned.

Ordered that Extracts from these proceedings together with the proceedings of the Provincial

Provincial Court of Circuit dated the 30th Ultimo, and the original papers which accompanied it, be forwarded to the Chief Secretary to Government for the purpose of being laid before the Right Honorable the Governor in Council for his consideration and orders.

Ordered also that the original papers which accompanied the order of Government of the 4th September 1840, be returned to the Government Office as requested.

/Sent in No. 1535/

Read letter dated the 14th October last, from the Criminal Judge of Bellary, forwarding the Criminal Reports of his Court for the month of September last.

/Here enter Sl. No. 2091 of 1840/

Supplimental Report 1

Case No. 46

With reference to the circumstance disclosed by the prisoner in his conversation with the Prosecutor, as stated in the abstract of the evidence recorded in this case, the Court of Foujdaree Adalut desire to be informed if it has been ascertained whether any charge of murder has ever been preferred against him, and if so, what steps have been taken respecting that charge.

Case No. 80

2

If the finding of the property stolen, in the Prisoner's house, without it being proved that they knew that it had been stolen, be the only evidence in this Case

Case against the Prisoners, it was not sufficient to warrant their commitment before the Court of Circuit.

3

Case No. 86.

The Magistrate of Bellary will be pleased to advise the Head Police of Cavaly Talooke, that the reasons assigned by him for the detention of the prisoner in case No. 86 has been repeatedly denounced by the Court of Foujdaree Adalut as insufficient, and that he will in future be expected to complete the investigation of cases before him within the period limited in the Regulations. The Court also observe that though the prisoner was apprehended on the 15th of August, he appears to have been detained in the custody of the village authorities till the 20th. This proceeding is at variance with the provisions of Section V Regulation XI of 1816 whereby village police are forbidden to detain any person in custody more than 24 hours. The Magistrate will therefore be specially directed to prohibit a similar irregularity, and call the attention of his Police Officers to the Regulation enacted for their guidance.

Ordered, that Extract from these proceedings be sent to the Criminal Judge of Bellary for his information by precept returnable in 5 days from and after its receipt.

Sent following precept No. 1536

Read letter dated the 15th Instant from

30th October 1840.

from the Agent to the Governor of Fort St. George at Vizagapatam forwarding the Criminal Reports for the month of September last.

(Here enter F.R. No. 2146 of 1840)

These reports do not appear to call for any remark from the Court of Sudder Adalut.

Ordered, accordingly that Extract from these proceedings be sent to the Agent to the Governor of Fort St. George at Vizagapatam, for his information.

Sent in No. 1554.

Read letter dated the 9th Instant, from the Officiating Criminal Judge of the Ancillary Court at Vizagapatam informing that the Quarterly Statement required by Circular Order No. 88 has not been sent, there being no entry to be made in it.

(Here enter F.R. No. 2107 of 1840)

Read letter dated the 12th Instant, from the Provincial Court of Circuit in the Western Division, forwarding copies of a communication from the Acting Magistrate of Malabar containing the information called for in the proceedings of the Sudder Adalut of the 12th Ultimo, relative to the detention of the five Prisoners in case No. 82 of Report V of the Joint Criminal Judge's Court at Tellicherry, for July last.

(Here enter F.R. No. 2112 of 1840) Read

3

F.R.

30th October 1840.

Read letter dated the 16th of October 1840 from the Joint Criminal Judge of Masulipatam requesting permission to reverse an order confirming the Sudr Ameens decision in case No. 51 on the Criminal file.

(Here enter F.R. No. 2075 of 1840)

Read also the Criminal Reports for the months of September last submitted by the Joint Criminal Judge of Masulipatam.

(Here enter F.R. No. 2131 of 1840)

Supplemental Report Case No. 41

In this case it is stated that the prisoner is committed to take his trial before the Court of Sessions of 1840, but the grounds for the committal are not given in the report. The Court of Sudder Adalut direct it be pointed out to the Joint Criminal Judge that it is expected in all cases that not only the sentence passed be entered in the Report, but also a concise abstract of the grounds on which such sentence is founded.

Report No. V Case No. 51

2 Under the circumstances stated in the letter above recorded, the Court of Sudder Adalut resolve to sanction the revision solicited, and to authorize the Joint Criminal Judge to release the prisoner Muddoola Audanadu, alias Audanarraidoo, but they observe that the grounds on which the conviction of the Sudr Ameen was founded should have been specified in the Report.

3 The Manufacture of Paper in the several Jails having been prohibited by an order of Government, the

the Court of Zoujdarre Udalut direct the Joint Criminal Judge be called on to explain under what circumstances this article is still continued to be made in the jail under his charge.

Ordered that Extracts from these proceedings be sent to the Joint Criminal Judge at Masulipatam for his information and guidance by precept, returnable in 3 days from and after its receipt.

/Sent following precept No. 1558/

Read Statement dated the 2d Instant from the Acting 3d Judge on Circuit in the Centre Division, shewing the amount of Batta paid to Prosecutors and witnesses in attendance before the Circuit Court at the 2d Sessions of 1840 according to Section XXXIII Regulation X of 1816.

/Here enter Jl. No. 2127 of 1840/

Read return dated the 19th Instant from the Acting 3d Judge on Circuit in the Centre Division, to the precept of the Zoujdarre Udalut of the 8th instant, directing the Acting 3d Judge on Circuit to recal his order for dismissing the Tahsildar of Chitvail Taloke connected with Case No. 28 on the Cuddapah Calendar 2d Sessions of 1840.

/Here enter Jl. No. 2128 of 1840/

Read Supplemental return from the Acting 3d Judge on Circuit in the Centre Division, to the precept of the Zoujdarre Udalut of the 8th Ultimo, conveying their observations and orders on the Cuddapah Calendar for the 2d Sessions of 1840.

/Here enter Jl. No. 2129 of 1840/

Read return dated the 20th Instant from the Criminal Judge of Malabar, to the precept of the Zoujdarre Udalut of the 10th Instant, conveying their observations and orders on the Criminal Reports for the month of August 1840.

/Here enter Jl. No. 2147 of 1840/

Read letter dated the 19th Instant from the Officiating Criminal Judge of the Auxiliary Court at Vizagapatam, informing that the Magistrate of Vizagapatam has been furnished with a copy of the deposition given by the Head of Police of Vizagapatam before the Criminal Court, an application having been made by him for the same.

/Here enter Jl. No. 2148 of 1840/

Read letter dated the 21th Instant from the 3d Judge on Circuit in the Centre Division, transmitting the original death warrant in case No. 20 on the Bellary Calendar for the 2d Sessions of 1840 which has been executed.

/Here enter Jl. No. 2153 of 1840/

Read letter dated the 19th Instant from the Agent to the Governor of Fort St. George at Vizagapatam forwarding the Calendar of Cases disposed of during the quarter ending on the 30th September 1840.

/Here enter Jl. No. 2156 of 1840/

Read letter dated the 22d Instant from the Acting Magistrate of Malabar, submitting the explanation called for in the proceedings of the Zoujdarre Udalut dated the 10th instant, relative to

30th October 1840.

to base No. 153 on the Malabar Criminal Reports for the month of August last.—

(Here enter Fl. No. 2162 of 1840.)

End. No.

Fl. No.

Fl. 16.

Saturday 31st October 1840.

At a Court of the Foujdaree Udalut

Present

John Bird Esqre. — 1st Puisne Judge

Alexr. Duncan Campbell Esqre. — 2d Puisne Judge

Henry Dickinson Esqre. — 3d Puisne Judge

Read a supplemental return dated the 13th of October 1840 from the Criminal Judge of Chittoor to the precept of the Foujdaree Udalut under date the 2d Instant conveying their remarks and orders on the Chittoor Criminal Reports for the month of August last.—

(Here enter Fl. No. 2073 of 1840.)

1. With this return the Criminal Judge submits the explanation called for in the 4th parah: of the proceedings of this Court of the 2nd October last relative to the case of Sorcery stated in Report No. VI to have been disposed of by the Joint Magistrates.—

2. It appears from the Joint Magistrates letter that the prisoner "was proved guilty "of a nocturnal trespass on the premises of "another accompanied by an attempt to injure "him by Magic" which latter offence, adds that Officer "however imaginary tends powerfully

to

not warranted by the Law the order being such as it is not competent to him to pass. The Court direct that it be immediately annulled and the Prosecutor if in confinement released.

5. If the Acting Assistant Criminal Judge is of opinion that it is unsafe that the Prosecutor should be unconditionally at large it will be proper that he should communicate that opinion to the Magistrate whose duty it will be to act under the provisions of Section V. Regulation VI of 1827.

6. The Court also observe that the proceeding of the Acting Assistant Criminal Judge in sending orders to the Police Ameen to forward this Prisoner was highly irregular. The Criminal Court is not authorized to issue orders to any of the native Police that power being by Section IV Regulation XI of 1816 vested only in the Magistracy. The sole modification of which is contained in Section II Regulation III 1817, and is restricted to permitting the Criminal Court to call on the Police for documents required by law, but omitted to be sent up to it.

Case No. 194. In this case the charge is incomplete the

the names of the persons intended to be defrauded should be inserted, and the words "or some other Individual" should be repeated after the second mention of Govindoo Naiekí's name.

Ordered, that Extract from these proceedings be sent to the Criminal Judge of Chittoor for his information by precept returnable in 5. days from and after its receipt.

/Sent following precept No. 1094/

Read return dated the 8th Instant from the 2nd Judge on Circuit in the Southern Division to the precept of the Sunjdaree Adalut under date the 6th Instant, conveying their observations and orders on the Tinnevelly Calendar for the 2d Sessions of 1840.

/Here Enter J. N. No. 2034./

1. In reply to the remarks of the Sunjdaree Adalut on Case No. 1. the 2d Judge explains, "that the Plaintiff in Suit No. 16 "of 1839 on the file of the Nelliamballam "District Moonsiff, was a man of property "and respectability, and possessed a House

and

not warranted by the Law the order being such as it is not competent to him to pass - The Court direct that it be immediately annulled and the Prosecutor if in confinement released -

5. If the Acting Assistant Criminal Judge is of opinion that it is unsafe that the prosecutor should be unconditionally at large it will be proper that he should communicate that opinion to the Magistrate whose duty it will be to act under the provisions of Section V Regulation VI of 1827. -

6. The Court also observe that the proceeding of the Acting Assistant Criminal Judge in sending orders to the Police Ameen to forward this Prisoner was highly irregular - The Criminal Court is not authorized to issue orders to any of the native Police that power being by Section IV Regulation XI of 1816 vested only in the Magistracy - The sole modification of which is contained in Section II Regulation III 1817, and is restricted to permitting the Criminal Court to call on the Police for documents required by law, but omitted to be sent up to it. -

Case No. 194. 7. In this case the charge is incomplete the

the names of the persons intended to be defrauded should be inserted, and the words "or some other Individual" should be repeated after the second mention of Govindoo Naick's name. -

Ordered, that Extract from these proceedings be sent to the Criminal Judge of Chittoor for his information by precept returnable in 5. days from date after its receipt. -

/Sent following precept No. 1569/

Read return dated the 8th Instant from the 2nd Judge on Circuit in the Southern Division to the precept of the 2nd Tongadaree Adalut under date the 6th Instant, conveying their observations and orders on the Tinnevelly Calendar for the 2nd Session of 1840. -

/Here enter F.C. No. 2034./

1. In reply to the remarks of the Tongadaree Adalut on Case No. 1. the 2nd Judge explains, "that the Plaintiff in Suit No. 40 "of 1839 on the file of the Nellamtalom "District Moonsiff, was a man of property "and respectability, and possessed a house

(and

"and the interpolation of the words "no bonds"
"was made by the 1st Defendant in the
"Suit and his Vakeel, and filed in the Suit
"for the purpose of injuring the Plaintiff's
"character, and to make it appear to the Court
"before whom the Suit was pending, that he
"professed no property, and that he had con-
=quently brought a litigious Suit, thereby
"endeavouring to bring about a non-suit which
"would probably have been the result, had
"not the forgery been detected."-

2. The Judges of the Tonjdaree Udalut observe, that it is stated in the Extract from the Diary of the Head of Police of the Nellumbalum Talook; that Mootoosawmy Pillay the Plaintiff in Suit No. 46 of 1839 "is a man whose name is in "the list of bad characters."-

3. Moreover it appears to the Court of Tonjdaree Udalut, that the object of the Prisoners in making the insertion is very doubtfull, and that it is questionable whether the interpolation could in any way have injured the Plaintiff.-

4. They therefore direct, that an English translation

translation of the record of the trial, be forwarded for their consideration, with as little delay as practicable, and that meantime the Prisoners be admitted to bail.-

5. With reference to para: 2 of the above return the Judges of the Tonjdaree Udalut consider, that the Futwas satisfactorily account for the acquittals in Cases Nos. 3 and 4 - but they are of opinion, that the Judge on Circuit, should have distinctly entered in abstract in the column of remarks, the grounds on which he concurred in the Futwas of his Law Officer.-

6. Adverting to paras. 3 and 4 of the said return, the Court of Tonjdaree Udalut desire, that the attention of the 2d Judge be directed to the instructions contained in Tonjdaree Udalut's Circular Order of the 24th September 1835, and that he be informed that his reasons for not declaring the amount of the recognizance taken from the witness Sunkerlingum, to be forfeited, as required by Tonjdaree Udalut's Circular Order 21st May 1817, should have been stated by him in the Calendar submitted to this Court.-

Ordered

31st October 1840.—

Ordered, that Extract from these Proceedings be forwarded to the 2d Judge on Circuit in the Southern Division for his information and guidance.—

Entered No. 1570—/3

F. C.

Monday 2nd November 1840.— At a Court of the Foujdaree Adalut.—

Present

John Bird Esqre 1st Puisne Judge.

Alex: Duncan Campbell Esqre 2d Puisne Judge.

Henry Dickinson Esqre 3rd Puisne Judge.

Read Miscellaneous petition presented on the 2nd Ultimo with two enclosures by D. Krishna Puntoolou, Mookhtyar Vakeel, in behalf of Rajah Vaseereddy Atchammah.—

(Here enter M. P. No. 108 of 1840.)

1. The Petitioner referring to the orders of the Court of Foujdaree Adalut contained in para 33 of their Proceedings under date the 23rd March last, complains that although she has represented to the Magistrate of the Zillah of Guntoor the necessity of drying and cleansing the goods of the Vaseereddy estate deposited in the godown at Amaravathy, yet no measures have been adopted by that Officer for preserving the property.—

2. She therefore prays that as her estate is within the Jurisdiction both of the Collectors of Masulipatam and Guntoor, the Court of Foujdaree Adalut will be pleased to issue orders, instructing

instructing the former Collector to send the Head of Police of Bejavada to Amaravatty for the purpose of causing the goods to be examined in the presence of her own servants, and directing the latter Collector to overlook the whole proceeding-

3 She further begs, that the two enclosures which accompanied the petition, may be returned to her and complains that the Magistrate of Guntoor does not address her in the usual terms of respect to which by her rank she is entitled-

4 The Court of Foujdaree Udalut desire that the Magistrate of Guntoor be called upon, to report whether he has acted in conformity with the directions given in para 33 of their Proceedings under date the 23d March last- and if not- to submit an explanation of the causes which have prevented the carrying into effect of those orders.-

5. The Court of Foujdaree Udalut are also of opinion that as a widow of a great Zemindar, the Magistrate should rigidly adhere to the usual form of address in communicating with this lady.-

6 The Court of Foujdaree Udalut also direct, that the two enclosures submitted with the

the foregoing petition, be returned to Petitioner according to her request.-

Ordered that Extract from these Proceedings be sent to the Magistrate of Guntoor for his information and guidance by precept returnable in four days from and after its receipt- and that copy be furnished to Petitioner on her application.

(Sent following Precept No 1571.-)

Read Miscellaneous petition presented on the 7th Instant with one enclosure by Krishnama Setty an inhabitant of Vellore.-

(Here enter M. P. No 1260 of 1840.)

1. The Petitioner complains of an order passed by the Magistrate and confirmed by the Court of Circuit, on a petition of plaint preferred by him against certain individuals who broke open the lock of a Mundee or Godown which had been in his possession for a length of time.-

2. He states that the Magistrate without examining the record of the case directed him (Petitioner) to institute a suit in the Civil Court, and adjudged no punishment to the defendants for having broken the lock of his Godown- and prays that the Court of

Foujdaree

instructing the former Collector to send the Head of Police of Bejawada to Amaravathy for the purpose of causing the goods to be examined in the presence of her own servants, and directing the latter Collector to overlook the whole proceeding.

3 She further begs, that the two enclosures which accompanied the petition, may be returned to her and complains that the Magistrate of Guntoor does not address her in the usual terms of respect to which by her rank she is entitled.

4 The Court of Foujdaree Udalut desire that the Magistrate of Guntoor be called upon, to report whether he has acted in conformity with the directions given in para 33 of their Proceedings under date the 23d March last. and if not - to submit an explanation of the causes which have prevented the carrying into effect of those orders.

5. The Court of Foujdaree Udalut are also of opinion that as a widow of a great Zemindar, the Magistrate should rigidly adhere to the usual form of address in communicating with this lady.

6 The Court of Foujdaree Udalut also direct, that the two enclosures submitted with the

the foregoing petition, be returned to Petitioner according to her request.

Ordered that Extract from these Proceedings be sent to the Magistrate of Guntoor for his information and guidance by precept returnable in four days from and after its receipt - and that copy be furnished to Petitioner on her application.

(Sent following Precept No 1571.)

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(Here enter M. P. No 1260 of 1840.)

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2. He states that the Magistrate without examining the record of the case directed him (Petitioner) to institute a suit in the Civil Court, and adjudged no punishment to the defendants for having broken the lock of his Godown - and prays that the Court of

Foujdaree

respecting the progress of the translations of the cases committed for the present Sessions.—

(Here enter No. 2145.—)

Read Supplemental Return dated the 26th Ultimo from the Criminal Judge of Chittoor to the precept of the Sirdarer Adalut of the 3rd August last. conveying their observations and orders on the Criminal Reports for the Month of June last.—

(Here enter No. 2160.—)

Read return dated the 23d Ultimo from the Provincial Court of Circuit in the Western Division to the precept of the Sirdarer Adalut of the 3d Ultimo conveying their observations and orders on the Surcy Criminal Reports for the month of August 1840.—

(Here enter No. 2172.—)

Read letter dated the 23d Ultimo from the 1st Judge of the Provincial Court of Circuit in the Western Division transmitting a Statement of Batta paid to the Prosecutors and Witnesses who attended before the 3d Quarterly Sessions of 1840 at Tellicherry.—

(Here enter No. 2173.—)

Read

Read letter dated the 26th Ultimo from the 2nd Judge on Circuit in the Southern Division transmitting the original Death warrant in Case No. 2 on the Tinnevelly Calendar for the 2nd Sessions of 1840 which has been executed.—

(Here enter No. 2176.)

Read letter dated the 26th Ultimo from the 3rd Judge on Circuit in the Western Division reporting the opening of the 2nd Sessions of 1840 at Mangalore on the 26th Instant and the state of the Calendar.—

(Here enter No. 2179.—)

Read letter dated the 21st Ultimo from the Agent to the Governor of Fort St George at Ganjam forwarding the Original death Warrant on Case No. 13 of 1840 on the file of the Agent to the Governor of Fort St George at Ganjam which has been duly executed.—

(Here enter No. 2181.—)

Tuesday
3d November, 1840.

At a Court of the Foujdaree Udalut.

Present;

John Bird Esqre ——— 1st Puisne Judge,
Alexr Duncan Campbell Esqre ——— 2d Puisne Judge,
Henry Dickinson Esqre ——— 3d Puisne Judge,

Read letter dated the 23d of October 1840,

from the 2d Judge on Circuit in the Northern Division,
submitting for the consideration and final sentence of
the Foujdaree Udalut, an English translation of the
record of the trial in case No. 2 on the Rajahmundry
Supplemental Calendar for the 2d Session of 1840.

(Here enter Ill. No. 2163 of 1840)

Mr Campbell
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
prisoner

"Rauvoory Seetah"

is not convicted of the crime of murder on presumptive
proof or on the evidence of credible witnesses, or on her own
confession, do acquit her thereof, but considering that
strong suspicion though not amounting to conviction
attaches to her, they direct, under the provisions of Clause
sixth Section II. Regulation XV of 1803, that She be required
to find 2 Sureties in 30 Rupees each Surety for her good
behaviour and appearance when required for 3 years,
or that in default thereof, She be detained for 3 Years in
Confinement.

The

3d November 1840.

1 The Court of Tongdance Udalut observe that the body of the deceased has not been found and that the marks of ill usage of which the prisoner complained are certified to have been apparent on her body.

2 The illegal confession alleged to have been given before the Village Police, contrary to Clause 2d Section V Regulation XI of 1816 cannot under these circumstances be admitted against the prisoner.

3 The Court are also unable to place any reliance on the evidence as to the identification of the cloth and gold carving consisting of wire, and consider that the testimony of the 2d witness, of having seen a child with the prisoner is no evidence, that the child so seen was the child alleged to have been murdered.

4 Under this view of the case the Court are of opinion that the evidence is not sufficient for the conviction of the prisoner still less to warrant a sentence of death.

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

(Sent following letter No. 1573)

Read letter dated the 27th Ultimo from the 3d Judge late on Circuit in the Northern Division, forwarding for the consideration and final Sentence of the Tongdance Udalut, an English translation of the record of the trial in Case No. 18 on the Rajahmundry Calendar for the 1st Sessions of 1840.

(Here enter S.R. No. 2198 of 1840)

The

3d November 1840

Mr Bird

and

Mr Campbell

The Court of Tongdance Udalut upon a deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the prisoners

1st Anepa Pullador,
2d Condamoory Intervady,
and
3d Goommella Nurser

are not convicted on presumptive proof or on the evidence of credible witnesses, or on their own confession of the crime of Burglary and theft, do acquit them thereof, and, under the provisions of Clause sixth Section III Regulation XV of 1803, direct that they be setat liberty.

It is incumbent on the Court to remark that the 3d Judge conducted the examination of the several witnesses, but more especially of those on behalf of the prosecution in a very loose and unsatisfactory manner, the witnesses were not asked how they were able to identify the property as belonging to the Prosecutor nor was their evidence sifted in any respect.

From a view of the whole trial it

2 appears to the Court that the evidence for the Prosecution is of the most wretched description, and they are of opinion that the evidence adduced by the 2d prisoner in his defence proves as strongly as that of the Prosecutor that the Silver girdle No. 6 belongs to him. It is also observed that the Europe Handkerchief said to have been found on the 1st prisoner was not mentioned in the list of Stolen property recorded in the Police

Proceedings

3d November 1840.

Proceedings, and the Rupees 89, Bogadaloo and Coral had no distinguishing mark.—

3 The evidence is therefore in the opinion of the Court wholly insufficient for conviction and is so defective as not even to warrant a requisition of security from the prisoner.—

4 The unauthorized and extraordinary proceedings of the 3d Judge in putting a 2d Question to the Law Officer in this case having been animadverted on, and disposed of in their proceedings of the 13th July last, the Court will not here revert to it.—

Ordered that Extract from these proceedings be sent to the 3d Judge of the Provincial Court of Circuit in the Northern Division for his information.—

/Sent following letter No. 1574/

Read Letter dated the 28th Ultimo from the 2d Judge on Circuit in the Southern Division, transmitting an English translation of the record in case No. 22 on the Coombacomum Calendar for the 2d Sessions of 1840

/Here enter S.C. No. 2194 of 1840/

Mr. Campbell

The Court of Zonjdaree 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

Lalla Coolty

is insufficient to convict him of the crime of Rape, attended

attended with robbery; for which in the absence of the requisite conditions of Hud, discretionary punishment is awardable under the Mahomedan Law, as declared in the Futwas of their Law Officers, do convict him thereof, and, under the provisions of Clause first Section V Regulation VIII of 1831, Clause III Section VII Regulation XV of 1803, and Clause third Section II Regulation I of 1825, do sentence him, to receive one hundred and ninety five (195) lashes with a cat of nine tails, and to be transported to such place or places beyond sea, as the Governor in Council shall in a[illegible] 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. 1575/

Read return dated the 19th Ultimo from the Acting 2d Judge of the Provincial Court of Circuit in the Centre Division, to the precept of the Zonjdaree Udalut of the 8th October, conveying their observations and animadversions on case No. 1 of the 6th Supplemental Calendar for the Chittoor 3d Quarterly Sessions of 1840.—

/Here enter S.C. No. 2126 of 1840/

1 The Court of Zonjdaree Udalut are not at all satisfied with the explanation submitted by the Acting 2d Judge in the above recorded return.

2 The Acting 2d Judge having determined not

not to refer the trials. The Court of Tanjore Udalu have at a loss to understand how the defect in the arraignment which he deemed it imprudent to leave untouched was to be brought to the notice of the Higher Court. No remark having been suspended to the Calendar to shew that the arraignment drawn up by the Criminal Court was defective, and the charge entered in the Calendar being in accordance with the form prescribed for the indictment for that offence.—

3 As it appears that the Acting 2d Judge was of opinion that the case was not one of perjury and that it was irregularly committed to the Court of Circuit it was his obvious duty to have pointed out to the Criminal Judge the error he had committed, and discharged the prisoner from the Bar without trial.—

4 The Court are surprised that it should have been found necessary to point out to the Acting 2d Judge that in all cases when he may enter on a trial, it is absolutely necessary to amend all the defects apparent in the arraignment.—

5 The explanation of the Acting 2d Judge in the concluding parah of his return also shews an erroneous impression in regard to a most important part of his duty. Having put the prisoner on his trial for perjury it was imperative that the depositions in which the perjury was alleged to have been committed as well as the other facts specified in the charge should

have been established by evidence on the trial, or that satisfactory reasons should have been assigned for not taking it.—

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.

/Sentence No. 1576/

Read again letter dated the 10th August 1840 from the Acting Criminal Judge of Canara, forwarding the Criminal Reports of that Court for the month of July last.—

/Here enter J.R. No. 1614 of 1840/

1 The attention of the Court of Tanjore Udalu having been drawn to the sentence awarded by the late Acting Judge in case No. 125, they observe that it is irregular and illegal. In this case the prisoners 5 in number all pleaded not guilty to the charge of having assaulted the prosecutor and wounded him with a knife, but they acknowledged that a quarrel had taken place.—

2 The evidence in the opinion of the Acting Criminal Judge proved that the 1st prisoner cut the prosecutor with a bill hook (the wound was a slight one) & it was also proved that there was a quarrel between the parties, and that they proceeded to pull and strike each other, but the true cause could not be discovered.—

3 The 1st prisoner was accordingly sentenced

sentenced to 3 months imprisonment and thereto find 2 securities for his good behaviour for six months in the sum of 15 Rupees each, on failure, to be imprisoned for 3 months longer. The 2d prisoner to find security for 6 months in two sureties of 10 Rupees each or to be confined for 2 months under Section VII Regulation X of 1816.

4 The 3d 4th and 5th were released with an admonition.

5 Section VII Regulation X of 1816 quoted by the Criminal Judge as the authority under which he proceeded to pass sentence on the prisoners concerned in this case confer no power on the Criminal Judge to demand security. The sentence on the 1st prisoner is also illegal, as the Regulations no where warrant the demand of security from a prisoner convicted of a specific offence. The bail bonds therefore if entered into will be cancelled and the prisoner released immediately on the expiration of the 3 months imprisonment awarded him.

6 In the present case moreover, the proceeding of the Acting Criminal Judge exhibits another irregularity, inasmuch as the prisoners have been required to give security for their good behaviour for a much longer period than that for which they are required to be detained in jail in default of finding such security.

7 If with respect to the second prisoner it was intended to quote Clause first Section IV Regulation III of 1822 as the authority under which he was required to find security

security, it should have been explained how his case fell under its provisions if however he was required to produce security to keep the peace, the Court observe that the Criminal Judge is no where authorized to demand security to keep the peace.

8 The sentence passed on the prisoners having expired, the Court of Zoujdaree Udalut will not animadvert further on the irregularity and illegality apparent in it, but they will remark that in disposing of cases brought before the Criminal Courts, the Criminal Judges must be guided by the Regulations enacted for their guidance, and they direct that the attention of the late Acting Criminal Judge be particularly drawn to their Circular Orders of the 19th July 1827, the 31st October 1828 and the 30th April 1829, to which they enjoin that the strictest attention may in future be paid by Mr. Lascelles.

Ordered, that Extract from these proceedings be sent to the Criminal Judge of Canara for his information and guidance by precept returnable in 6 days from and after its receipt.

(Sent following precept No. 1577)

Ordered also, that Extract from these proceedings be sent to J. Lascelles Esqre. for his information.

(Sent in No. 1578)

Read letter dated the 12th Ultimo from the Criminal Judge of Malabar forwarding an Extract from the Proceedings of the Court of Zoujdaree Sessions and

and recommending that Sanction be granted for the offer
of a conditional Pardon to the 1st and 2d prisoners concerned
in Cases Nos 5 and 6 on the 1st Additional Calendar 2d
Sessions of 1840.

(Recorder's No 2088 of 1840.)

In these Cases two prisoners were
committed to stand their trial before the Court of Circuit
in the Western Division by the Assistant Criminal Judge
of Malabar on a charge of Arson, by which property to the
value of 4000 Rupees was destroyed, the 1st prisoner Nothy,
stated to be 12 years old, but described as appearing to be
not more than 9 or 10, being charged as the perpetrator of
the deed. The 2d prisoner Cherada her grandmother being charged
as an accessary before the fact in desiring her to commit the

2

The 3d Judge on Circuit resolved not to
put the prisoners on their trial "as they were evidently the
"mere tools of others who induced them, by intimidation and
"promises of reward, to execute their own villainous designs"
and accordingly directed that an "application should be
"immediately made by the Criminal Judge to the Court
"of Sonjdaree Adaulut for permission to admit these two
persons as approvers under the provisions of Section XXI
"Regulation VIII of 1802;" the 1st "because from her extreme youth
"she is not a fit subject for punishment, and her evidence
"would strengthen that of the 2d prisoner; and the latter
"because her testimony is essentially necessary for the conviction
"of the "instigators of the deed."

3

It is reported that the 1st prisoner

confessed in both these cases before the Police and the
Criminal Court that she set fire to the Prosecutor's house
now by desire of the 2d Prisoner, and that the said 2d
Prisoner admitted having desired the 1st Prisoner to do so,
being instigated thereto by the threats and promises of
Sayd Pokooty and Talapoorata Rama Nimbee.

4

These last mentioned persons were originally
apprehended by the Police but liberated, they were however
subsequently re-apprehended by order of the Assistant
Magistrate, and forwarded to the Criminal Court, but
they were released by the Assistant Criminal Judge on
the grounds that there was not sufficient proof against
them.

5

It appears that the evidence of these
prisoners, if made available as witnesses, would in all
probability insure the conviction of the instigators of the
crime. The Court of Sonjdaree Adaulut resolve therefore
under the authority vested in them by Section XII
Regulation XIII of 1832 to sanction the offer of a pardon
to the prisoner

2d Poodookoody Cherada

on the terms and conditions specified in Section XX
Regulation VIII of 1802.

6

But though Regulation VIII of 1802
provides for this measure as regards accessaries, and has
been extended by this Court, under a construction
similar to that by Law given to it in Bengal, to

accomplices

3d November 1840.

accomplices also, the Court do not consider that they are competent to grant a conditional pardon to the 1st prisoner, who is shown to have been the actual perpetrator of the crime.—

7. Ystas it seems necessary for the conviction of the Instigators that the actual commission of the crime of Arson, by the agency of the 1st prisoner, should be proved; and as the Court of Tonjdaree Adalut are of opinion that to punish this prisoner and allow the alleged wicked instigators of the crime to go unpunished, when there appears to be a fair prospect of bringing the crime home to them, would be to defeat the best ends of justice, the Judges resolve to recommend to Government to grant her a pardon, in order to have her evidence given freely against the instigators of the crime, who, as being of higher Stations in life, are more deserving of punishment than a mere child, the ignorant agent employed to execute their evil designs.—

Ordered that Extract from these proceedings be forwarded to the Chief Secretary to Government for the purpose of being laid before the Right Honorable the Governor in Council.—

(Sent in No. 1579)

Ordered also, that Extract from these proceedings be forwarded to the Criminal Judge of Malabar for his information

(Sent in No. 1580)

Ext 7/12

W. H. C.

At a Court of the Tonjdaree Adalut.

Present:-

John Bird Esqre ——— 1st Puisne Judge

Thursday, Alexr Duncan Campbell Esqre — 2d Puisne Judge

4th November, 1840. Henry Dickinson Esqre ——— 3d Puisne Judge

Read letter dated the 8th Ultimo from the Acting Magistrate of Malabar submitting for the opinion of the Court of Tonjdaree Adalut copy of a letter from the Sub-Collector and Joint Magistrate relative to a sentence passed by the Acting Joint Criminal Judge of Coimbatore on a case forwarded to him by the Dotacammund Sahukdar.—

(Here enter F. H. No. 2054.)

Report No. 5.
Case No. 83.

1. In this case four prisoners were charged, the three first with having stolen a watch belonging to the 2nd Prosecutor valued at 150 Rupees. The 4th with having purchased the above property knowing it to be stolen.—

2. The watch it appears was found in the possession of the 2nd Prisoner, who was in company with the 1st a goldsmith who had access to the premises, and the 3d witness disposed to their having wilfully concealed the property. They were accordingly sentenced by the Acting Joint Criminal Judge to one year's imprisonment with labor within the Jail without irons

irons The 2nd being a female and the 1st a person of a class superior to the ordinary description of offenders, under Column IV Section III Regulation VII of 1822.-

3.

In requesting a reference of this case to the Foujdaree Adalut the Sub Collector and Joint Magistrate observes that the 1st prisoner is a goldsmith who committed the robbery the premises, where he was working, which in his opinion considerably aggravates his offence and it is also to be observed that in cases where the offender is a goldsmith severe punishment is absolutely required as this class of men have considerable opportunities for robbery from being frequently employed on the premises, and their trade affords them peculiar facilities for disposing of stolen articles of jewelry. Under these circumstances the Joint Magistrate considers that the sentence of one year's imprisonment is not adequate to the 1st prisoners guilt and that the adjudication of labor within the Jail without irons will tend rather to the encouragement than suppression of thefts and frauds by goldsmiths.

4.

The Court of Foujdaree Adalut concur with the Joint Magistrate in the opinion expressed by him and observe that the Acting Joint Criminal Judge of Coimbatore does not appear to view the offence committed by the prisoners in this case in the serious light it deserves. Prior to the enactment

enactment of Regulation VII of 1822, it would have been the duty of a Criminal Judge to have committed the prisoners in this manner for trial before the Circuit Court and it was certainly no part of the Legislature when rendering these offences cognizable by the Criminal Judges to Court to reduce them to the level of a simple unaggravated theft punishable under the provisions of Section VII Regulation X of 1816- the sentence passed on the 1st prisoner is also illegal, since the section quoted for its infliction requires a sentence of hard labor which implies also irons.-

5.

It has been the practice of the Court of Foujdaree Adalut in instances in which inadequate sentences have been passed by the Subordinate Courts to give the Prisoners the benefit of the error.-

6.

The Court will therefore in the present instance not require the Joint Criminal Judge to enhance the punishment awarded to the Prisoners, of which however he is highly deserving, but they direct that the Joint Criminal Judge will pender the sentence legal by adding to the term of imprisonment "hard labor in irons."-

Ordered that Extract from these Proceedings

Proceedings be sent to the Joint Criminal Judge at Coimbatore for his information and guidance by Precept returnable in 5 days from and after its receipt.

/Sent following Precept No 1581/

Ordered also that Extract from these Proceedings be sent to the Acting Magistrate of Malabar for his information.—

/Sent in No 1582/

Read letter dated the 12th Ultimo from the Magistrate of Rajahmundry forwarding for the consideration of the Court of Foujdaree Adalut copies of a correspondence with the Acting Criminal Judge of Rajahmundry relative to the irregularity imputed by that Officer to the Proceedings of the Head of Police of Dracharam who in forwarding a case of Robbery to the Criminal Court in which a homicide had been committed by the Complainants in resisting the attack of the robbers omitted to hold any investigation into the case of homicide.—

/Here enter F.C. No 2102./

Read also letter from the Acting Criminal Judge of Rajahmundry forwarding copies of letters and translations of papers regarding the case in question together with his remarks thereon to shew why the communications made by him to the Magistrate were

necessary—

/Here enter F.C. No 2103/

1. From these papers it appears that on the night of the 28th of August the house of Donadoo was attacked by a party of robbers and that he being aware of the circumstance at the time, with the assistance of his neighbours and other villagers whom his cries had attracted resisted and drove off the robbers. In the affray three of the robbers were taken of whom one D. Venkadoo died on his way from the village to the Police Cutcherry station from the effects of the blows which he received from the villagers during the conflict. In forwarding the charge of robbery to the Criminal Court the Head of Police omitted to make any inquiry into the cause of the death of D. Venkadoo and merely appended a remark referring the papers connected with the case to the Criminal Court. leaving it to be decided by the Criminal Judge whether there was or was not any Criminality attached to the Act.

2. This proceeding appeared to the Acting Criminal Judge to be erroneous and irregular in as much as Criminal Courts are by Section VIII, Regulation X of 1816 prohibited from taking "primary cognizance of cases of this description

"description" and as it is clearly pointed out by the words "party accused" in the Circular Order of the 3rd July 1834 that the Police Officer ought to have framed a charge against the persons concerned in the homicide, and then he could have pronounced a decision in the case.

3. The Acting Criminal Judge then proceeds to observe that the Circular Order of the 9th April 1834 mentions that the European Magistracy alone can pronounce an opinion holding the party guiltless and by Circular Order of the 3rd April 1834 this power is extended to the Criminal Court but the mode of proceeding in the investigation of these cases is widely different. The Magistracy having the power of taking primary cognizance while such power is expressly withheld from the Criminal Court.

4. The prisoners concerned in this homicide he adds are witnesses in a case committed to the Court of Circuit in the Supplemental Calendar for the present Sessions and he is of opinion that it should be pronounced by competent authority whether any criminality was or was not attached to the Act previous to the case being tried by the Court of Circuit. On reference to the Circular Order of the 19th February 1834 it is mentioned that a Judicial Inquiry is necessary to establish the exemption from trial

of persons committing a Justifiable Homicide and this enquiry must be held by the European Magistracy as the Criminal Court can only proceed to decide on the nature of the offence after a regular charge has been framed and the parties forwarded to the Criminal Court according to Section XXV, Regulation X of 1816 and Paras 4 and 5 of the Circular Order of the 3rd July 1834.

5. The Magistrate differing from this view of the case and being of opinion that it was necessary that some definite general orders should be issued to the Native Police considered it desirable to submit the whole correspondence to this Court - at the same time the Magistrate observes that where a charge of homicide is made and the means of substantiating it offered there cannot be a doubt but that the orders of the Court of Foujdaree Adalut are conclusive and the parties accused must be brought before the European Magistracy of the District but an inconsistency appears to him to exist, if after immunity from Criminal Prosecution is held out by Government to persons defending themselves in protection of their lives and property it is intended the Police should be made the Prosecutors, in cases where there is

no

no charge of crime.

6. The Magistrate then explains that in the Neighbourhood of the Hills in the Rajahmundry district the inhabitants of the low country villages are constantly required to protect themselves from the attacks of gangs of armed robbers and it is absolutely necessary that Government should support them in their exertions at defence. If however in such cases where no shadow or imputation of crime exists the Police are not to use any discrimination but are absolutely to send the parties at once to the Magistrates Office, whatever the distance may be, a doubt must arise in the minds of illiterate men as to what the real intentions of Government are; whether they are treated as Criminals or witnesses and he suggests that in cases arising solely in defence of life and property the Magistrate should be allowed to use his discretion in causing the attendance of parties before him, where there is neither Prosecutor, nor any attempt made to impute crime.

7. In the actual case alluded to in the correspondence with the Court the Magistrate is of opinion that under the Circular Orders of the Foujdaree Adalut of the 31st December 1828. 4th April 1834 and 31st July 1834, it would

would have been competent to the Court to have looked to the merits of the case, though it was not correctly referred by the Head of the Police.

8. The Court of Foujdaree Adalut observe that this reference might have been avoided, had sufficient attention been paid to the instructions conveyed in their Circular Order of the 18th March 1833, and 19th February and 9th April 1834 respecting justifiable homicide.

9. The whole difficulty in this instance appears to arise from the misapplication of Circular Order No. 2 of the 31st July 1834 to cases of "justifiable" Homicide - whereas it refers to accidental homicide alone.

10. In the order of the 9th April 1834 the distinction between justifiable homicide which is no crime, and upon which it is the proper duty of the European Magistracy alone to pronounce an opinion, holding the party acquitted, and accidental homicide by misadventure, is clearly drawn, and the course to be pursued in each case is also clearly laid down.

11. From this Circular Order it is evident that no case of "justifiable" homicide should be forwarded to the Criminal Court, all

all homicides coming before that higher tribunal should consist of murders, culpable homicide, or homicide by misadventure, classed as accidental and in the Circular Order of the 19th February 1834 it is ordered that Magistrates abstain from forwarding to the Criminal Courts cases of Justifiable Homicide - But in all cases of Justifiable homicide, the presence of the party who commits it, before the Magistrate, is indispensable during his inquiry into it, and the Circular Order of the 19th February 1834 shews that into each case of this kind full inquiry by the Magistracy, is indispensable, to guard against all unjustifiable, or unavoidable homicide? -

Ordered that Extract from these Proceedings be sent to the Acting Criminal Judge of Rajahmundry for his information.

(Sent in No. 1583)

Ordered also that Extract from these Proceedings be sent to the Magistrate of Rajahmundry for his information. -

(Sent in No. 1584)

Read letter dated the 23rd October 1840 from the Acting 2nd Judge of the Provincial Court of Circuit in the Centre Division submitting an English translation of the record in Case No 1 on the Chittoor 12th Supplemental Calendar for

4th November 1840

the 3rd Quarterly Sessions of 1840.

(Here enter F. R. No. 21507)

The Court of Zuzjdarre Adalut

1.

observe that the fact of a Zuffy Putty having been filed in Suit No. 1713 of 1815 of the file of the Zillah Court of Chittoor is clearly proved by the 4th witness for the Prosecution who states that he wrote the Urzee bearing the signature of the Nazer which accompanied the Putty when it was delivered into Court. -

The said witness moreover

2.

declared that when a Brahmin applied to the Court for a copy of the said Putty a copy was prepared the correctness of which he and Kristnamacharry the Record Keeper ascertained

The Court however entertain

3.

some doubts as to whether the statements of this individual in regard to the manner on which the copy was compared with the original document are correctly worded in the record submitted to them. -

At page 73 of the proceedings

4.

before the Criminal Court the 4th witness is recorded to have stated "He (the Record Keeper) gave the original into my hands, which I read and Kristnamacharry compared the copy. -"

At page 18 of the proceedings

5.

the

before the Court of Circuit he is stated to say that "he gave me the copy of the Zuffly Putty, as written on Stampt paper, and desired me to read it; and he compared it, keeping the original in his hand."-

6. While in the very next page the Cauzee puts this question- "You have stated that you held the original Zuffly Putty in your hand when you compared it with the copy thereof"-

7. This question the Court considers would scarcely have been put by the Cazee if he had not heard the witness say that he held the original Putty- The Court therefore desire that an explanation on this point may be submitted. They observe that in the communication to them from Mr. Angelo of the 13th July, the record keeper stated that he held the copy, whilst the 4th witness held the original, during the comparison.-

8. The Court also deem it of importance that the volunteer Moonesawmy who (at page 19) the said 4th witness declares wrote the copy of the Zuffly Putty, should be strictly examined as to the nature of the document from which the copy was made, especially as to whether he is cognizant of Mr. Dacre's signature, - as to whether it bore his attestation, and whether there were any erasures or alterations observable in it.-

9. It is observed that this individual was stated to be absent from Chittoor at the time of the investigation or doubtless he would have been examined- This Court direct that orders be now given if possible to procure his evidence.-

10. The silence of the Record Keeper when he was told by the 1st and 2nd witnesses that the prisoner had opened the bundle, has not been accounted for- He should be confronted with these witnesses and strictly questioned on this subject.-

11. The Court also cannot account for the observation made by the Record Keeper (as stated by the 1st witness) when first sealing up the bundle, "behold there is the putty"- upon this point also he should be questioned.

12. The Court accordingly direct that the translation of the record of this trial be returned to the Acting 2nd Judge with instructions to issue a precept to the Criminal Judge of Chittoor to obtain the attendance of the said Moonesawmy and the Record Keeper, and cause them to appear before the Acting 2nd Judge who will in the presence of the prisoner take their examination on their solemn affirmations on the points above detailed.

The Acting 2nd Judge will permit the prisoner to cross examine these witnesses and to offer any thing further in his defence should he wish it at the close of the examination.-

14.

The Acting 2nd Judge will cause an English translation of the additional evidence so taken to the record and will transmit the same with the explanation called for in the 8th para: of these Proceedings for the consideration and final judgment of the Court of Tonjdarre Adalut.-

Ordered that Extract from these Proceedings be sent to the Acting 2nd Judge of the Provincial Court of Circuit in the Centre Division for his information and guidance by precept returnable in 30 days from and after its receipt.-

/Sent following Precept No 1585/-

Read Letter dated the 23rd of October from the Criminal Judge of Salem submitting the Criminal Reports of that Court for the Month of September last.-

/Here under F.H. No 2159 of 1840/

1. The Court observe that 5 deaths are reported to have occurred in the Jail at Salem during the Month of September last and they desire that an explanation be submitted of the cause of this mortality

2. The Governor in Council having by an order prohibited the manufactures of cloth

(and

14th November, 1840.-

and paper making in this Goal the Court of Tonjdarre Adalut direct that the Zillah Judge be called on to explain under what circumstance weaving is still carried on by the prisoners under his charge.-

Ordered that Extract from these Proceedings be sent to the Criminal Judge of Salem for his information by precept returnable in 5 days from and after its receipt.-

/Sent following Receipt No 1584/-

Read letter dated the 15th of October 1840 from the Criminal Judge of Bellary transmitting the Criminal Reports of that Court for the Month of September last.-

/Here under F.H. No 2117/

Supplemental Report Case No 146.-

1. The prisoners in this case have been before the Criminal Court since the 29th July last and in explanation of the delay in the disposal of the case it is stated that a letter was written to the Magistrate in the October, to ascertain whether the Prosecutor is likely to be able to attend the Court soon.-

2. The Court consider the great delay which has taken place in this case is much to be lamented and they are of opinion that in order to obviate if possible any further

detention

Sic in Orig.

4th November 1840.-

detention of it the Magistrate should be in structs to ascertain whether the Prosecutor can with safety be moved in a conveyance and if so to forward him by that means to the Criminal Court.

Report No. VI
Case No. 173.- 3. The Court of Foujdaree Udalut observe that the confession of the 1st prisoner in this case was corroborated by the discovery of the Stolen property on the 2nd prisoner and they are of opinion that if the property was found after the confession of that prisoner that the evidence adduced was sufficient for his conviction.-

Case No. 178. 4 It is observed that the charge against the second prisoner in this case is defective inasmuch as the guilty knowledge has not been charged.-

Ordered that Extract from these proceedings be sent to the Criminal Judge of Bellary for his information.-

/Sent in No. 1584/-

Friday
6th November 1840.

No. 6

J. H.

Fo. 76

At a Court of the Foujdaree Udalut

Present,

Alex.r Duncan Campbell Esq.re Ag.t 1st Puisne Judge
Henry Dickinson Esq.re Ag.t 2nd Puisne Judge

Read return dated the 21st ultimo from the Acting 3rd Judge in Circuit in the Centre Division to the precept of the Foujdaree Udalut of the 19th ultimo, directing him to forward translations of the evidence given by Seriah, prosecutor in case No. 11 of the Cuddapah Calendar for the 2nd Sessions of 1840 before the Police Criminal Court and Court of Circuit and also directing him to ascertain and report as correctly as can be the age of the Prosecutor.-

/Here enter F. Ga. No. 2130/

From the papers now submitted, it appears that the Prosecutor, who is a lad of nearly 18 years old, was charged with perjury, in consequence of his declaration before the Court of Circuit being contradictory to the answer given by him to the 2nd Question put to him in an examination held by the Criminal

4th November 1840.

detention of it the Magistrate should be instructed to ascertain whether the Prosecutor can with safety be moved in a conveyance and if so to forward him by that means to the Criminal Court.

Report No. VI Case No. 173.

3. The Court of Foujdaree Udalut observe that the confession of the 1st prisoner in this case was corroborated by the discovery of the stolen property on the 2nd prisoner and they are of opinion that if the property was found after the confession of that Prisoner that the evidence adduced was sufficient for his conviction.

Case No. 178.

4 It is observed that the charge against the second Prisoner in this case is defective, inasmuch as the guilty knowledge has not been charged.

Ordered that a Extract from these proceedings be sent to the Criminal Judge of Bellary for his information.

/Sent in No. 1584/

Ent. W.H.

Friday

6th November 1840.

No. 6

J. W.

J. 66

At a Court of the Foujdaree Udalut

Present,

Alex.r Duncan Campbell Esq.re Ag.n 1st Puisne Judge

Henry Dickinson Esq.re Ag.n 2nd Puisne Judge

Read return dated the 21st Ultimo from the Acting 3d Judge in Circuit in the Centre Division to the precept of the Foujdaree Udalut of the 19th Ultimo, directing him to forward translations of the evidence given by Seriah, prosecutor in case No. 11 of the Cuddapah Calendar for the 2nd Sessions of 1840 before the Police Criminal Court and Court of Circuit and also directing him to ascertain and report as correctly as can be the age of the Prosecutor.

/Here enter F. G. No. 2130/

From the papers now submitted, it appears that the Prosecutor, who is a lad of nearly 18 years old, was charged with perjury, in consequence of his declaration before the Court of Circuit being contradictory to the answer given by him to the 2nd Question put to him in an examination held by the

Criminal

Criminal Judge of Caddapah, on the 20th of March 1840.

2. The Court observe that the declaration in question should be considered as a whole and not in part only; and if so considered, it will be found that, in answer to the 1st Question, the prosecutor stated precisely what he subsequently did before the Court of Circuit.-

3. In directing the commitment of the Prosecutor the Court are apprehensive that the Acting 3rd Judge has been betrayed into an act of injustice, by a precipitation and want of due consideration of the depositions made by the prosecutor, in his re-examination dated the 20th of March.

4. No perjury appears to have been committed by the prisoner, and the Court direct that he be immediately set at liberty; and that Mr Horsley be cautioned against again unnecessarily and unjustifiably directing the commitment of any individual for perjury; in doing which, in the present instance, he has overlooked the observations of the Court in their

proceedings

proceedings of the 31st January 1814, that "it is certainly desirable that prosecutions for perjury should not be instituted, in cases wherein there may be reason to doubt that the offence has been wilful and complete."-

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

(Sent following precept No 594.)

Read return dated the 30th Ultimo from the Joint Criminal Judge of Coimbatore to the precept of the Tongdarre Udalut of the 27th of that month conveying their remarks and orders on the Combatore Criminal Reports for the month of September last.-

(Here enter No 2202)

1. With reference to the explanation submitted by the Joint Criminal Judge in the foregoing return the Court of Tongdarre Udalut observe, that although

the

the smugglers were not convicted prisoners, yet under clause first Section VII Regulation I of 1810, (applicable to guards having had charge of prisoners who may escape from their custody whether before or after conviction), the 1st prisoner was clearly liable to punishment for allowing the escape of the accused smugglers who were in his custody

2. The prisoner however will be allowed the benefit of the error committed by the joint Criminal Judge, and the order of his unconditional release will accordingly not be disturbed.—

Ordered that Extract from these proceedings be forwarded to the joint Criminal Judge of Coimbatore for his information and future guidance.—

(Sent in No. 1565)

J. U.

Monday, 9th November 1840.— At a Court of the Foujdaree Udalut

Present

Alexr. Duncan Campbell Esqre. Actg. 1st Puisne Judge

Henry Dickinson Esqre. Actg. 2nd Puisne Judge

Read letter dated the 24th of September last from the Criminal Judge of Chittoor submitting copy of a letter addressed to him by the Register of his Court on the subject of the conduct of the Police Officer who forwarded Case No. 134 of 1840 to the Criminal Court together with copies of the correspondence on the same subject which has in consequence passed between the Criminal Court and the Magisterial Department.—

(Here enter No. 1856.—)

1. Upon the first examination of these papers the Court of Foujdaree Udalut were satisfied that no sufficient grounds existed for the reference of this correspondence, as suggested by the Assistant Criminal Judge in his letter of the 23d of September last.—

2. The pressing avocations of the Court, in the discharge of their ordinary functions

will

will sufficiently account therefore for the Foujdarry Adalut having first found preceding their opinion on these papers to a convenient opportunity.—

3. The Court of Foujdarry Adalut deem it proper in the first place to record their concurrence in the view taken by the Joint Magistrate of the conduct of the Police Officer on the occasion in question; and the charge of partiality and corruption not having been proved against the said Police Officer, the Court of Foujdarry Adalut are of opinion that his misconduct, in unnecessarily detaining the prisoners in the Talook, was sufficiently punished by suspension from place and pay for ten days.—

4. Mr. Reade the Register of the Zillah Court appears to have forgotten that Mr. Bowdillon the Joint Magistrate is his Senior in the service, and in the manner recommended by Mr. Reade, in para 2 of his letter of the 23d September last, on the view taken of the conduct of the Tahsildar by the Joint Magistrate and by the Magistrate of the District, Mr. Reade has evinced none of that respect for the opinions of his Seniors in the Service, which

which is essential to the promotion of the public service, and becoming in all subordinate Officers.—

Ordered, that Extract from these proceedings be forwarded to the Criminal Judge of Chittoor for his information and for communication to the Assistant Criminal Judge Mr. Reade.—

(Sent in No. 1599.)

Read again letter dated the 29th September 1840 from the Agent to the Governor of Fort St George at Vizagapatam, requesting permission to offer a conditional pardon to Mungaly Sumpa Apsyoyah and Cursolah Sunnacy two Prisoners in a case of Murder.—

(Here enter No. 2074.)

Read also letter dated the 23d Ultimo from the same Officer, explaining the nature and extent of evidence against two Prisoners recommended for conditional pardon as required in Extract from the Proceedings of the Foujdarry Adalut of the 5th October 1840.—

(Here enter No. 2166.)

The Court of Foujdarry Adalut having maturely considered the circumstances represented.

represented in the above letters from the Agent to the Governor of Fort St George at Vizagapatam, now recorded, resolved under the authority vested in them by Section XII Regulation XIII of 1832 to sanction the offer of a pardon to the prisoners

"Mungaly Sumpa Appoyah"

and

"Cowrelah Sunnacy"

on the terms and conditions specified in Section XX Regulation VIII of 1802.

Ordered that Extract from these proceedings be sent to the Agent to the Governor of Fort St George at Vizagapatam for his information and guidance.—

(Sent in Nº 1800.)

Read letter dated the 4th Ultimo from the 3d Judge on Circuit in the Western Division submitting copies of the Malabar Calendars for the 2nd Sessions of 1840.—

(Vide enter Nº 2123.)

Case Nº 1. 1. In this case the deposition which the Prisoner was charged with having given before the Zillah Judge of Malabar was not put in and proved before the 3d Judge on Circuit.—

It

2. It is true that the Prisoner admitted that he had given the deposition, but it should notwithstanding have been produced before the Court of Circuit and proved.—

Cases Nos 2 9 and 3. The prisoners concerned in Cases Nos. 2 9 and 11 stood charged with wounding the prosecutors with a knife; and the prisoner in Case Nº 2 has been sentenced by the Court of Circuit to only 2 months imprisonment from the date of the warrant; the prisoner in Nº 9 has been sentenced to 1 year's imprisonment; and the surviving prisoner in Nº 11 has been sentenced to 5 year's imprisonment with 150 lashes.—

4. The Court of Foujdaree Adalut have taken into consideration the grounds recorded by the 3d Judge on Circuit for these lenient sentences, but adverting to the prevalence of the crime of wounding in the province of Malabar, and to the opinion of the Governor in Council recorded in the Minutes of Consultation under date the 15th November 1836, the Court of Foujdaree Adalut resolve to point out for the information and future guidance of Mr Hooper, that offences of this nature, committed in Malabar, should always be visited with a severe penalty.—

Sa

9th November 1840.

Case No. 5

In Case No. 5 the prisoner (a female) stood charged with having administered a deleterious drug to the Prosecutor's son and then stolen from his person Jewels valued at Rupees 4-12-0.

6. The prisoner has been fully convicted of the crime charged against her, but the presiding Judge considering the prescribed punishment of 7 years to be more than adequate to the offence, he recommends that the mitigated sentence of 3 years imprisonment may be passed upon her.—

7. The Court of Foujdarry Adalut are of opinion that the sentence proposed by the presiding Judge is too lenient,— the ends of justice will not in their opinion be attained by a sentence of less than 5 years imprisonment, and should the 3d Judge upon further consideration concur in this view, the Court of Foujdarry Adalut authorize him in that event to pass such sentence upon the prisoner.

"Tsinga Chetticki Minachi."

Case No. 7. 8

2d Cal.

In the case noted in the margin 10 prisoners stood charged with the crime of Gang Robbery, and with having stolen property to the value of Rupees 100-3-4.—

All

9th November 1840.

9. All the prisoners with the exception of the 8th have been convicted by the Court of Circuit, and the 1st, 2nd, 4th, 9th and 10th have been sentenced to 14 years imprisonment, but under the circumstances of the 3d, 5th, 6th and 7th prisoners being "very young men and having made a "free confession throughout," the presiding Judge recommends in their favor the mitigated sentence of 7 years imprisonment with hard labor.—

10. The Court of Foujdarry Adalut on review of the Canara Calendar for the 2nd Sessions of 1839, have recorded their opinion that the principle of the Regulations requires that the punishment for Robbery should, (except in special cases) exceed that for Theft, and they therefore authorize the 3d Judge to issue his warrant for the imprisonment of the prisoners

3rd Ogela Rathody Kunjanen
5th Kathiri Kuthu Kunyolan
6th Chinika-parambil Korappen

and

7th Do. Kunyan.—

for 8 years with hard labor in irons.—

Case No. 8. 11. In Case No. 8 the prisoner stood charged

charged with having forged a note in the name of the prosecutor, to the address of the Tahsildar of the Paulghaut Taluk, requesting him to give five gold fanams to the prisoner.—

12. The prisoner has been fully convicted by the Court of Circuit, but "considering that as the "amount is very trifling, and as the prisoner made "a free confession of his guilt the moment he was "questioned by the Tahsildar, to which he subse-"quently adhered," he recommends the mitigated punishment of 2 years imprisonment with labor in irons.—

13. The Court of Foujdaree Adalut having duly considered all the circumstances of this case, resolve, under the authority vested in them by Clause third, Section III Regulation 4 of 1825, to accede to the recommendation of the Presiding Judge, and accordingly authorize that officer to pass the mitigated sentence above indicated upon the prisoner

"Naduvile-vittil Ittirarichen Nedungady"—

Ordered that Extract from these proceedings be forwarded to the 3d Judge on Circuit in the Western Division for his information

information and guidance by precept returnable in days from and after its receipt.—

(Sent following Precept No. 1601.)

Read letter dated the 8th Ultimo from the Provincial Court of Circuit in the Centre Division—submitting copy of a correspondence between the Criminal Judge of Cuddapah and that Court, on the construction of the Foujdaree Adalut Circular Order No. 77 of the 3d November 1836.—

(Here enter F.A. No. 2030.)

1. The Criminal Judge of Cuddapah under date the 2th September last requested to be instructed, whether in the opinion of the Centre Provincial Court, convicts only, and not prisoners confined in default of giving security who may have been put to labor outside the Jail, are to be included in the Statement prescribed by the Circular Order of the Foujdaree Adalut above alluded to—inasmuch as, extra Peons being required for the custody of all Prisoners actually worked outside the Jail, he considered that the object of the Foujdaree Adalut in framing their order No. 77 could not be attained,

but

charged with having forged a note in the name of the prosecutor, to the address of the Tahsildar of the Pachyiant Taluk, requesting him to give fifteen gold fanams to the prisoner.—

12. The prisoner has been fully convicted by the Court of Circuit, but "considering that as the "amount is very trifling, and as the prisoner made "a free confession of his guilt the moment he was "questioned by the Tahsildar, to which he subse-"quently adhered," he recommends the mitigated punishment of 2 years imprisonment with labor in irons.—

13. The Court of Foujdaree Adalut having duly considered all the circumstances of this case, resolve, under the authority vested in them by Clause third, Section III Regulation I of 1825, to accede to the recommendation of the Presiding Judge, and accordingly authorize that Officer to pass the mitigated sentence above indicated upon the prisoner.

"Nadworlo-vittil Ittiranichen Nedungady"—

Ordered that Extract from these proceedings be forwarded to the 3d Judge on Circuit in the Western Division for his information

9th November 1840

information and guidance by precept returnable in 7 days from and after its receipt.—

(Sent following Precept No. 701.)

Read letter dated the 8th Instant from the Provincial Court of Circuit in the Southern Division—submitting copy of a correspondence between the Criminal Judge of Cuddapah and that Court, on the construction of the Foujdaree Adalut Circular Order No. 77 of the 3d November 1836.—

(Here enter F. Pt. No. 2030.)

1. The Criminal Judge of Cuddapah under date the 24th September last requested to be instructed, whether in the opinion of the Centre Provincial Court, convicts only, and not prisoners confined in default of giving security who may have been put to labor outside the Jail, are to be included in the Statement prescribed by the Circular Order of the Foujdaree Adalut above alluded to—inasmuch as, extra Peons being required for the custody of all Prisoners actually worked outside the Jail, he considered that the object of the Foujdaree Adalut in framing their order No. 77 could not be attained,

but

but by including in the statment all prisoners, whether Convicts or not, who have been employed, and the number of Peons entertained for their safe custody.

2. The Judges of the Provincial Court in reply were of opinion, that the order was intended to apply to all prisoners worked outside the Jail, but reminded the Criminal Judge of Kuddapah that under Tongdare Waalut Circular Order of the 25th July 1831. Security prisoners can be put to labor "only in or about the Jail" and not outside or at a distance from it.

3. From Mr Walker's Letter however, dated the 2nd Ultimo, it appears, that the manufacture of paper, in which Security prisoners are employed by Circular Order of the 19th January 1831 is carried on at a considerable distance from the Jail at Kuddapah, and moreover outside the Fort, while the Jail is inside - and the regulated number of Peons are necessary therefore to guard them while at work.

4 Under these circumstances the Provincial Court of Circuit in the Centre Division submitted the above correspondence for the consideration of the Judges of the Court of Tongdare Adalut.

The

9th November 1840.

5. The Court of Tongdare Adalut direct that the Criminal Judge of Cuddapah be informed - that if the Security prisoners referred to, can be more profitably employed outside than inside the walls of the Jail, they can be so employed under the Provisions of Clause first Section XIII Regulation VI of 1827 - and in this case the regulated number of Peons should be entertained for their safe custody.

6. The Judges however desire that Mr Walker be called upon to report whether the Paper Manufactory cannot by any means be transferred within the walls of the Jail.

Ordered that a copy of paras 5 and 6 of these proceedings be sent to the Criminal Judge of Cuddapah for his information and guidance, by precept returnable in 4 days from and after its receipt.

(Sent following precept No. 1602)

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

(Sent in No. 1603)

Read

9th November 1840.

Read letter dated the 19th ultimo from the Provincial Court in the Western Division submitting at the instance of the Criminal Judge of Canara, and with reference to the provisions of Clause first Section II Regulation XIV of 1832, the question, whether, in the event of there being two or more Prisoners put up on one and the same charge, it is not competent to the Criminal Judge, on conviction of all the Prisoners in the case, to levy a fine of forty Rupees from each, or whether, as ruled by the Collective Court in the Extract from their proceedings of the 18th November last, the whole fine awarded can amount only to Rupees forty.-

(Here enter No. 2158-)

1. The Court of Foujdaree Adalut concur in opinion with the Criminal Judge of Canara that the provision quoted above authorizes the infliction of a fine of Rupees 40 on each and every person convicted of the offence.-

2. Adverting to para 3 of the Provincial Court's letter of the 19th ultimo the Court of Foujdaree Adalut are not disposed to suggest any modification of Regulation XIV of 1832 under

under which the purchasing of Clothes and other necessaries from Soldiers is altogether prohibited.-

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

(Sent in No. 1160)

Read letter dated the 27th of October 1840 from the 2nd Judge on Circuit in the Southern Division submitting for the consideration and final sentence of the Foujdaree Adalut an English translation of the record of the trial in case No. 4 on the Cumbaconum Calendar for the 2nd Sessions of 1840.-

(Here enter F. A. No. 2184 of 1840)

1. The evidence against the prisoners in this case is not considered by the Court of Foujdaree Adalut to be complete in the absence of the testimony of the Medical Officer who it appears from the Police Proceedings examined the body of the deceased.-

2. It appears from these proceedings that previous to addressing to the Assistant Magistrate the letter recorded at Page 181 Dft G. D. Gordon had expressed an opinion formed on a post mortem examination of the body. The Court are therefore

clearly

9th November 1840.

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2. Averting to para 3 of the Provincial Court's letter of the 19th ultimo the Court of Foujdaree Adalut are not disposed to suggest any modification of Regulation XIV of 1832 under

4 F.U.

9 November 1840.

under which the purchasing of Clothes and other necessaries from Soldiers is altogether prohibited.-

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

(Sent in No. 1040.)

Read letter dated the 27th of October 1840 from the 2nd Judge on Circuit in the Southern Division submitting for the consideration and final sentence of the Foujdaree Adalut an English translation of the record of the trial in case No. 4 on the Combaconum Calendar for the 2nd Sessions of 1840.-

(Here enter F.U. No. 2184 of 1840.)

1. The evidence against the prisoner in this case is not considered by the Court of Foujdaree Adalut to be complete in the absence of the testimony of the Medical Officer who it appears from the Police Proceedings examined the body of the deceased.-

2. It appears from these proceedings that previous to addressing to the Assistant Magistrate the letter recorded at Page 181 Dr. G.D. Gordon had expressed an opinion formed on a post mortem examination of the body. The Court are therefore

clearly

9th November 1840

clearly of opinion that this Officer should have been examined on his oath as directed in the Circular Order of the 10th April 1828 with reference to that opinion —

3. They direct that the record be now returned to the 2nd Judge whose duty it will be to transmit it to the Criminal Judge with instructions to obtain the attendance of Dr. G. D. Gordon and in the presence of the prisoner question him on oath as to his "former opinion" and should it have been given in writing the Court direct that it may be procured and submitted for their consideration —

4. Dr. Gordon should also be required to give a detailed account of the state in which he found the body whether any blood was or had been flowing from the mouth and nose whether there were any blisters on the body and if these had been observed, to explain the cause to which the blood and blisters might in his opinion be attributable —

5. The Court are also desirous of being informed whether Dr. Gordon was aware of arsenick or any mineral poison having been administered to the deceased and if so whether he had used any tests to discover such a poison either in the

9th November 1840 —

contents of the stomach or among any drugs alleged to have belonged to the 3d prisoner —

It will also be necessary to examine him as to the effect that arsenick taken internally in sufficiently large doses to occasion death would have on the human frame and whether the unreasonable return of the monthly courses the swelling of the tongue the roughness in the mouth the violent pains in the bowels and vomiting — the inclination to drink water the oozing of blood from the nose and mouth, the swelling of the body after death, and the blisters observed on it, are all symptoms which are observed or likely to be produced in cases of poisoning by arsenick.

a portion of the Tellum tree should also be procured and shown to Dr. Gordon, in order that the properties of the sap or juice of the leaves of this tree may be explained. —

In the original confession of the 3d prisoner as it is recorded at page 37 of the Police proceedings he stated that prior to the Friday in question Sinde Nengadachellam brought some milk of Tellum tree from a place North of the bridge of Vettar river and took some

arsenick

9th November 1840.

arsenick

which was in my Salna bag-ground it in the grinding stone of the house of Vengadachellam made two balls of it mixing the milk in question as big as Condoomany seed which I mixed with the ashes and gave it to the deceased in the night of the very same Friday saying that her husband if she would take it will reconcile with her and she would become pregnant and which she accordingly took and immediately vomitted - and at page 38 he describes the effect of arsenick taken with the milk of the Tellum Tree as producing affection of the bowels the bleedings as well as the burning and spasms in the belly and swelling and blisters on the whole body as well as bleeding at the nose and mouth and eventually death - and the circumstances of the case lead to the conclusion that arsenick had been administered or certainly that something more noxious than the powder of the Ackra Karom root mixed with Vibudy, which appears at page 35 to have been given to the deceased before the pills was administered to her -

8. In the letter accompanying the trial the 2nd Judge states it as his opinion that the evidence before the Court of Circuit as to the

fact

5. 4th Ft.

9th November 1840 -

fact of the 3rd prisoner having adm[illegible]tes it is pills &c. to the deceased &c. -

[illegible]nicial

By the Circular [illegible]

9. Soupparee Modaliar dated the 31st January 1811 it is strictly enjoined that the Criminal Judges should themselves draw up the indictment in order that the offence may be correctly laid in strict accordance with the evidence to be adduced on the trial, and in order that the guilt of persons justly accused may be most fully established - and in all cases of murder it is required that the instrument by which the murder may have been perpetrated should be correctly described when it may be possible to obtain the information -

10 After such distinct and clear orders as these, the Court were not prepared to find so great a defect in the charge, as the arraignment in this case exhibits, the more especially as the Court have on repeatedly had occasion to bring those orders pointedly to the notice of the Criminal Court

11 The indictment in this case appears to have been framed by the Assistant Criminal Judge and merely charges the prisoners with giving to the deceased "deleterious drugs mixed with Vee bottree

and

9th November 1840.

arsenick
which was in my Salna bag-ground it in the
grinding stone of the house of Vengadachellam
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as big as Condoomany seed which I mixed with
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of the very same Friday saying that her husband
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9th November 1840 -

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pills &c. to the deceased &c. -[illegible]nicial

By the Circular
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9th November 1840.

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8. In the letter accompanying the trial the 2nd Judge states it as his opinion that the evidence before the Court of Circuit as to the

fact

5. 5th Ft.

9th November 1840 -

fact of the 3rd prisoner having adm[illegible]tes it is pills Ver. to the deceased Vera -

[illegible] Criminal

9. By the Circular [illegible]

Sonparee Adalut dated the 31st January 1811 it is strictly enjoined that the Criminal Judges should themselves draw up the indictment in order that the offence may be correctly laid in strict accordance with the evidence to be adduced on the trial, and in order that the guilt of persons justly accused may be most fully established - and in all cases of murder it is required that the instrument by which the murder may have been perpetrated should be correctly described when it may be possible to obtain the information -

10 After such distinct and clear orders as these, the Court were not prepared to find so great a defect in the charge, as the arraignment in this case exhibits, the more especially as the Court have on repeatedly had occasion to bring those orders pointedly to the notice of the Criminal Courts

11 The indictment in this case appears to have been framed by the Assistant Criminal Judge and merely charges the prisoners with giving to the deceased deleterious drugs mixed with Vee bottlee

and

and notwithstanding the arrival of the 3rd prisoner that
he had also given her arsenick mixed with the milk
of the Fellen tree no mention is made of the two pills–

12. The Court of Fingarre Wallet can
only account for this proceeding of the Assistant Criminal
Judge on the supposition of a most reprehensible neglect
on his part to make himself acquainted with their
Standing orders.–

13 The defective indictment however
ought not to have been adopted by the 2nd Judge as the
arraignment in the Circular Order of the 2nd September
1824 it is laid down as the duty of the Judges of Circuit
invariably to call the attention of the Criminal
Judges to any departure observable in their proceed
=ings from the standing orders of the Court of
Fingarre Wallet.–

14. The Court are therefore concerned
to find that the 2nd Judge of Circuit has likewise
been wanting in that becoming attention to their orders
which is due from every Judicial Officer but more
especially from a Judge of the Provincial Court
since in order to an effectual exercise of that
superintendance and control which may be exercised
to ensure a scrupulous attention on the part of the
subordinate

9th November 1840.–

subordinate officers to their important duties it is
particularly requisite that the Judges of the Provincial
Courts should themselves carefully observe those
orders.–

15. The sanction therefore which has
been given to the irregularities committed by the
Assistant Judge precludes the Court of Fingarre
Wallet from noticing with more severity his
departure from the instructions issued for his
guidance.–

16. The Court direct that the attention
of Mr Cotton and Mr Taylor be called to their
order of the 31st January 1840 and that they be
enjoined implicitly to obey it and all the others
issued for their guidance in future.–

17 The Court observe that the charge
of the Government Vakeel in this case has been
extended to a very unnecessary length. It is not
necessary that the charge should contain an abstract
of the evidence of each witness seriatim. It should
be a concise recital of the circumstances of the
case in as few words as possible.–

18. The Report also of the Police
Ameen which extends to 17 sheets and into which
the

he has introduced all the evidence recorded in the case is far too voluminous such a recital of the evidence is of no practical use, and can serve no other end than that of obstructing the progress of public business.—

19. The attention of the Magistrate will be called to these remarks and he will be required to instruct the Police Officer that in future his reports must be divested of all similar superfluous matter and drawn up in a more condensed form.—

20. In conclusion the Court direct that the Head Assistant Magistrate be called on to explain whether he informed the surgeon that there were grounds for believing that arsenick had been administered to the deceased, and if not the Head Assistant will be required to explain his omission to do so.—

Ordered that Extract from these Proceedings be sent to the 2nd Judge of the Provincial Court of Circuit in the Southern Division for his information by precept returnable in 30 days from and after it's receipt.—

(Sent following Precept No. 1605.)

Read

Read letter dated the 16th Ultimo from the Agent to the Governor of Fort St. George in the Ganjam District, submitting with reference to Clause 5th Rule I of the Rules framed by Government for his guidance, a summary of the evidence against the prisoner Naranah charged with burglary and with having stabbed and wounded the Prosecutor and recommending that he be sentenced to imprisonment with hard labor in irons on the public roads for the period of 7 years, and further to receive 150 stripes on his bare back with the cat of nine tails.—

(Here enter No. 2167)

1. The Court of Foujdaree Adaulut having maturely considered the summary of the evidence taken before the Agent, the statement of his grounds for the conviction, and his opinion as to the punishment to be passed on the prisoner, Resolve to authorize the said Agent to pass a sentence of 10 years imprisonment with hard labor in irons, on the prisoner "Naranah"

2. The Court of Foujdaree Adaulut are of opinion that in this instance the ends

of justice would not be satisfied by the infliction of a less severe punishment than that recorded above.—

Ordered that Extract from these proceedings be forwarded to the Agent to the Governor of Fort St. George in the Ganjam District for his information and guidance.—

(Sent in No. 1606.)

Read Supplemental Return dated the 26th Ultimo from the 2nd Judge on Circuit in the Southern Division to the precept of the Tondaree Adalut of the 6th October 1840 conveying their observations and orders on the Summary Calendar for the 2nd Sessions of 1840.—

(Here enter No. 2186.)

Read letter dated the 26th Ultimo from the 2nd Judge on Circuit in the Northern Division reporting that the usual Proclamation for opening the present Sessions at Vizagapoor on the 23rd Proximo, has been sent to the Acting Principal Sudr Ameen at that Station.—

(Here enter No. 2190.)

Read letter dated the 2nd Instant from the Acting 3rd Judge on Circuit in the Centre Division

Division - reporting the opening of the 2nd Sessions of 1840 at Chingleput on the 2nd Instant and the state of the Calendar.—

(Here enter No. 2199.)

Read letter dated the 2nd Instant from the Acting 3rd Judge on Circuit in the Centre Division - reporting his intention to open the 2nd Sessions of 1840 at Cuddalore on the 25th Instant.

(Here enter No. 2200.)

Tuesday,
10th November, 1840.

At a Court of the Foujdaree Udalut.

Present,

Alex.r Duncan Campbell Esq.re Actg. 1st Puisne Judge,

Henry Dickinson Esq.re ——— Actg. 2nd Puisne Judge,

G. T. Casamajor Esq.re ——— Actg. 3rd Puisne Judge,

Circular Order.

No. 127.

The Court of Sudr and Foujdaree Udalut have observed that certain of the Courts in entering at the head of the examination of a party or witness, the particulars specified in Clause 3rd Section XVIII. Regulation VII. of 1802, describe the profession of a witness as "Service", without specifying what that "Service" is.—

2. Accordingly the Court of Sudr and Foujdaree Udalut resolve to direct the several Courts, when inserting in their records of trials, or suits, held before them, the particulars specified in the provision quoted above, to exhibit the nature of the service in which the witness or party may be employed, whether in the public

Service

Tuesday,
10th November, 1840.

At a Court of the Foujdaree Udalut.

Present,

Alexr Duncan Campbell Esqre Actg 1st Puisne Judge,

Henry Dickinson Esqre Actg 2nd Puisne Judge,

G. J. Casamajor Esqre Actg 3rd Puisne Judge,

Circular Order.

No 127.

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Service

Tuesday,
10th November, 1840.

At a Court of the Foujdaree Udalut.

Present,

Alexr Duncan Campbell Esqre Actg. 1st Puisne Judge,

Henry Dickinson Esqre Actg. 2nd Puisne Judge,

G. J. Casamajor Esqre Actg. 3rd Puisne Judge,

Circular Order.

No. 127

1. The Court of Sudr and Foujdaree Udalut have observed that certain of the Courts in entering at the head of the examination of a party or witness, the particulars specified in Clause 3d Section XVIII Regulation VII. of 1802, describe the profession of a witness as "Service", without specifying what that "Service" is.-

2. Accordingly the Court of Sudr and Foujdaree Udalut resolve to direct the several Courts, when inserting in their records of trials, or suits, held before them, the particulars specified in the provision quoted above, to exhibit the nature of the service in which the witness or party may be employed, whether in the public

Service

Service or in the service of a private individual, and the precise station held, whether Tahsildar, Toshidar, Sepoy, Peon or Butler, Masalgee &c.

(Sent following Circular Order No. 1615.)

Read Return dated the 3rd Instant from the 2d Judge on Circuit in the Northern Division to the precept of the Tondaree Udalut of the 29th October 1840, directing him to call for the record of Case No. 51 from the Criminal Court of Rajahmundry, disposed of during the month of September last, and to pass such orders thereon as may appear to him proper with reference to Section XXIII Regulation X of 1816.

(Here enter T. No. 2231)

Read Return dated the 4th Instant from the 3d Judge late on Circuit in the Northern Division to the precept of the Tondaree Udalut under date the 26th Ultimo requiring him to shew what progress has been made in the preparation of English translations of the trials in Cases Nos. 1, 2, 4, 5 and 6, of the Vizagapatam Calendar

10th November 1840.

Calendar and Case No. 3 of the Ichapore Calendar for the 1st Sessions of 1840.

(Here enter T. No. 2232)

Read letter dated the 4th Instant from the 2nd Judge on Circuit in the Southern Division reporting the opening of the 2d Sessions of 1840 at Salem on the 4th Instant and the State of the Calendar

(Here enter T. No. 2233)

Read letter dated the 4th Instant from the 2d Judge on Circuit in the Southern Division reporting his having reviewed the proceedings in the two Cases Nos. 55 and 57 of the Madura Criminal file for the month of July 1840 as directed in the proceedings of the Tondaree Udalut of the 30th September last.

(Here enter T. No. 2234)

Read letter dated the 4th Instant from the 2d Judge on Circuit in the Southern Division reporting his intention to open the 2d Sessions of 1840 at Coimbatore on the 7th Proximo.

(Here enter T. No. 2235)

C. C.

Wednesday, 11th. November 1840.

At a Court of the Zillah Adalut.

Present

Alexr. Duncan Campbell Esqre. — Acting 1st Puisne Judge,

Henry Dickinson Esqre. — Acting 2d Puisne Judge,

George James Casamajor Esqre. — Acting 3d Puisne Judge,

Read letter dated the 6th. instant from the Acting 2d Judge of the Provincial Court of Circuit in the Centre Division transmitting an English translation of the Record in Case No. 1 of the 13th. Supplemental Calendar for the 3d quarterly Sessions of 1840.—

(Here enter No. 2230 of 1840.)

Mr. Campbell. The Court of Zillah 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

Pulliay Kistnadoo

is sufficient to convict him of the crime of assault with attempt to commit rape, for which according to the Mahommedan Law as declared in the futwas of their Law Officers discretionary punishment is awardable, do convict him thereof; and with reference to the provisions of Clause first Section V. Regulation VIII. of 1831 and Clause third Section VII. Regulation XV. of 1803, adjudge him to be

imprisoned

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

(Sent following letter No. 157)

Read letter dated the 25th of October 1840 from the 2d Judge on Circuit in the Northern Division submitting for the consideration and final sentence of the Sudder Adawlut an English translation of the record of the trial in Case No. 10 on the Bajahmundry Calendar for the 2d Sessions of 1840.—

(Here enter P.C. No. 2205)

Mr. Campbell,
and
Mr. Dickinson,

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

"Nullony Buddegandoo"

is sufficient to convict him of a severe assault for which according to the Mahommedan Law discretionary punishments is awardable do convict him thereof and under the provisions of Clause third Section VII Regulation XV of 1803 do adjudge him to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of seven years.—

1. The evidence in this case is insufficient for

for the conviction of the prisoner of murder. There is nothing on the proceedings to show what occurred between the prisoner and deceased subsequently to their leaving the house of the 1st witness in company and the conduct of the 5th and 6th witnesses in never approaching the body said to have been hanging from the tree, leaves it quite uncertain whether or not the body of the deceased had been dragged down from the tree by wild beasts during the night.—

2. From the state of the body it certainly appears probable that the deceased met with his death at the hand of man, and from the brutality with which he was treated by the prisoner it is likely that he was the person who murdered him, in consequence of having found him in carnal connexion with the 1st witness, a woman of the Chuckler caste, which ranks below that of the Pariah.—

3. But in the absence of all evidence of the prisoner having gone to the spot, where the deceased was found, of the owner of the rope, or of any traces of the body having been dragged to the spot where it was found the Court consider it would be most dangerous to found a conviction on the evidence adduced in this trial, especially as that conviction would involve a sentence of death.—

The

11th November 1840.

4. The Court of Foujdaree Udaulut cannot pass over unnoticed the proceedings of the Curnum who, as exhibited by the record not only neglected to hold an immediate inquest on the body and demanded money for the death, but even endeavoured to hush up the murder by imputing the immediate cause of the death of the deceased to a belly ache, under which he alleged he was labouring and in consequence destroyed himself.—

5. The Court of Foujdaree Udaulut are of opinion that the misconduct of the said Curnum should be made known to the Magistrate in order that measures may be taken for bringing him to punishment.—

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

Sent following letter No 1614.

F. 46.

Friday 13th November 1840

At a Court of the Foujdaree Udaulut

Present

Hon.r Duncan Campbell Esq.re 1st Puisne Judge

Henry Dickinson Esquire Acting 2d Puisne Judge

G. J. Casamajor Esquire Acting 3d Puisne Judge.

Mr Dickinson

and

Mr Casamajor

Read letter dated the 12th of October 1840 from the Agent to the Governor of Fort St. George at Ganjam submitting for the consideration and final sentence of the Court of Foujdaree Udaulut an English translation of the record of the trial in Case No. 42 on his Criminal file—

/ Vide entry F.U. No. 2218 /

The Court of Foujdaree Udaulut, on a deliberate consideration of all the circumstances of the case in Evidence before them, being of opinion that the proof against the prisoners

2d Lookadeoree

3d Poore Jenna

4th Narrain Dut

and

5th Thanpuddee

is sufficient to convict them of the crime of Murder by Thuggee, do convict them thereof, and, under the provisions of Section X. Regulation VIII of 1802, do sentence

4. The Court of Foujdaree Adawlut cannot pass over unnoticed the proceedings of the Curnum who, as exhibited by the record not only neglected to hold an immediate inquest on the body and demanded money for the death, but even endeavoured to hush up the murder by imputing the immediate cause of the death of the deceased to a belly ache, under which he alleged he was labouring and in consequence destroyed himself.—

5. The Court of Foujdaree Adawlut are of opinion that the misconduct of the said Curnum should be made known to the Magistrate in order that measures may be taken for bringing him to punishment.—

Ordered, that an extract from these proceedings be sent to the 2d Judge on Circuit in the Northern Division for his information and guidance.—

Sent following letter No. 1614.)

2d 2d

F 46

Friday
13th November 1840

At a Court of the Foujdaree Udalut

Present

Mr. Duncan Campbell Esqre. 1st Puisne Judge
Henry Dickinson Esquire Acting 2d Puisne Judge
G. J. Casamajor Esquire Acting 3d Puisne Judge.

Read letter dated the 12th of October 1840 from the Agent to the Governor of Fort St. George at Ganjam submitting for the consideration and final sentence of the Court of Foujdaree Udalut an English translation of the Record of the trial in Case No. 42 on his Criminal file

(Vide entry F 46 No. 2213)

Mr. Dickinson and Mr. Casamajor

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

2d Lookadooree
3d Poro Jenna
4th Narrain Dut
and
5th Shamputtee

is sufficient to convict them of the crime of Murder by Thuggee, do convict them thereof, and, under the provisions of Section X. Regulation VIII of 1802, do

sentence

13th November 1820.

Sentence them to suffer death, by being hanged, as soon as conveniently can be after the receipt of this warrant, at a spot to be selected by the Agent to the Governor of Fort St. George at Ganjam, in the immediate vicinity of the place where the murders were committed, their bodies to be subsequently suspended in chains on a high gibbet, to be erected on the said spot.

The 1st Prisoner has been convicted in Case No. 31 of 1820 for murder.

1. At page 291 it is recorded as forming a part of the defence of the 2d Prisoner that Captain Vallancey slapped him on the face, in consequence of some representation made to him by the approvers Rhaghoodah Cabaduth and Rhadapeth, so severely, as to cause the blood to gush out from his mouth, and to lay him senseless on the ground.

2. Although the Court of Foujdaree Adalut do not for a moment place credit in this Statement, they deem it advisable to give Captain Vallancey an opportunity of refuting it, and they accordingly direct that he be requested to submit an Explanation in regard to the allegation.

Ordered, that Extract from these proceedings be sent to the Agent to the Governor

of

13th November 1820.

[illegible] of Fort Saint George at Ganjam by Precept returnable in twenty five days from and after its receipt.

Sent following Precept No. 4621 -

E. E. D.

seeing strong grounds to doubt the propriety of
this acquittal, ordered the record of the trial
to be submitted for their consideration, and in
obedience to the requisition the trial has been
now laid before them.-

3. It appears that this trial was originally conducted by Mr. Haig, who in postponing it to the ensuing Sessions recorded his opinion under date the 8th of August, "that "there can be a shadow of doubt of the "prisoners guilt, but as the Mahomedan Law "officer the contrary declares that there is "no proof whatever against him, and further "evidence may be procurable against him, he "resolved postpone the trial to the ensuing "Sessions.

4 This evidence was obtained and taken by the Criminal Judge of Chingola and lists of the testimony of the 12th 13th 14th 15th witnesses examined by him.

5 Of these witnesses the 12th and 13th were 4th and 5th before the police officers, and appears on their two depositions before criminal Court, which would strengthen case. But the 14th and 15th witnesses declared before

before the Criminal Court that the deceased had named the prisoner to them as the person who stabbed him; and therefore their evidence, had it appeared that the deceased was previously acquainted with the prisoner, and that the prisoner had been brought into his presence, might have been of great importance.-

6. The Sessions Judge, in his remarks in the Calendar, accounts for the non-examination of these additional witnesses called for by Mr. Haig, on the ground that, though repeatedly called for, they could not be found.-

7. The Court of Sunjdaree Udalut under date the 13th July 1838 adverting to the embarrassment to which they were exposed, by the omission of the judges on Circuit to take the evidence of witnesses for the prosecution whose testimony the Circuit Judge considered himself at liberty to dispense with, but whose evidence was deemed by the Sunjdaree Udalut of material consequence to the trial, observed that where

on

on reference to the depositions before the Criminal Court or the Police, a witness appears capable of speaking to material facts, although other witnesses may have spoken to the same facts his evidence ought never to be dispensed with, for the presiding Judge or even the prisoner by cross examination may draw from him matter highly corroborative of the evidence of other witnesses, or such as may tend greatly to invalidate their testimony much less should a Circuit Judge dispense with the examination of a witness who before a Criminal Court or the Police has spoken to material facts not deposed to by other forthcoming witnesses.-

8 After the circulation of these instructions the Court of Toujdaree Udalut did not expect to find the testimony of important witnesses to the facts of a case omitted to be taken by a Court of Circuit.-

9 If the evidence of the witnesses was not procurable before the Judge quitted his station it was his duty to have postponed the trial to the next Sessions.-

10 After the strong opinion recorded by

by Mr Harg, the Judge who presided at the trial of the case, it might have been supposed that Mr Strombom would have been inclined to view his own judgment (which led him to form so opposite a conclusion as to the guilt of the prisoner) with great distrust, and that he would have gladly availed himself of either alternative of postponing the trial, or, in the event of his considering there was no reasonable expectation of a conviction, referred the case for the orders of the Court of Toujdaree Udalut.-

11 The Court have ruled in their orders of the 27th October 1830 that a Judge of Circuit cannot discharge from the bar, without trial, a prisoner ordered by another Judge of Circuit to be committed, and they are of opinion that, in such a case as this, where the opinion of the Judge passing judgment on the trial is so opposed to that of his predecessor who chiefly tried the case, and when the additional grounds afforded him for such an opinion consist merely of the recorded denial of the prisoner that a similar course

should

should have been adopted or strong reasons given for a different course of proceeding

12.— The Court have on several former occasions had to notice irregularity of proceeding on the part of Mr. Strombom. In the present instance his departure from the plain and obvious course of his duty is so palpable as to demand the severest reprehension.—

13 From a view of the whole case it appears to the Court that had the trial been referred to them the result would have been very different. The evidence of the 1st witness which is consistent throughout backed by the declaration of the Prisoner before the Police would in the opinion of the Court sufficed for the conviction of the prisoner. But even if this evidence had not been sufficient to justify conviction he should not have been unconditionally released in the face of the proceedings of the Magistrate annexed to those of the Police officer which shewed the Prisoner to be a man of desperate character.—

14. Altho' the omission of the 3d Judge to pursue the course above pointed out exhibits another instance of that carelessness or negligence

negligence in the discharge of the grave and important functions committed to him, which have too frequently attracted the attention of the Fonjdaree Udalut in his proceedings on the late Circuit, the Court of Fonjdaree Udalut were certainly not prepared for the unaccountable proceeding manifested in his releasing "unconditionally a prisoner described, as the prisoner is to be, of "notorious bad character", and they deem it proper most seriously to warn Mr. Strombom against again manifesting such gross inattention to his duties as he has evinced on the present occasion.—

15. Under the provisions of Section II Regulation XV of 1802 the Court of Fonjdaree Udalut cannot undo the acquittal of the 3d Judge, and must afford the prisoner the benefit of the defects in the conduct of the trial.—

16. But considering it desirable that a person of a character so dangerous should be held to security; they resolve to recommend the Magistrate to hold him to security, under the provisions of Clause third Section VIII. Regulation VI of 1827.—

The

14 November 1840

17. The Court further direct that Mr Stronbow be called on to submit an explanation of the steps taken by him, to obtain the attendance of the 12th 13th 14th 15th witnesses.-

Ordered that Extract from these proceedings be sent to the 3d Judge of the Provincial Court of Circuit in the Northern Division by precept returnable in 20 days from and after its receipt.-

(Sent following precept No. 1622.)

Ordered also that Extract from these proceedings be sent to the Magistrate in Gangam for his information.-

(Sent in No. 1623)

Read letter dated 3d Instant from the Acting 2nd Judge of the Provincial Court of Circuit in the Centre Division submitting for the consideration and final sentence of the Tongdaree Udalut an English translation of the record of the trial in case No. 1 on the Chittoor 4th Supplemental Calendar for the 3d Quarterly Sessions of 1840.-

(Here enter F. Ct. No. 2214)

1. The Court are sorry to be under

the

14th November 1840

Mr Campbell and Mr Dickinson

the necessity of remarking that this trial presents another instance of the negligent and unsatisfactory manner in which the duties of a Judge of Circuit are conducted by the Acting 2d Judge and in its present state they are unable to give judgment upon it.-

2. In the first place it was an omission on the part of the Judge presiding at the trial not to mention whether the pieces (Nos 4 & 5) of stick picked up on the spot where the assault had taken place, and that (No 3) found in the house of the prisoners, correspond or fit each other. This is surprising, since the fact of their corresponding would obviously form conclusive evidence of the prisoners guilt.-

3. Mr Davis is therefor now required to state whether he examined the pieces of stick minutely, and if not he should now do so, and report whether or not they so exactly correspond as to leave no doubt of their having composed one and the same stick.-

4. The whole of the witnesses from the 3d to the 9th inclusive give a most consistent

account

account of the Murder of the deceased which they state was perpetrated by the 1st prisoner beating him with a club or pestle and the 2d prisoner stabbing him with a dagger.

4. The 1st prisoner how in his defence set up an alibi and the 2nd prisoner pleads that the blow imputed to him was aimed by Moonesawmy son of the 6th witness at himself but that it fell accidentally on the deceased.-

5 Under this plea of the 2d prisoner it was of the utmost importance that the Police Duffadar Vencatapatty Naik, and any other officer who might have been in the Tahsildar's Cutcherry at the time when the deceased arrived, should have been examined in regard to what the deceased is alleged to have said, and the persons to whom he imputed the wounds of which he was dying.-

3d It was also obvious that it should have been ascertained from the witnesses for the prosecution, as well as from Moonesawmy himself, the son of the 6th witness, whether he was present or absent at the affray, and what he was doing at that time, and any other person who

may

may have seen him at that time should also have been called for and examined on these points, in order that if Moonesawmy pleaded an alibi it might have been established by corroborative testimony, and not left to his bare assertion. In the event of its having been proved that he was present the questions would have presented themselves whether he was armed, and, if so, with what weapon.

6. It is stated moreover by the Prosecutrix and witnesses that Gungummah daughter of the 9th witness was present at the time that the Prisoners beat and wounded the deceased.

7. She was however not examined, nor is any reason entered in the Record of the presiding Judge for the omission to take her testimony as to what occurred.-

8. The Court deeming it of primary importance that this evidence should now be taken, desire that the attendance of the Duffadar Vencatapatty Naik, Moonesawmy and Gungammah as well as any Police Officers, Peons, or others who are able to depose to any of the points

above

above specified be obtained, and that they be examined in the presence of the prisoners in the manner and on the points required.-

9. For this purpose the Court of Fouzdaree Udalut direct that the record of the trial be returned to the Acting 2d. Judge who will issue a precept to the Criminal Judge of Chittoor to procure the attendance of the witnesses before the Acting 2d. Judge.-

10. The Acting 2d. Judge will permit the prisoners to cross examine the witnesses, and to offer any thing further in their defence, should they wish it, at the close of the examination, and will annex English translations of the additional evidence so taken to the record of the case, and will retransmit the same for the consideration and final sentence of the Fouzdaree Udalut.

Ordered that Extract from these Proceedings be sent to the Acting 2nd. Judge of the Provincial Court of Circuit in the Centre Division for his information and guidance by precept returnable in 25 days from and after its receipt.-

(Sent following precept No 1624)

Read

Read Return dated the 2nd. Instant from the Acting 3rd. Judge on Circuit in the Centre Division to the precept of the Fouzdaree Udalut of the 26th October 1840 requiring him to shew what progress has been made in the preparation of the English translation of the trial in case No. 26 of the Cuddapah Calendar for the 2d. Sessions of 1840.-

(Here enter F. 16. No. 2198)

Read letter dated the 29th Ultimo from the 3rd. Judge of the Provincial Court of Circuit in the Northern Division forwarding the Calendar of the 3d. Quarterly Sessions of 1840.-

(Here enter F. 16. No. 2207)

Read letter dated the 29th Ultimo from the Acting Magistrate of Malabar submitting the explanation called for in the Proceedings of the Fouzdaree Udalut of the 19th September last relative to Cases Nos. 127 and 128 on the Malabar Criminal Reports for the Month of July 1840.-

(Here enter F. 16. No. 2210.)

Read

Read letter dated the 2nd Instant from the Provincial Court of Circuit in the Centre Division submitting copies of the Magistrates Returns in the case of Dosiah Naik.-

(Here enter F. No. 2215)

Read Return dated the 31st Ultimo from the Provincial Court of Circuit in the Southern Division to the precept of the Fouzdaree Udalut of the 19th September 1840 directing them to call for the Proceedings in Case No. 82 of 1840 of the file of the Joint Criminal Court of Tichinopoly and to pass such orders therein as may appear proper with reference to the provisions of Section XXIV Regulation X of 1816, reporting the result for the information of the Fouzdaree Udalut.-

(Here enter F. No. 2216)

Read letter dated the 3d Instant from the Chief Secretary to Government requesting the Court of Fouzdaree Udalut to issue instructions for a compliance with the requisition of the College Board for useless records of Criminal trials contained in their letter of the 7th October last

(Here enter F. No. 2219)

Read letter dated the 4th Instant from the 2d Judge on Circuit in the Southern Division transmitting a Statement of Batta paid to the Prosecutors and witnesses who attended before the Court of Circuit at Salem during the 2d Sessions of 1840.-

(Here enter F. No. 2223)

Read Return dated the 2d Instant from the Acting Joint Criminal Judge of Tellicherry to the precept of the Fouzdaree Udalut of the 27th October 1840 on the review of the Criminal Reports for the month of September last.-

(Here enter F. No. 2225)

Read Return dated the 2d Instant from the Joint Criminal Judge of Masulipatam to the precept of the Fouzdaree Udalut of the 30th October 1840 on the review of the Criminal Reports for the month of September last.-

(Here enter F. No. 2226)

Read Return dated the 2d Instant from the Criminal Judge of Madura

to

16th November 1840.

to the precept of the Zillah Udalut of the 27th October 1840 on the review of the Criminal Reports for the month of September last.

(Here enter F 76 No 2227)

F. 76.

Monday, 16th November, 1840.

At a Court of the Zillah Udalut.

Present,

Alex.r Duncan Campbell Esq.re ... A.g 1st Puisne Judge,

Henry Dickinson Esq.re ... A.g 2d Puisne Judge,

G. J. Casamajor Esq.re ... A.g 3d Puisne Judge.

Read Miscellaneous petition presented on the 24th September 1840 with enclosure and Mooktyarnamah by Wannum Coopiah, Mooktyar Vakeel in behalf of Rajah Chintapulla Venkatraw Zemindar of Rajahmundry.—

(Here enter N. P. No. 124 of 1840.)

1. The Petitioner complains of the injustice of the decision passed by the Joint Criminal Judge of Masulipatam, and confirmed by the Provincial Court of Circuit in the Northern Division in Case No. 5 for January 1839. wherein the Prisoner was charged with having entered the Prosecutor's compound with intent to murder the Prosecutor by stabbing him with a knife, and with having struck the 1st and 2d witnesses with sticks, so that their Heads were wounded,

(and

and blood flowed.—

2. He prays therefore that the Court of Foujdaree Adalut will be pleased to call for all Proceedings held on the case in question and pass orders directing the punishment of the Prisoner according to Regulations.—

3. The Court of Foujdaree Adalut observe, that the Court of Circuit confirmed the Proceedings of the Joint Criminal Judge of Masulipatam, after an examination of the record of the case in question, and they therefore see no reason for interfering in the manner prayed for by the Petitioner, which appears the result of rancour in Civil suits pending between the parties.—

Ordered that the Petition be rejected and copy of these Proceedings be furnished to the Petitioner on his application.—

Read Petition presented by Chinguenimah.—

(Here enter Mis: Pet. No. 133 of 1840.)

The petitioner prays the Court to return to her the three Certificates of character and qualification forwarded by her son Tipparanga Cristnaiah the prisoner in Case No. 1 of the Nellore Calendar for the

the 2d Sessions 1840, accompanied by his petition, received by Tappal No. 131 of 1840.—

Ordered accordingly.—

Read return dated the 21st Ultimo, and Supplemental return dated the 5th Instant from the Acting 3d Judge on Circuit in the Centre Division to the precept of the Foujdaree Adalut of the 17th October 1840.— conveying their observations and orders on the Bellary Calendar for the 2nd Sessions of 1840.—

(Here enter F.H. Nos. 2138 & 2224.)

1. The Judges of the Foujdaree Adalut direct, that Mr. Norbey be informed, that the circumstances stated in para. 7 of the above return with reference to Case No. 13 of the Bellary Calendar for the 2d Sessions of 1840, should have been submitted for the information of the Court of Foujdaree Adalut, in the column of Remarks of the said Calendar.—

2. With reference to the subject of the Supplemental return, the Court of Foujdaree Adalut desire, that Mr. Paternoster be instructed to call upon the Magistrate of Bellary to adopt measures for securing the attendance of the principal witnesses

witness in Case No. 3 of the Bellary Calendar at the ensuing Sessions.—

Ordered that Extract from these Proceedings be sent to the Acting 3d Judge on Circuit in the Centre Division for his information and guidance.—

(Sent in No.)

Read letter dated the 27th Ultimo from the Acting 2nd Judge of the Provincial Court of Circuit in the Centre Division soliciting the opinion of the Foujdarry Adalut as to whether the Joint Magistrate of South Arcot was justified under the circumstances detailed in the correspondence which accompanies this reference in refusing to remit a fine in pursuance of directions to that effect issued to him by the Acting 2nd Judge.—

(Here enter F. A. No. 2171.—)

1. The Acting 2nd Judge of the Provincial Court in the Centre Division appears to have misunderstood the grounds on which the Joint Magistrate of South Arcot passed his order of the 12th October 1839. Mr. Davis imagines that the fine was levied because the terms of the Decrees of the Zillah and Provincial Courts were violated, whereas in fact the fine was imposed in consequence of a very serious case of tumultuous "affray."

2. With reference to para 6 of the Extract from the Proceedings of the Court of Circuit under date the 3d September 1840, the Court would point out to Mr. Davis that the Decrees of the Zillah and Provincial Courts, were not annulled by that of the Court of Sudr Adalut in a Special Appeal No. 6 of 1836. The Appeal was dismissed without any formal decision on the merits of the case, and therefore as observed by the Joint Magistrate in para 3 of his letter of the 12th September last, matters are left in the same position as before it was preferred."

3. The Judges of the Foujdarry Adalut now direct that the 2nd Judge be called upon to state, whether previously to passing his order, he inspected the Proceedings of the Joint Magistrate touching the affray; and if not, they desire him to call for and examine the said Proceedings, and then to report his opinion whether the Joint Magistrate was not by them justified in passing the order he did.—

Ordered

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 15 days from and after its receipt.—

(Sent following Precept &c.)

Read return dated the 29th Ultimo from the 2nd Judge on Circuit in the Southern Division to the precept of the 28th September last requiring him to shew what progress has been made in the preparations of the English translations of the trials in Cases Nos. 3. 7. 8. and 12 of the Madura Calendar for the 2nd Sessions of 1840.—

(Here enter No. 2187.)

1. The 2nd Judge states "that it will "not be in his power to transmit the translations "required for some time, unless he be permitted to "entertain an additional translator and writer for "the purpose, as he has received intimation of a very "heavy Calendar being in readiness at Salem, which "will give full occupation to the establishment "in preparing the several preferible cases at that "station, the early disposal of which he presumes "must be considered of paramount importance; he will

"will however if instructed to that effect complete "the translation of the cases called up by the "Foujdaree Adalut in the first instance, or employ "additional aid as may be considered most expedient.

2. Under the recent augmentation of the Establishment of the Provincial Court in the Southern Division, sanctioned by Government on the 30th of July last, the Court of Foujdaree Adalut are not disposed to recommend any further increase of establishment; and the every endeavour should be made to complete without further delay the translations of the records of the Trials called up by the Court of Foujdaree Adalut, yet this duty must not be allowed to interfere with the preparation of the preferible Trials on the Salem Calendar.

3 It is observed that since the commencement of the present Sessions only 7 Trials have been received from the 2d Judge on Circuit in the Southern Division.—

4 Formerly but little delay was observable in the transmission of Trials from this Division, and under the great relief since afforded to the Circuit establishment by the Circular

Circular Orders of the Foujdaree Adalut Nos 122 and 123, warn that delay in the transmission of Trials called for, or set down for reference, should have diminished. Being that no reduction of the strength of the establishment followed the relief afforded by these orders.—

Ordered that Extract from these proceedings be forwarded to the 2nd Judge on Circuit in the Southern Division for his information and guidance.—

(Sentence No

Read letter dated the 29th Ultimo from the Criminal Judge in the Zillah of Malabar, reporting that 5 Convicts under sentence of transportation for life, attempted to effect their escape from the Jail on the night of the 27th Ultimo all of whom have been recaptured.—

(Here enter J.N. No 2209.—)

1. The Criminal Judge attributes the escape of the above Prisoners chiefly to the blameful neglect of duty on the part of the Jail Guard; and observes that "in his returns to the "precepts of the Court of Circuit dated 12th and 26th

J.N.

"26th February and 25th of March 1840, he informed "that Court that he considered it absolutely requisite "to insure an efficient Guard, that other castes "besides Nairs and Tears should be entertained, and "that without a considerable alteration in this respect, "the secure custody of the Convicts would be endangered "and in this opinion the Court appeared to acquiesce; "but in filling up vacancies that have since occurred, "he has not been so fortunate as to obtain sanction "for the proposed improvement."—

2. The Judges of the Foujdaree Adalut direct that the Criminal Judge of Malabar be informed, that he is at liberty to use his own discretion as to the choice of the Peons he may wish to employ.—

3. This discretion being vested in the Criminal Judge, the Judges of the Foujdaree Adalut are at a loss to understand the allusion made by Mr Cockburn, in the concluding part of the para above quoted, and they desire therefore that an explanation be submitted for the information of the Court of Foujdaree Adalut.—

Ordered that Extract from these

16th November 1840.

these Proceedings be sent to the Criminal Judge of Malabar for his information and guidance by precept returnable in 5 days from and after its receipt.—

(Sent following Precept No 1)

Read letter dated the 10th Instant from the Magistrate of Nellore, requesting the Judges of the Foujdaree Udalut to revoke the permission granted to him in the Extract of their proceedings of the 17th Ultimo to make a tender of a conditional pardon to Cotaloo Gorrovador and to authorize him to make it to Boodooree Ramanadoo—

(Here inter No 2265.)

The Court of Foujdaree Udalut having maturely considered the circumstances represented in the letter from the Magistrate of Nellore now recorded, resolve under the authority vested in them by Section XII Regulation XIII of 1832 to sanction the offer of a pardon to the prisoner

"Boodooree Ramanadoo"

on the terms and conditions specified in Section XX Regulation VIII of 1802.—

Ordered

16th November 1840.

Ordered that Extract from these proceedings be forwarded to the Magistrate of Nellore for his information and guidance.

(Sent in No 1)

16th November 1840.

these Proceedings be sent to the Criminal Judge of Malabar for his information and guidance by precept returnable in 5 days from and after its receipt.—

(Sent following Precept &c.

Read letter dated the 10th Instant from the Magistrate of Nellore, requesting the Judges of the Foujdaree Udalut to revoke the permission granted to him in the Extract of their proceedings of the 17th Ultimo to make a tender of a conditional pardon to Cottoloo Goreovadoo and to authorize him to make it to Boodooree Ramanadoo.

(Here enter No 2265)

The Court of Foujdaree Udalut having maturely considered the circumstances represented in the letter from the Magistrate of Nellore now recorded, resolve under the authority vested in them by Section XII Regulation XIII of 1832 to sanction the offer of a pardon to the prisoner

"Boodooree Ramanadoo"

on the terms and conditions specified in Section XX Regulation VIII of 1802.—

Ordered

16th November 1840.

Ordered that Extract from these proceedings be forwarded to the Magistrate of Nellore for his information and guidance.

(Sent in No 1510

J. No.

Thursday,
19th November, 1840.

At a Court of the Sovjdaree Udalut

Present,

Alexr. Duncan Campbell Esqre. 1st Judge,
Henry Dickinson Esqre. ——— 2d Judge,
G. J. Casamajor Esqre. ——— 3d Judge,

Read letter dated the 31st Ultimo from the Agent to the Governor of Fort St. George at Vizagapatam submitting the record of the trial in case No. 17 of 1840 on his file.

(Superintendent's No. 2253 of 1840)

Mr. Campbell and Mr. Casamajor.

The Court of Sovjdaree 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

Doolgjah Goravayah

is sufficient to convict him of the crime of murder, do convict him thereof, and, under the provisions of Section X. Regulation VIII of 1802, do sentence him to suffer death, by being hanged, as soon as conveniently can be after the receipt of this warrant, at a spot to be selected by the Agent to the Governor of Fort St. George at Vizagapatam, in the immediate vicinity of the place where the murder was committed, his body to be, subsequently, suspended, in chains, on a high gibbet to be erected on the said spot.

(Sent following letter No. 1131)

Read letter dated the 7th Instant from the

Friday 20th November 1840.— At a Court of the Foujdaree Udalut.—

Present

Alexr. Duncan Campbell Esqre.— Ag. 1st. Puisne Judge
Henry Dickinson Esqre.— Ag. 2d. Puisne Judge
G. J. Castama for Esqre.— Ag. 3d. Puisne Judge

Read supplemental returns dated the 11th. Instant from the Acting 1st. Judge on Circuit in the Centre Division to the Sessions of the Foujdaree Udalut of the 12th. October 1840 retransmitting the trial with additional evidence in Case No. 6 of the Chingleput Calendar for the 1st. Sessions of 1840.—

(Here Enter No. 2271.)

Mr. Campbell 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

1. Tungama Naick.

is sufficient to convict him of the crime of murder, do 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. 1038.)

Read

20th November 1840.

Read the Criminal Reports submitted by the Acting Principal Sudr Ameen at Ishapore for the month of October 1840.

(Here enter No. 2276.)

The above Reports do not appear to call for any remarks from the Court of Fouzdaree Udalut.—

Ordered, therefore that Extracts from these proceedings be sent to the Acting Principal Sudr Ameen at Ishapore for his information.—

(Sent in No. 1639.)

Read letter dated the 30th Ultimo from the Acting 1st Judge of the Provincial Court of Circuit in the Centre Division and apology for the remarks contained in his return of the 19th October having reference to the proceedings of the Fouzdaree Udalut of the 12th October on Case No. 6 Chingleput Calendar for the Sessions 1840.—

(Here enter No. 2288.)—

J. U.

To a Court of the Fouzdaree Udalut.

Present,

Alexr. Duncan Campbell Esqre. Actg. 1st Puisne Judge,

Henry Dickinson Esqre. ——— Actg. 2d Puisne Judge,

G. J. Casamajor Esqre. ——— Actg. 3d Puisne Judge,

Read Miscellaneous petition presented on the 17th August 1840 with two enclosures by Kristnier an inhabitant of the Zillah of Chittoor.—

(Here enter F.U. M.P. No. 95 of 1840.)

The object of the foregoing petition is, to obtain from the Court of Fouzdaree Udalut, an order cancelling the requisition of Security made on the Petitioner (the prisoner in Case No. 101 of 1840 on the Criminal file of the Zillah Court of Chittoor) by the Criminal Judge, and confirmed by the Provincial Court of Circuit in the Centre Division, on a charge of having forged a document or Karaarnamah as if executed in his favor by the Prosecutor in the above case, and with the intent to defraud the said Prosecutor of 1½ cawnies of land.—

2 The Judges of the Fouzdaree Udalut observe, that the grounds on which the Provincial Court concurred with the Zillah Judge in the propriety of the requisition of Security were, that "all the Prisoners (Petitioner) witnesses, deny their having witnessed the execution of the "Karaarnamah in question," and that "the Prosecutors absence "from the place, at the alleged date of the execution of the "document, is fully proved by an authenticated copy of an

Arzee

"Arzee, presented by him to the late Principal Collector of
"the District."—

3 It appears however from the decree of the Sudr Ameen, that the Kararnamah, was proved by three of the prisoners (Petitioners) witnesses Nos. 28, 29, and 32 to have been executed by the Prosecutor in Petitioners favor; and that it had also been before proved in Suit No. 166 of 1826 on the Pervonttoor District Moonsiffs file.—

4 It is stated moreover by Petitioner that there are six days between the date of the Kararnamah and that of the Arzee presented by the Prosecutor to the Collector of the Zillah of Chittoor.—

5 Under these circumstances before passing any orders on the petition, the Judges of the Sunderee Adalut are desirous of being informed as to the number of witnesses referred to in the proceedings of the Provincial Court under date the 3d July last, and whether they are the three witnesses, by whom the Kararnamah was adjudged proved, according to the Statement of the Pundit Sudr Ameen.—

6 The Provincial Court will further be pleased to ascertain and report for the information of the Court of Sunderee Adalut, whether the Arzee above alluded to was presented by the Prosecutor in person, and whether the Collector was at a place so distant from that at which the Kararnamah was executed, that he could not be supposed to have been at both places on the respective dates affixed to those Documents. It appears from the Provincial Courts proceedings, that they had only a copy of the Arzee before them, they will call for the original and examine it before reporting finally on this

Subject.—

Ordered that Extract from these proceedings be sent to the Provincial Court of Circuit in the Centre Division for their information and guidance, and that Copy of these proceedings be furnished to the Petitioner on his application

(Sentence No. 1644)—

Read petitions presented on the 3d of August 2d of September and 12th October by Sondaramah and Sagagappa Naiken of the Zillah of Chinglepute.—

(Here enter S.A. M.P. Nos. 84, 109 and 128 of 1840)

The Petitioners represent themselves to be, the first named, the wife of the 2d Prisoner and the latter the Son of the 1st Prisoner in Case No. 6 on the Chinglepute Calendar for the 1st Sessions of 1840, who were tried before the Court of Circuit on a charge of having in Conjunction with others not apprehended, armed with Sticks and with a yoke, murdered the husband of the Prosecutrix, and they pray the Court in consideration of the circumstances detailed by them to call for the proceedings of the trial and order the release of their relations.—

2 The Petitioners are informed that the Court of Sunderee Adalut after giving to the Case in question their most deliberate consideration, have passed a final sentence, convicting the 1st prisoner of murder and adjudging him to be hanged, and acquitting the second prisoner, have required him to produce two securities of 200 Rupees each for three years for his future good behaviour and appearance when required, or to be detained for the same period in Jail.—

Ordered

23d November 1840.

Ordered, that Extract from these proceedings be furnished to the Petitioners on their application respectively.

End 11th.

F. 16.

Wednesday 25th November 1840.

At a Court of the Foujdaree Udalut.

Present,

Alexr. Duncan Campbell Esqre. Ag. 1st. Puisne Judge,

Henry Dickinson Esqre. — Ag. 2d. Puisne Judge,

G. S. Casamajor Esqre. — Ag. 3d. Puisne Judge.

Read return dated the 5th. of November 1840 from the Criminal Judge of Malabar to the precept of the Foujdaree Udalut of the 29th. Ultimo conveying their remarks and orders on the Calicut Criminal Report for the month of September last.—

/ Here enter F. Vol. No. 2263 of 1840. /

Under the explanation afforded in the above return the Court of Foujdaree Udalut are of opinion that the sentence in Case No. 188. as it now stands recorded should not be disturbed.

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

/ Sent in No. 1651. /

Read return dated the 6th. Instant from the Officiating Criminal Judge of the Auxiliary Court of Vizagapatam to the precept of the Foujdaree Udalut of the 29th. Ultimo upon

23d November 1840.

AD

JH

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

Ent'd.

Rd.

F.C.

Wednesday 25th November 1840.

At a Court of the Foujdaree Udalut.

Present,

Alex.r Duncan Campbell Esq.re Ag. 1st Puisne Judge,

Henry Dickinson Esq.re Ag. 2d Puisne Judge,

G. S. Casamajor Esq.re Ag. 3d Puisne Judge,

Read return dated the 5th of November 1840 from the Criminal Judge of Malabar to the precept of the Foujdaree Udalut of the 29th Ultimo conveying their remarks and orders on the Calicut Criminal Report for the month of September last.—

/ Here enter F.C. No. 2263 of 1840. /

Under the explanation afforded in the above return the Court of Foujdaree Udalut are of opinion that the sentence in Case No. 188. as it now stands recorded should not be disturbed.

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

/ Sent in No. 1451. /

Read return dated the 6th Instant from the Officiating Criminal Judge of the Auxiliary Court of Vizagapatam to the precept of the Foujdaree Udalut of the 29th Ultimo upon

23d November 1840.

Ordered, that Extract from the Criminal Reports for the month of October last.—

/Here enter No. 2309/

Read return dated the 13th Instant from the Acting 3rd Judge on Circuit in the Centre Division to the precept of the Foujdaree Udalut of the 6th Instant directing the immediate release of the Prosecutor in Case No. 11 of the Cuddapah Calendar for the 2nd Sessions of 1840.—

/Here Enter No. 2281/

Read return dated the 11th Instant from the Joint Criminal Judge of Coimbatore to the precept of the Foujdaree Udalut of the 4th Instant containing their remarks and orders on the sentence passed by him against the prisoners in Case No. 83 of 1840 on the file of the Joint Criminal Court.—

/Here Enter No. 2288/

Read letter dated the 14th Instant from the 2nd Judge on Circuit in the Southern Division transmitting the Original death warrant in Case No. 5. of the Combaconum Calendar for the 2nd Sessions of 1840 which has been duly executed.—

/Here Enter No. 2302/

25th November 1840.—

Read return dated the 11th Instant from the Criminal Judge of Canara to the precept of the Foujdaree Udalut of the 3rd November 1840 conveying their observations and orders on the Criminal Reports for the month of July 1840.—

/Here enter No. 2316/

Read return dated the 16th Instant from the Criminal Judge of Cuddapah to the precept of the Foujdaree Udalut of the 9th Instant calling upon him to report whether the paper manufactory cannot by any means be transferred within the walls of the Jail.—

Ext. III.

/Here Enter No. 2317/

Thursday,
26th November 1840.

At a Court of the Coojdaree Adalut.

Present

Alexr Duncan Campbell Esqre ——— Acting 1st Puisne Judge

Henry Dickinson Esqre ——— Acting 2d Puisne Judge

George James Casamajor Esqre ——— Acting 3d Puisne Judge

Read letter dated the 7th instant from the acting 2d Judge of the Provincial Court of Circuit in the Centre Division submitting for the consideration and final sentence of the Coojdaree Adalut an English translation of the record of the trial in Case No 1 on the Calendar No 14 on the Supplemental Calendar for the 3d Quarterly Sessions of 1840.

(Here enter Dl: No 2241 of 1840.)

Mr. Campbell
and
Mr. Casamajor

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

Comasoondara Setty

is not convicted on presumptive proof or on his own confession or on the evidence of credible witnesses of attesting a forged document do acquit him thereof and under the provisions of Clause sixth Section II Regulation XV of 1803. direct that he be set at liberty.—

1. The prisoner in this case is charged with

with having knowingly attested a forged Bond.—

2. The Court observe that the Bond is not in the Record, nor is there any proof that it was forged. The forger of the same bond was committed in A.No.1 of the 9th Supplemental Calendar for the 3d Quarterly Sessions of 1840 but this does not appear upon the Record as it ought to have done, nor is it stated in the letter of reference.—

3. But admitting the bond to be a forged one, it remains to be proved not only that the prisoner attested it. But that he did so, knowing it to be forged.—

4. There is not the smallest proof of his knowledge of its being a forgery and the Prisoner altogether denies having attested it — and his 2d witness also states that the person who executed the Bond declares that the attester was another person bearing the same name.—

5. All the proof adduced that the attestation is in the hand writing of the prisoner, is the evidence of one witness Cundapa Row who declares it to be his hand writing he states that he does not know that the Prisoner attested a bond and that he has seen the prisoners signature on one other document only. he also admits that the signature on the Bond differs widely from that on the prisoners deposition.— Answer 4. page 8 and answer 10 page 9.—

6. This evidence is in the judgment of the Court totally insufficient to establish that the signature is

26th November 1840.

is the prisoners and the proof on this point as well as to his knowledge of the forgery failing, the Court have directed the unconditional release of the prisoner.—

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:—

(Sent in A.No.1651)—

Read letter dated the 19th instant from the 3d Judge on Circuit in the Western Division of transmitting an English translation of the record in Case A.No.3 on the Mangalore Calendar for the 2d Sessions of 1840.—

(Here enter C.D. A.No.2325 of 1840.)

Mr. Dickinson. The Court of Sudder Adalut, on a deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the proof against the prisoner

"Yellianna"

is sufficient to convict him of the crime of rape, for which, in absence of the required conditions of Hud, discretionary punishment is awardable, under the Mahommedan Law, as declared in the futwas of their Law officers, do convict him thereof, and, with reference to the provisions of Clause first Section V Regulation VIII of 1831 and Clause third Section VII Regulation XV of 1803, do sentence him to be imprisoned and

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

(Sent following letter No. 1655)

Read return dated 10th November 1840 from the Criminal Judge of Bellary to the Sheristadar of the Cutcherry under date the 4th instant conveying his remarks and observations on the Criminal Reports for the Month of September last.

(Here enter S.R. No. 2269)

1.

With this return the Criminal Judge sends up a copy of a letter addressed by him to the Magistrate from which it appears that the attention of the Magistrate has been repeatedly called "to the omission of the guilty knowledge from the charge "of receiving stolen property".—

2.

The Court of Sudder Adawlut regret to observe that so little benefit has resulted from the repeated communication of the Criminal Court and they can not but infer that adequate attention is not paid to those communications.—

3.

The Magistrate is enjoined to call the attention of his Heads of Police to the omission in question and to take the necessary measures for preventing its recurrence.—

4.

The Court of Sudder Adawlut however will point out for the information and future guidance of the Criminal Judge of Bellary that by the Circular Order No. 109 of the 13th August 1839. it is enjoined that the errors or defects in charges sent up by the Police officer should be corrected by the Criminal Court.—

The

5.

The Court will hope therefore that the Criminal Judge of Bellary will exert himself in future to fulfil the injunctions of the Circular Order above referred to.—

Ordered, that Extract from these Proceedings be sent to the Criminal Judge of Bellary and that the Register do communicate Extract of paras 1. 2 and 3 to the Magistrate of Bellary by Precept for his future guidance returnable in 3 days from and after its receipt.—

(Sent following Precept No. 1656.)

Read letter dated the 9th of November 1840 from the Magistrate of Canara submitting the explanation called for in the Proceedings of the Sudder Adawlut of the 20th Octbr relative to case No. 168 of the Canara Criminal Report for the Month of September last.—

(Here enter S.R. No. 2289)

1.

The acting Criminal Judge having on his remarks on this case recorded his opinion that there was no evidence against the prisoner and that the case appeared to have been sent up solely on the grounds of the Prisoner in Case No. 164 having implicated the Prisoners. The Court of Sudder Adawlut called on the Magistrate to take such notice of the conduct of the Police officer who transmitted it to the Criminal Court as appeared to him proper.—

2.

It appears from the letter of the Assistant Magistrate which accompanied the letter of the Magistrate above recorded

recorded that the prisoners were forwarded by his orders to the Criminal Court.—

3. The Head of Police seeing grounds for believing that strong efforts were made in the Talook by the Prosecutor who is the Potail to screen the prisoners and to hush up all examination regarding them had released the prisoners

4. But the Head Assistant Magistrate considered the corroboration afforded by the testimony of Pitay Saympa a witness on whom there existed no grounds for suspicion to the assertion of Appaya (the prisoner in Case No. 154) that he was called away from his house on the night of the burglary by the prisoners, to establish strong presumption of the prisoners guilt and taking into consideration all the other circumstances of the case deemed it his duty to order that they should be forwarded to the Criminal Court.—

5. Under this explanation the Court of Sessions Madras are of opinion that the order of the Head Assistant Magistrate was correct and they observe that if the witness Pitay Saympa confirmed before the Criminal Court the statement he gave before the Police the prisoners should have been called on to furnish security, if they were not committed.

6. The Court of Sessions Madras accordingly direct that copy of these proceedings be sent to the Criminal Judge of Canara and to the Magistrate of the District for

for their information.—

(Court in No. 1675.)

Read return dated the 11th instant from the Magistrate of Guntoor to the present of the Sessions Madras under date the 2d instant, calling for certain explanation relative to the examination of goods deposited in a Godown at Mamaravatty.—

(Here enter S.C. No. 2286.)

1. The Magistrate of Guntoor, has forwarded with the above return, certain documents in the Teloogoo language unaccompanied by any English translations.—

2. The Judges of the Sessions Madras therefore direct, that the papers be returned, and the attention of the Magistrate of Guntoor be called, to the Circular Order of the Sudr Adawlut under date the 15th March 1831 for his future information and guidance.—

3. Mr. Goldingham will be pleased, now to submit the translations required for the information of the Court of Sessions Madras.—

Ordered, that Extract from these proceedings be sent to the Magistrate of Guntoor

for

for his information and guidance.-

Ex. Cl. A

Sent in Aug. 1855 -

P.M.

Friday 6th
27th November 1840.-

At a Court of the Tongidarre Adalut.-

Present.

W.

Alex.r Duncan Campbell Esqre. A.g 1st Puisne Judge
Henry Dickinson Esqre. A.g 2nd Puisne Judge
G. F. Casamajor Esqre. A.g 3rd Puisne Judge.

Read letter dated the 10th of November 1840 from the 3d Judge late on Circuit in the Northern Division submitting for the consideration and final sentence of the Tongidarre Adalut an English translation of the record of the trial in Case No.2 on the Vizagapatam Calendar for the 1st Session of 1840.-

(Here enter P.M. No.2274)

The Court of Tongidarre Adalut, on a deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the prisoners

Mr. Campbell
and
Mr. Dickinson.-

1st Shaik Hossain alias Hossainee

and

2nd Hoosain Khan.-

are not convicted on presumptive proof, or on their own confessions, or on the evidence of credible witnesses, of the crime of murder, do acquit them thereof,

but

but considering that the proof against them is sufficient to convict them of having belonged to a gang of Thugs, do convict them thereof, and under the provisions of Clause first Act XXX of 1836 do sentence them to be imprisoned and kept to hard labor in irons, on the public roads or other public works, for and during the period of their natural lives.-

The Court are further of opinion that the prisoner

3rd Muckdoom

is not convicted on presumptive proof, or on the evidence of credible witnesses, or on his own confession of either of the crimes above specified, and they accordingly acquit him thereof, and under the provisions of Clause Sixth Section II Regulation XV of 1803 direct that he be set at liberty.-

1. The prisoners in this case were charged with murder and with the offence described in Act XXX of 1836, and were acquitted by the Law Officer of the charge of murder in which acquittal the Judge who tried the case concurred. Of this proceeding the Court of Foujdaree Adalut approve.-

2. In the judgment of the Foujdaree Adalut there can be no doubt from the evidence that the

the 2nd Prisoner is a professed Thug several of the approvers declare that he has been in the habit of affixing the noose to the victims murdered.-

3. It is declared by these witnesses that the 2nd Prisoner has been insane for a few years past, and before the Court of Circuit he appears to have displayed marks of insanity whether real or feigned.-

4 In the letter accompanying the trial the 3rd Judge on the grounds of the assertion of several witnesses and the persons who wrote his declaration before the Criminal Court that he is insane has recommended that he should be detained till responsible security is produced for his safe custody.-

5 The Circular Order of the Court of Foujdaree Adalut dated 1st June 1829 direct that in all cases wherein it shall appear to the Officer who has cognizance of the crime that there are grounds for supposing a prisoner committed for trial to be deprived of reason "he shall not proceed to trial but shall enter into an investigation with a view of ascertaining whether their insanity is absolute" "and if they be then in an undoubted state of insanity

he

he shall place them on their trial when the state of their mind at the time of the act charged against them will form a natural object of enquiry together with all the circumstances that attended the commission of the crime.

6. The Court of Foujdaree Adalut regret to observe in the proceedings of the 3d Judge another instance of a neglect of the obvious duty of making himself acquainted with the standing Orders of the Court.

7. At page 113 of the record there is found an Extract from the Proceedings of the Court of Circuit under date the 13th November 1839 by which it appears that the Surgeon had certified that according to his judgment the Prisoner was not insane, but had assumed the appearance of insanity to deceive. Yet neither has the testimony of the Medical Officer been taken on oath before the Court nor is the certificate to be found in the record.

8. Considering however the said opinion of the Medical Officer and the clear and distinct manner in which the prisoner answered the question put to him at page 203 of the Record, the Court are inclined to the opinion that he was in possession of his reason which seems only occasionally deranged, and although it was

incumbent

27th November 1840.

incumbent on the Judge presiding at the trial to have taken evidence as to the state of his mind previously to calling upon him to plead to the indictment, still the Court do not consider the trial so far as this prisoner is concerned, to be vitiated by the fact of Mr Stromboni's omission to do so.

9. The Court have accordingly convicted the prisoner, and sentenced him under Clause first Act XXX of 1836, leaving him to be treated as a Lunatic according as it may hereafter appear that the appearance of insanity was not assumed.

10. The recommendation of the 3d Judge that on Circuit that this desperate character should be released on security is so obviously inconsistent with the public safety as altogether to preclude its being taken under the consideration of the Court of Foujdaree Adalut.

11. With reference to the provisions of Section XVII Regulation XII which contemplate the postponement of a Trial only three; the Court of Foujdaree Adalut have had great difficulty in disposing of this case at all; and have done so upon the ground that the charge for Thuggee under Act XXX 1836 did not properly belong to the charge;

until

until the Murder was first disposed of - at the 1st Sessions of 1840 -

12.

The Judges direct that the impropriety of deferring the case a third time be brought to the notice of the Judge who held the 2d Sessions of 1839 -

Ordered that Extract from these Proceedings be sent to the 3d Judge of the Provincial Court of Circuit in the Northern Division for his information -

(Sent following letter No. 1661 -

F. 16.

Saturday
28th November 1840.

At a Court of the Foujdaree Adalut -

Present

Alexr. Duncan Campbell Esqre. Actg. 1st Puisne Judge.
Henry Dickinson Esquire Acting 2d Puisne Judge.
Geo. James Casamajor Esquire Actg. 3d Puisne Judge.

Read return and Supplemental Return dated respectively the 29th October and the 9th November from the Provincial Court of Circuit in the Northern Division to the precept of the Foujdaree Adalut of the 25th September 1840 directing the Judges of the Provincial Court to call for the proceedings held in case No. 42 of Report No. V. on the Masulipatam Criminal Reports for the month of August last and pass such orders thereon as may appear proper with reference to the provisions of Section XXIV Regulation X of 1816 reporting the result for the information of the Foujdaree Adalut.

/Here enter F.U. Nos. 2228 & 2311 of 1840/

The Provincial Court of Circuit having pointed out to the Joint Criminal Judge that the provision quoted by the Sudr Ameen in justification of the Sentence passed on the 2d prisoner in the Case was inapplicable. The Court of Foujdaree Adalut under the Explanations afforded in the above return are of opinion that no further remark is required of them than merely to record their approval and concurrence in the orders of the Provincial Court -

Ordered

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

/ Sent in No. 1482 /

Read letter dated the 11th November 1840 from the Assist. Crimal Judge in charge of the Zillah Court at Combaconum submitting the Criminal Reports of that Court for the month of October last.

/ Here enter J. U. No. 2299 /

Report No. V.
Case No. 166.

1. The date of the apprehension of the

2d Prisoner in this Case is stated to be "unknown".

2. In all future cases the Criminal Judge will be pleased to ascertain in communication if necessary with the Magistracy or the Police the date of apprehension and will invariably enter the same in the appropriate column of the Report.

Cases No. 168 & 169.

3. In these cases the prisoners are charged with house breaking and theft, and have been sentenced in Case No. 168 to three months imprisonment and in case No. 169 to 6 months imprisonment under the provisions of Clause Sixth Section II Regulation VI of 1822. The Judges of the Court of Tonjdaree Udalut consider the punishment adjudged in these cases, to be wholly inadequate and at variance with the obvious intention of the legislature in enacting the Regulation cited.

4. Prior to the enactment of Regulation VII.

of

of 1822, it would have been the duty of a Criminal Judge, to have committed the prisoners in these numbers and it was certainly not the intention of the legislature when rendering those offences cognizable by the Criminal Courts to reduce them to the level of simple thefts in which light they would appear to have in this instance been viewed by the Sudr Ameens attached to the Court at Combaconum.

Case No. 172.

5. In this case the prisoner a Jail Peon is convicted of gross and culpable neglect in allowing a Convict to escape and was sentenced to 6 months imprisonment with labor under Clause 1st Section XI. Regulation XIII. of 1832.

6. Adverting to the plea set up by the prisoner the Court of Tonjdaree Udalut are of opinion that if the party only consisted of 4 prisoners there should have been more than one Peon with them for the Peon in charge could not leave the 3 that remained in order to pursue the prisoner who escaped.

7. The Court accordingly resolve to direct the 2d Judge on Circuit to call for the Proceedings held in the case and pass on them such orders as may appear to him proper with reference to the Provisions of Section XXXIII. Regulation X of 1816. reporting the result for the information of the Tonjdaree Udalut.

8. In the Report No. 6. the Court observe it

stated

stated that a prisoner escaped on the 23d October 1840 no report of the circumstances having been made to the Court of Fouzdaree Adalut in accordance with their Standing orders. The Judges direct that this omission be supplied without further delay.

Ordered that Extract from these Proceedings be sent to the Assistant Criminal Judge in charge of the Auxiliary Court at Combaconum for his information, by Precept returnable in 5 days from and after its receipt.

(Sent following Precept No. 1663.)

Ordered also that Copy of Paras 5 & 7 of these proceedings be sent to the 2d Judge on Circuit in the Southern Division for his information.

(Sent in No. 1664.)

Read letter dated the 17th November 1840 from the Assistant Criminal Judge in charge of the Zillah Court at Malabar transmitting the Criminal Reports of that Court for the month of October last.

(Here enter F.U. No. 2339.)

These reports do not appear to call for any remark from the Court of Fouzdaree Adalut.

Ordered accordingly that Extract from these proceedings be sent to the Assistant Criminal Judge in charge of the Zillah Court at Malabar for his information.

(Sent in No. 1665.)

The

28th November 1840.

The Criminal Reports due for the month of September last not having as yet been received from the Acting Joint Criminal Judge of Trichinopoly

Ordered, that the Acting Joint Criminal Judge of Trichinopoly be required by Precept returnable in 3 days from and after its receipt, to submit the required Report without further delay, and to explain, for the information of the Fouzdaree Adalut, the causes which have prevented him Earlier complying with the Circular Order of the 18th April 1835 No. 40.

(Sent following Precept No. 1666.)

No return having been received from the Acting Joint Criminal Judge of Trichinopoly to the precepts of this Court of the 25th September and 22d October 1840 conveying their observations and orders on the Criminal Reports for the month of August 1840.

Ordered, that the Acting Joint Criminal Judge of Trichinopoly be required to make a return to the precept aforesaid without further delay.

(Sent in No. 1667.)

F. C.

At a Court of the Foujdaree Adalut.

Present,

Alex.r Duncan Campbell Esq.re A.g 1.st Puisne Judge

Henry Dickinson Esq.re — A.g 2.nd Puisne Judge

Geo. James Casamajor Esq.re — A.g 3.rd Puisne Judge

Read Miscellaneous petition presented on the 16.th instant by Soobharoya Moodaly of the Zillah of Chittoor.

(Here enter M. P. No. 135 of 1840.)

1. The Petitioner repeats the prayer urged in his former petitions Nos. 62 and 93 of 1840, and requests the Court of Foujdaree Adalut to be pleased to call for and peruse not the whole record in the case, at least, the report made by the Head of Police, and the File Book of the Criminal Court for the month of April last, as in so doing he trusts he shall be able to obtain redress.

2. The Judges of the Foujdaree Adalut direct, that the Petitioner be referred to the decisions passed by this Court on his former petitions above referred to, and that he be instructed that the orders issued thereon are final.

Ordered that the Petition be registered and copy of these Proceedings be furnished to

dated 23rd December 1840.

to the Petitioner on his application.-

The above named Petition

was on the 6th instant with one enclosure by

Tirumala Pillay, alias Tirovengada Pillay of the

Zillah of Chingleput.-

(Here enter M. P. No 136 of 1840.)

1.

The Petitioner who was Prisoner in

case No 85 of 1839 on the Criminal file of the Zillah

of Chingleput, repeats the circumstances stated

in his petition No 2 of 1840 read in Proceedings

of this Court under date the 5th February last,

and prays that the Court of Foujdaree Adalut

will be pleased to call for and peruse the record

in the case, and if fine orders for remitting the

fine of Rupees 100, and for restoring to him

the 80 viss of Tobacco for which a Rahdaree was

obtained, and the licence which was granted

for his Godown.-

2.

The Court of Foujdaree Adalut

observe that the quantity of Tobacco found in

the possession of the Petitioner evidently exceeded

what his Rahdaree covered, and they therefore

see no reason at all for interfering in the order

passed by the Sudr Ameen Moofte, and confirmed by the Criminal Judge of Chingleput

and subsequently by the Provincial Court

of Circuit in the Centre Division.-

The

3.

The prayer of the foregoing

Petition is therefore rejected.-

Ordered accordingly and that

copy of these Proceedings be furnished to

the Petitioner on his application.-

Circular Order

No 120.-

Read letter dated the 3rd

instant from the Agent to the Governor of

Fort St. George in the Ganjam District,

requesting instructions as to the punishment

to which a prisoner convicted of the offence of

unlawfully and knowingly receiving or

buying property stolen or plundered by

Thuggee, is liable under the Law and requesting also similar information in respect to

a Prisoner charged with having given shelter

and protection to certain Thugs with a view

to affording them facility for carrying on

the trade of Thuggee.-

(Here enter Cir. No 2260.)

1.

In the opinion of the Court

of Foujdaree Adalut Clause 2nd Section IV.

Regulation VI of 1822 applies to the offence

of unlawfully and knowingly receiving or

buying property stolen or plundered by Thuggee,

knowing it to be such.-

The

2. The Offence of giving Shelter and protection to Thugs, with a view to affording them facility for carrying on the crime of Thuggee, is an offence, declared by the Law Officers attached to the Court of Tinjdaree Adalut, punishable under the Mahomedan Law by Tazeer; and accordingly the Agent should proceed against persons convicted of such offence under Clause 4th Section II Regulation XII of 1803.

3. The Court of Tinjdaree Adalut considering it desirable that this opinion should be circulated for general information, Resolve to direct that Extract from these proceedings be forwarded to the 4 Provincial Courts of Circuit to be by them communicated to the several Criminal and Joint Criminal Judges for their information and guidance.

(Sent following Circular Orda No. 1676)

Ordered also that Extract from these proceedings be forwarded for the information and guidance of the Agents to the Governor of Fort St. George in the Ganjam and Vizagapatam Districts.

(Sent in No. 1677)

Read letter dated the 16th instant from the Magistrate of Nellore, forwarding for the consideration of the Tinjdaree Adalut, translation of

of certain depositions, and suggesting that the Judges should make a reference to Government, that authority be granted to make the offer of a conditional pardon first to Cokoolooguroovadoo whose testimony would be most important, and who may possibly when the time comes be disposed to avail himself of it, but in the event of his not doing so, that he may be permitted to make a similar offer to Boodooree Ramanadoo.

(Here enter F.W. No. 2310.)

1. The Court of Tinjdaree Adalut observe that under dates the 5th ultimo and 6th instant, Sanction has been granted to the Magistrate of Nellore, to make the offer of a pardon to either of the persons mentioned in para. 8 of the above letter, on the terms and conditions specified in Section XX Regulation VIII of 1802.

2. If however both these persons should be found to have been principals in the crime of robbery and it is thereby rendered necessary that an absolute pardon should be obtained from Government, the Court of Tinjdaree Adalut will be prepared to submit a recommendation to that effect for the sanction of Government, in favor of the one whom

We

Mr. Stonhouse may select, as best able to give evidence that may lead to the conviction of the other members of the Gang.

Ordered that extract from these Proceedings be sent to the Magistrate of Jaffna for his information and guidance.

(Sent in No. 1685.)

Read letter dated the 7th Instant from the 2nd Judge on Circuit in the Southern Division transmitting copies of the Commissions Calendar for the 2nd Sessions of 1840.

(Vide under No. 2240.)

Case No. 3. 1.

In the Case noted in the Margin the 4th Prisoner is charged with having knowingly allowed the 1st Prisoner to secrete in his house some of the property which the 3 first Prisoners had obtained by Robbery by open violence.

2. This Prisoner is stated in the evidence given before the Criminal Court to have been the dependant of the 1st Prisoner and in his confession before the Criminal Court the said 1st Prisoner alleged that he came first to secrete the property in his house was obtained from him by the threats of the 1st Prisoner.

3. If there appeared no reason during the trial for disbelieving this statement the Court of Fiujdaree Adalut are of opinion that the ends of justice would be satisfied by a less severe sentence than 4 years imprisonment with hard labor in irons which has been awarded by the Circuit Court, and if upon further consideration the 2d Judge should concur in opinion with the Court of Fiujdaree Adalut they authorize him in that event to pass the mitigated punishment of 6 months imprisonment with hard labor in irons upon the Prisoner.

"Paravadyoparan".

Case No. 9. 4. Both the Law Officer and the Judge who presided at the trial of the prisoner in Case No. 9, were of opinion "that the evidence adduced in the case was contradictory," and therefore not sufficient for his conviction.

5. According to the Abstract of the evidence given before the Criminal Court there would appear to have been ample evidence for the conviction of the accused: but if the evidence before the Court of Circuit was in contradiction to, or at variance with, the evidence previously given the points of difference should have been stated in the Calendar, as printed.

pointed out in the Circular Order of the Foujdaree Adalut of the 19th of June 1828; the 2nd Judge on Circuit is now directed to observe this course.-

Case Nº 14. 6. In Case Nº 14 three prisoners stood charged with having stolen 2 Bullocks from the backyard of the prosecutor's house valued at 13 Rupees.

7. The 1st and 2nd prisoners having been before convicted and punished by the Criminal Court the case was committed for trial before the Court of Circuit.-

8. The 2nd Judge agrees with the Law Officer in the conviction of the prisoners, but being of opinion that the penalty of 7 years imprisonment with hard labor in irons, in the case of the 1st and 3rd prisoners, would be excessive, he proposes that the mitigated punishment of 4 years imprisonment be passed upon them.-

9. The 1st prisoner having been before punished by the Criminal Court, to the full extent authorized by the Regulations, for repeated instances of Cattle Stealing, the Court of Foujdaree Adalut do not deem it proper to sanction any mitigation of punishment in favor of that prisoner, but the 3rd prisoner does not appear to have been ever before convicted and punished

punished, and accordingly the Court of Foujdaree Adalut resolve to authorize the 2nd Judge on Circuit to pass the mitigated punishment of 2 years imprisonment with hard labor in irons upon the prisoner.

"Arrajaun"

Case Nº 15. 10. Case Nº 15 does not appear to have been carefully prepared for the Circuit Court.-

11. Very much depended upon the manner in which the 2nd witness pointed out the boy whom she charged with having committed a rape on her person, and tho' no doubt many witnesses might have been adduced to this point, yet not one was adduced before the Criminal Court, and none were called for at the trial of the case.-

Cases Nos 23 and 24. 12. The prisoner concerned in Cases Nos 23 and 24 has been ordered by the 2nd Judge to find security on the ground that the witnesses have sworn that the prisoner confessed his guilt before the Police.-

13. It is explained in the Circuit Order Nº 30 that an uncorroborated confession before the Police is not sufficient to warrant an order for the requisition of security.-

14. If therefore the prisoner is in Jail in default of finding security, the 2nd Judge must direct his unconditional release upon

from confinement, or if Security Bonds have been entered into by any Sureties produced by the Prisoner, the same must be cancelled &c.

15. It is observed that as the acts charged in the two cases in question are of the same description, and occurred nearly at the same time and at the same place, the Criminal Judge should, under the Circular Order of the 25th February 1829, have dealt in the case as a single charge, under separate counts.

Case No. 25. 16. The Court of Foujdaree Adalut observe that it was not competent to the Court of Circuit to award any punishment in Case No. 25; the prisoner appears to have been charged with the offence of aiding and abetting in the crime of murder, and the trial should accordingly have been preferred for the final judgment of the Court of Foujdaree Adalut. The 2nd Judge will cause an English Translation of the Trial in question to be prepared without delay, and in the meantime he will direct the Criminal Judge of Combaconum to suspend execution of the Sentence that has been passed upon the prisoner.-

"Mooroogayan Coodoombaran."-

Case No. 26.- 17. The long delay of 9 years on the prisoner being tried, and the long period for which

30th November 1840.

which the complaint was deferred, might affect the credibility of the evidence and the conviction; but should not have been allowed to influence the Punishment. The evidence as recited in the Futwa seems sufficient for a conviction of murder and the Trial must be preferred.-

Cases Nos 27 and 28.- 18. These two cases should also have formed but a single charge, under separate counts, and the 2nd Judge will accordingly call the attention of the Criminal Judge of Combaconum to the Circular Order of the 25th February 1829.-

19. The Court of Foujdaree Adalut however doubt the propriety of the acquittals recorded by the 2nd Judge in these two cases, and accordingly they resolve to direct that an English Translation of the record of the trial in Nos 27 and 28 be prepared and submitted for their consideration.-

Case No. 3 Supplemental Calendar.- 20. In Case No. 3 of the Supplemental Calendar two prisoners stood charged with Robbery, and with having stolen from the 2nd prosecutor's house property valued at 200 Rupees.

21. The prisoners have been convicted on their voluntary confessions before the Criminal Court and sentenced each to 14 years imprisonment with hard labor in irons.-

22. The prisoners do not appear to have

have confessed that they actually committed the Robbery, but that they in Company with "some others, went to the house of the Prosecutor "for the purpose of committing the Robbery and "stood in the Street yard to prevent the "approach of Strangers."

23. Under these circumstances the Court of Fouzdaree Adalut are of opinion that the ends of Justice will be satisfied by a Sentence of 8 years imprisonment with hard labor in irons, and should the 2nd Judge upon further consideration concur in this view the Court of Fouzdaree Adalut authorize him in that event to pass the Sentence indicated above on the Prisoners.

1st Soobbun.

and

2nd Nyerun.

but should he be unable to do so, he will submit an English Translation of the Record of the Trial for the Court's consideration.

24. The Court of Fouzdaree Adalut desire that the 2nd Judge on Circuit will call the attention of the Criminal Judge of Combaconum to the Circular Order of the 15th of April 1823, in para: 2 whereof the importance of an abstract of the evidence of each witness, before the Criminal Court

being given in the Calendar, has been pointed out. The Court of Fouzdaree Adalut desire that this remark be communicated to the Criminal Judge of Combaconum, with preference particularly to the insufficient entry of the nature of the evidence given by the 5th witness in Cases Nos 11 and 13 of this Calendar. Every fact deposed to which is material to acquittal, or conviction, should be stated.

25. And adverting to the insufficient abstract of the Futwahs given by the Law Officer in the Cases entered in this Calendar, the Court of Fouzdaree Adalut desire that the attention of the 2nd Judge on Circuit be directed to the Circular Order of the Fouzdaree Adalut 6th September 1819, and to the concluding para: of the Circular Order of the 28th May 1822.

26. In Cases Nos 7, 8 and 11, in which the convictions essentially depend upon the recognition of the Prisoners at the robbery, it does not appear from the Calendar whether the recognizing witnesses knew the Prisoners before, or by what legal, or under what circumstances they recognized them. The attention of the Criminal and Circuit Judges is

desired

30th November 1840.

desirous to the Circular Order 16th May 1822.

Ordered that Extract from these proceedings be forwarded to the 2d Judge on Circuit in the Southern Division for his information and guidance by first opportunity.

/Sent following Precept/ No 1679/

Tonnala Yudda Patchee of Gunto moves the Court to return the Inclosures in her Miscellaneous Petition No 45 of 1840.

Ordered accordingly.

End 4th.

No 116

Wednesday 2nd December, 1840.

At a Court of the Foujdaree Udalut

Present

Alexr Duncan Campbell Esqre Agt 1st Puisne Judge

Henry Dickinson Esqre Ag 2d Puisne Judge

G. J. Casamajor Esqre Ag 3d Puisne Judge

Read letter dated the 16th Ultimo from the Second Judge on Circuit in the Northern Division transmitting an English translation of the record in Case No 6 on the Vizagapatam Primary Calendar for the 2nd Sessions of 1840.

/Here enter No 2352/

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 Annoo is sufficient to convict him of the offences described in Act XXX of 1836, do convict him thereof, and, under the provisions of Clause first Section V Regulation VIII of 1831, and Clause first of the Act above specified, do 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—

Read

2nd December 1840.

Read letter dated the 18th Ultimo from the Second Judge on Circuit in the Northern Division transmitting an English translation of the record of the trial in Case No 8 on the Vizagapatam Primary Calendar for the 2nd Sessions of 1840.—

/ Here Enter No 2356 /

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

Nasseebookhaw

is sufficient to convict him of the offence described in Act XXX of 1836, do convict him thereof, and, under the provisions of Clause first Section V Regulation VIII of 1831, and Clause first of the Act above specified, do 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—

Read letter dated the 18th Ultimo from the Second Judge on Circuit in the Northern Division transmitting an English translation of the record of the trial in Case No 9 of the Vizagapatam

2nd December 1840.

Vizagapatam Primary Calendar for the 2nd Sessions of 1840.—

/ Here Enter No 2357 /

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

"Shaik Meeradukeney"

is sufficient to convict him of the offence described in Act XXX of 1836, do convict him thereof, and, under the provision of Clause first Section V Regulation VIII of 1832, and Clause first of the Act above specified, do 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 1860 /

Read letter dated the 17th of November 1840 from the 2nd Judge on Circuit in the Northern Division submitting for the consideration and final sentence of the Foujdaree Udalut an English translation of the record of the trial in Case No 3 on the Vizagapatam Calendar

2nd December 1840

Calendar for the 2nd Sessions of 1840.—

/Here enter F.C. No. 2353/

Mr. Dickinson

The Court of Faujdaree 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

Rakemoo

is sufficient to convict him of the offence described in Act XXX of 1836, do convict him thereof, and, under the provisions of Clause first Section V Regulation VIII of 1831 and Clause first of the Act above specified do 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.—

1. With the record of the trial in the above case the 2nd Judge submits translations of two Petitions presented to the Criminal Court by the attesting witnesses praying to be reimbursed the amount of the expences incurred by them in proceeding to Vizagapatam to give their evidence before the Court of Circuit.—

2. The bills presented by these witnesses who are servants on the Establishment of

2nd December 1840.—

of the Collector of Guntoor contain charges of so extraordinary a nature and amount to so large a sum as to preclude the Court from according to the recommendation of the 2nd Judge on Circuit made in behalf of the applicants.—

3. It is observed that the amount charged by the Assistant Cash Keeper for Palanquin hire, * exceeds by nearly a third that charged by the Gomastah * and that whereas only 6 bearers at the rate of 4 Rupees each man is entered in the account submitted by the latter officer—7 bearers are stated to have been employed by the Assistant Cash Keeper on a Salary of 4-8 for 6 bearers and 4-12 for 1 man styled a head bearer. No explanation has been given to account for this difference in the rate of hire, nor is it shewn why an additional head bearer was required for the Assistant Cash Keeper.—

* Rupees 63.

* Rupees 45.

4. It also appears to the Court with reference to the amount of batta usually allowed to Revenue Servants on Circuit with the Collector, that the charge on this account

2nd December 1840

Calendar for the 2nd Sessions of 1840.—

[Here enter F.C. No. 2353]

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

Rahemoo

is sufficient to convict him of the offence described in Act XXX of 1836, do convict him thereof, and, under the provisions of Clause first Section V Regulation VIII of 1831 and Clause first of the Act above specified do 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.—

1. With the record of the trial in the above case the 2nd Judge submits translations of two Petitions presented to the Criminal Court by the attesting witnesses praying to be reimbursed the amount of the expences incurred by them in proceeding to Vizagapatam to give their evidence before the Court of Circuit.—

2. The bills presented by these witnesses who are servants on the Establishment

of

2. F.C.

2nd December 1840.—

of the Collector of Guntoor contain charges of so extraordinary a nature and amount to so large a sum as to preclude the Court from acceding to the recommendation of the 2nd Judge on Circuit made in behalf of the applicants.—

3. It is observed that the amount charged by the Assistant Cash Keeper for Palanquin hire, exceeds by nearly a third that charged by the Upmastah Rano Dosi and that whereas only 6 bearers at the rate of 4 Rupees each man is entered in the account submitted by the latter officer—7 bearers are stated to have been employed by the Assistant Cash Keeper on a Salary of 4-8 for 6 bearers and 4-12 for 1 man stiled a head bearer. No explanation has been given to account for this difference in the rate of hire, nor is it shewn why an additional head bearer was required for the Assistant Cash Keeper.—

× Rupees 63.

* Rupees 45

4. It also appears to the Court, with reference to the amount of batta usually allowed to Revenue Servants on Circuit with the Collector, that the charge on this account

account is too high – especially when the extra charges for house rent and servants wages are taken into consideration.–

5 When a revenue servant accompanies the Collector on his tour in the District it is observed that he receives batta at a rate fixed with reference to his salary and that this allowance is considered sufficient to meet all the additional charges to which he may be put in travelling 4th. It does not appear that the rate at which the Petitioner travelled was much if at all in excess of speed of that which they would have been compelled to go in company with the Collector – The Court do not therefore understand the principle on which sanction has been solicited for these charges – which if incurred at all appear to the Court to have been wholly unnecessary for, and beyond the means of persons holding the situations of the Petitioners, and they are accordingly bound to withhold their sanction to them.–

6 The bill submitted by the Assistant Cash Keeper for his expences during the period of two months the term of his absence amounts to

to Rupees 101 that submitted by the Gomastah for the same period amounts to Rupees 82– items which must it is supposed equal the amount of the salary for two months.–

7 The Court are not willing that the Petitioners should be wholly unremunerated for the expences which they may have incurred in proceeding to Vizagapatam and their remaining in attendance before the Court of Circuit and they are of opinion that the rule which guides the payment of batta to revenue servants on Circuit with the Collector should be adopted in the present instance and they accordingly direct that an amended statement be submitted for their sanction.–

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

/Sent following letter No 1681/–

Ex. C. D's

F. U.

Thursday,
3d December 1840

At a Court of the Foujdaree Udalut.

Present,

Alexr Duncan Campbell Esqr At. 1st Puisne Judge

Henry Dickinson Esqr At. 2d Puisne Judge

G. J. Casamajor Esqr At. 3d Puisne Judge

Read return dated the 7th of November 1840 from the Acting Joint Criminal Judge of Tinnevelly to the precept of the Foujdaree Udalut of the 27th October last conveying their remarks and observations on the Tinnevelly Criminal Reports for the Month of September last.

(Vide inter F. U. No 2265)

1. With reference to the remarks of the Acting Joint Criminal Judge contained in the 2d parah of the above return, the Court deem it sufficient to observe that the Regulation clearly declares that "it is the party by whom the charge shall have been preferred" who is amenable to the punishment therein provided. Mr Simond is referred to

to the Circular Order of the Tongdaree Adalut No 57.

Report No V
Case No 86

2. In this case the Officiating Joint Criminal Judge certifies that "the "prisoners are sentenced to imprisonment "for six months under Clause third Section V Regulation VII of 1822. "The imprison"ment awarded against the 1st prisoner by "the sentence in this case to commence on "the expiration of the period specified in "the preceding sentence."

3. The Court do not understand whether it is intended that there should be any distinction between the punishments awarded to the 1st and that awarded to the 2d prisoner in this case, or if not as by the date from which the sentence of the 1st prisoner is to commence is above particularized. It appears however to the Court that if the Joint Criminal Judge thought six months imprisonment awarded by him in the first instance sufficient for the offences committed by the prisoners in both cases Nos 86 and 87, as it must be supposed

supposed he did, he ought not now to increase that punishment, but divide it, awarding so much for the one offence and so much for the other.

4. The Court direct that the Joint Criminal Judge be instructed to adopt this mode of apportioning the sentence and to cancel the additional punishment now awarded in Case No 87.

5. The Court observe that the proceedings of the Acting Joint Criminal Judge in Cases Nos 92, 93, and 94, are contrary to Section 8 Regulation VII of 1822 and must therefore be quashed.

6. The Judge on Circuit is empowered by Section VI Regulation VI of 1811 to direct the commitment of parties who have been guilty of perjury before him, and no other authority can assume this power, and the Court of Tongdaree Udalut resolve to call on the 2d Judge of the Provincial Court on Circuit to explain the cause of his having failed to order the committal of these parties for perjury.

Ordered

3d December 1840

Ordered that Extract from these proceedings be sent to the Acting Joint Criminal Judge of Tinnevelly for first information by precept returnable in 5 days from and after its receipt.

(Sent following Precept No 1681.)

Ordered also that Extract of proceedings 5 and 6 from these proceedings be sent to the 2d Judge of the Provincial Court of Circuit in the Southern Division for first information by precept returnable in 10 days from and after its receipt.

(Sent following Precept No 1683.)

Read Statement dated the 1st October last from the Criminal Judge of Salem of amount realized by the labor of the Prisoners in the Third Quarter of 1840

(Vide enter No 2211.)

Read return dated the 12th October last from the 2d Judge in Circuit in the Southern Division to the precept of the Tanjore Udalut dated the 7th instant conveying the observations and Order on case No 2 Tinnevelly Calendar for the 2d Sessions of 1840.

(Vide enter No 2061 p.

P. Ud.

Friday 4th December 1840

At a Court of the Tanjore Udalut.

Present,

Alexr. Duncan Campbell Esqre. Actg 1st Puisne Judge
Henry Dickinson Esqre. Actg 2d Puisne Judge.
G. J. Casamajor Esqre. Actg 3d Puisne Judge

Read return dated the 24th ult.

Ultimo from the 2d Judge on Circuit in the Southern Division, to the precept of the Court of Tanjore Udalut under date the 26th September 1840, calling for an English translation of the Record of the trial in case No 7 on the Madura Calendar for the 2d Sessions of 1840.

(Vide enter P. Ud. No 2346)

With this return the 2d Judge sent a paper English translation of the trial in questions.

2. The Court of Tanjore Udalut having duly considered the proceedings held in the case above mentioned, see no ground to question the propriety of the conviction of the Prisoners or to disturb the Sentence passed by the Court of Circuit.

Ordered

3rd December 1840.

Ordered that Extract from these proceedings be sent to the Acting Joint Criminal Judge of Jaffna for his information by precept returnable in 5 days from and after its receipt.-

(Sent following Precept No 1682.-)

Ordered also that Extract of paras 5 and 6 from these proceedings be sent to the 2d Judge of the Provincial Court of Circuit in the Southern Division for his information by precept returnable in 10 days from and after its receipt.-

(Sent following Precept No 1683.)

Read Statement dated the 1st October last from the Criminal Judge of Jaffna of amount realized by the Sales of the Prisoners in the Third Quarter of 1840

(Minute No 2211.)

Read return dated the 12th October last from the 2d Judge in Circuit in the Southern Division to the precept of the Tongdaree Udalut dated the 7th instant conveying the observations and Order on case No 2 Timorally Calendar for the 2d Sessions of 1840.

(Minute No 2061.)

P. Vb.

Friday 4th December 1840.

At a Court of the Tongdaree Udalut.

Present,

The Honble Duncan Campbell Esqr Actg 1st Puisne Judge

Henry Dickinson Esqr Actg 2d Puisne Judge.

J. J. Casamajor Esqr Actg 3d Puisne Judge.

Read return dated the 24th Ultimo from the 2d Judge on Circuit in the Southern Division, to the precept of the Court of Tongdaree Udalut under date the 26th September 1840, calling for an English translation of the Record of the trial in Case No 7 on the Madura Calendar for the 2d Sessions of 1840.-

(Minute in P. Vb. No 2346)

With this return the 2d Judge sent a copy of an English translation of the trial in question.-

2. The Court of Tongdaree Udalut having duly considered the proceedings held in the case above mentioned, see no ground to question the propriety of the conviction of the Prisoners or to destruct the Sentence passed by the Court of Circuit

Ordered

Ordered, that Extract from these proceedings be sent to the 2d Judge of the Provincial Court of Circuit in the Southern Division for his information

(Sent in Sep 1651)

Read letter dated the 9th Ultimo from the 2d Judge on Circuit in the Northern Division, reporting the opening of the 2d Sessions of 1840 at Vizagapatam and forwarding the Memorandums required by the Circular Order No 8 from the officiating Criminal Judge of Vizagapatam.

(Here enter P. C. No 2283)

Read letter dated the 10th Ultimo from the 2d Judge on Circuit in the Northern Division, transmitting the Original Death warrant (Form in Case No 3 on the Rajahmundry Primary Calendar for the 2d Sessions of 1840

(Here enter P. C. No 2312)

Read Statement dated the 11th Ultimo from the Acting 3d Judge on Circuit in the Central Division of Bellary for the trial to the 9 Prisoners therein mentioned before the Court of Circuit at Chingleput during the 2d Sessions of 1840

(Here enter P. C. No 2282)

Read letter dated the 19th Ultimo from the 3d Judge on Circuit in the Western Division, transmitting the Original Death warrant in Case No 5 on the Malabar Calendar for the 2d Sessions of 1840, in which has been executed

(Vide order P. C. No 2343)

Read returns dated the 24th Ultimo from the 3d Judge on Circuit in the Western Division, to the Precept of the Tanjore Udalut of the 9th November 1840, conveying their observations and orders on the Malabar Calendar for the 2d Sessions of 1840

(Here enter P. C. No 2364)

Read letter dated the 25th Ultimo from the acting 3d Judge on Circuit in the Central Division, reporting the opening of the 2d Sessions of 1840 at Cuddalore on the above date, and the state of the Calendar.

(Here enter P. C. No 2349)

Saturday,
5th December, 1840.— At a Court of the Foujdaree Udalut

Present,

Alexr. Duncan Campbell Esqre.— Agt 1st Puisne Judge
Henry Dickinson Esqre.— Agt 2d Puisne Judge
G. J. Casamajor Esqre.— Agt 3d Puisne Judge

Read letter dated the 21st Ultimo from the Third Judge late on Circuit in the Northern Division transmitting an English translation of the record of the trial in Case No. 6 of the Vizagapatam Primary Calendar for the 1st Sessions of 1840.—

/Here Enter No. 2358./

Mr. Campbell 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 prisoners

1st Ullah Buckshi
2d Dauder Khan
3d Cuttemunchy Mohadeen
and
4th Sheik Imaum

are not convicted, on presumptive proof, or on the evidence of credible witnesses, or on their own confessions of the crime of murder, do acquit them

them thereof, but considering that the proof against the said prisoners is sufficient to convict them of the offence described in Act XXX of 1836, do convict them thereof, and, under the provisions of Clause first Section V Regulations VIII of 1831, and Clause first of the Act above specified, do sentence them to be imprisoned and kept to hard labor, in irons, on the public roads or other public works, for and during the period of their natural lives.—

/Sent following letter No 1587/

Ex W.

J. A.

Monday 7th December, 1840.

In Court of the Sunjdaree Udalut.

Present,

Alexr Duncan Campbell Esqre — Actg 1st Principal Judge.

Henry Dickinson Esqre — Actg 2nd Principal Judge.

Geo: James Casamajor Esqre — Actg 3rd Principal Judge.

Read letter dated the 7th Ultimo from the Acting 3rd Judge on Circuit in the Centre Division submitting for the consideration and final sentence of the Sunjdaree Udalut an English translation of the record of the trial in Case No 26 on the Cuddapah Calendar for the 2nd Sessions of 1840—

/Here enter J. A. No 2245./

The Court of Sunjdaree Udalut on

Mr Campbell.

Mr Dickinson. a deliberate consideration of all the circumstances

and of the case in evidence before them, being of opinion,

Mr Casamajor. that the proof against the prisoners,

4th Hamanee Venkata alias Chinta Nagaya,

8th Autmacoorie Tulsee Chinnoogadoo,

9th Tulsee Peddoogandoo,

and

10th Doorgala Peddegandoo,

is sufficient to convict them of the crimes of gang robbery by open violence attended with murder, do convict them thereof, and under the provisions of Clauses one and five Section IV Regulation XV of 1803, do sentence the prisoners,

4th Ramana Vucata alias Chintul Nagadoo,

and

18th Dongala Pedregandoo,

to be transported to such place or places beyond Sea, as the Governor in Council shall appoint, there to be imprisoned and kept to hard labor in irons on the public roads or other public works, for and during the period of their natural lives, and the prisoners

8th Aitnacooree Talaru Chinnoogadoo,

and

9th Talaree Peddoogandoo,

to be imprisoned and kept to hard labor in irons on the public roads or other public works, for and during the period of ten (10) years; but considering that the prisoners,

5th Conta Paupadoo,

6th Geddum Nairegandoo,

and

12th Nursegandoo,

are

are not convicted on presumptive proof, or on the evidence of credible witnesses, or on their own confession of the crime aforesaid, do acquit them thereof, and, under the provisions of Clause 2d 5th Section II Regulation XV of 1803, direct that the prisoners,

5th Conta Paupadoo,

and

12th Nursegandoo,

be set at liberty, but being of opinion, that strong suspicion though not amounting to conviction exists against the prisoner,

6th Geddum Nairegandoo

they direct that he be required to produce two Sureties in 100 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 further resolve to suspend passing Judgment respecting the prisoners,

1st Manoola Pusseregandoo,

and

2nd Sankay Chinnoogandoo,

until the further testimony referred to in the accompanying proceedings be taken and submitted

for

for their consideration—

1. Of the 18 prisoners in this case charged with having together with some others in a gang armed and with lighted torches gone to the houses of the Prosecutors in the Town of Royachorly, sized 4 Cotton bags Rons whilst they were waiting near the Car close to the house of the 2nd Prisner snatched and ran with Pots &c from their hands pierced one of them in the head with a spear struck and wounded another with a hunting hatchet on his right shoulder fired guns struck and wounded the Prosecutors servant over his right hand and eye entered the houses of the Prosecutors and stolen therefrom property to the value of Rupees 3,390-14-0 and with having fired a gun the bullet of which wounded the Ottawa Peon on the right side of his breast which occasioned his death on the 18th February 1840 the 3d 7th 10th 11th 13th 14th 15th 16th and 17th were acquitted and discharged by the Judge presiding at the trial—

2. With reference to the remaining prisoners the acting 3d Judge convicts the 1st 2nd 4th 6th 8th 9th and 18th and recommends that they should be transported, and he is of opinion that there are strong grounds of suspicion against the 5th and 12th Prisoners and that

F. U.

7th December 1840

that they should be directed to find security for their future good behaviour and appearance for three years in proportionate amounts—

3. The evidence in this case consists entirely of the confessions of the prisoners and the discovery of the stolen property. Nine of the prisoners were recognized—

4. The Court of Foujdaree Adalut concur with the Acting 3d Judge in convicting the 4th and 18th prisoners and have passed on them the sentence recommended by Mr Horsley—

5. The 1st prisoner confessed before the Police that he was at the robbery and employed in slinging stones to keep the people off and stated that he received for his share—

1 Silver Chain for a boys hand

5 Silver rings of Dungaree &c

Nine pieces of gold Mohrs which he hid on a hill—

6. Six witnesses before the Court of Circuit the 4th 18th 19th 20th 33d and 34th depose that they saw this prisoner deliver the Articles Nos 1. 2. and 3 before the Court which corresponded with the descriptions in his confession, and the first four of these witnesses depose that he took them from a heap

of

for their consideration—

1. Of the 18 prisoners in this case charged with having together with some others in a gang armed and with lighted torches gone to the houses of the Prosecutors in the Town of Royachooty, seized 4 Cotcobady Peons whilst they were waiting near the Car close to the house of the 2nd Prisoner snatched annuities &c. from their hands pierced one of them on the head with a spear struck and wounded another with a hunting hatchet on his right shoulder fired guns struck and wounded the Prosecutor's servant over his right hand and eye entered the houses of the Prosecutors and stolen therefrom property to the value of Rupees 13,390-14-0 and with having fired a gun the bullet of which wounded the Attavany Peon on the right side of his breast which occasioned his death on the 18th February 1840 the 3d, 4th, 10th, 11th, 13th, 14th, 15th, 16th and 17th were acquitted and discharged by the Judge presiding at the trial—

2. With reference to the remaining prisoners the Acting 3d Judge convicts the 1st, 2nd, 4th, 6th, 8th, 9th and 18th and recommends that they should be transported, and he is of opinion that there are strong grounds of suspicion against the 5th and 12th Prisoners and

that

that they should be directed to find security for their future good behaviour and appearance for three years in proportionate amounts—

3. The evidence in this case consists entirely of the confessions of the prisoners and the discovery of the stolen property. Nine of the prisoners were recognized—

4. The Court of Fouzdaree Adalut concur with the Acting 3d Judge in convicting the 4th and 18th prisoners and have passed on them the sentences recommended by Mr. Horsley—

5. The 5th prisoner confessed before the Police that he was at the robbery and employed in slinging stones to keep the people off, and stated that he received for his share—

1 Silver Chain for a boy's hand

5 Silver rings of Dungaroos—

and pieces of gold Annulets which he hid on a hill—

6. Six witnesses before the Court of Circuit the 14th, 18th, 19th, 30th, 33d and 34th depose that they saw this prisoner deliver the Articles Nos. 1. 2. and 3 before the Court which corresponded with the descriptions in his confession, and the first four of these witnesses depose that he took them from a heap

of

7th December 1840

for their consideration—

1. Of the 18 prisoners in this case charged with having together with some others in a gang armed and with lighted torches gone to the houses of the Prosecutors in the Town of Royachooty, seized 4 Cotterbadey Peons whilst they were watching near the Car close to the house of the 2nd Prisoner snatched muskets &c. from their hands pierced one of them in the head with a spear, struck and wounded another with a hunting hatchet on his right shoulder fired guns struck and wounded the Prosecutors servant over his right hand and eye entered the houses of the Prosecutors and stolen therefrom property to the value of Rupees 13,390-14-0 and with having fired a gun the bullet of which wounded the Attavanni Peon on the right side of his breast which occasioned his death on the 18th February 1840 the 3d 7th 10th 11th 13th 14th 15th 16th and 17th were acquitted and discharged by the Judge presiding at the trial—

2. With reference to the remaining prisoners the acting 3d Judge convicts the 1st 2nd 4th 6th 8th 9th and 18th and recommends that they should be transported, and he is of opinion that there are strong grounds of suspicion against the 5th and 12th Prisoners and that

F. H.

7th December 1840

that they should be directed to find security for their future good behaviour and appearance for three years in proportionate amounts—

3. The evidence in this case consists entirely of the confessions of the prisoners and the discovery of the stolen property. Nine of the prisoners were recognized—

4. The Court of Foujdaree Adalut concur with the acting 3d Judge in convicting the 5th and 18th prisoners and have passed on them the sentence recommended by the 3d Judge—

5. The 1st prisoner confessed before the Police that he was at the robbery and employed in slinging stones to keep the people off, and stated that he received for his share

1 Silver Chain for a boys hand

5 Silver rings of Dungaypeedso—

Nine pieces of gold Mohurs which he hid on a hill—

6. Six witnesses before the Court of Circuit the 11th 18th 19th 20th 33d and 34th depose that they saw this prisoner deliver the Articles Nos 1. 2. and 3 before the Court which corresponded with the descriptions in his confession, and the first four of these witnesses depose that he took them from a heap of

of stones or rocks —

7. The Prosecutor before the Court of Circuit claims the articles numbered 1. 2. and 3 but calls Nos 1 and 2 ready money and No 3 bundles of bonds - Before the Criminal Court he claimed articles bearing the same Numbers but he calls No 1 Silver Porla Solasooloo No 2 Punjabooloo and No 3 a piece of gold cunta which names correspond sufficiently with those used by the prisoners and witnesses - The 11th witness also deposes to Nos 1 and 2. as he describes them, belonging to the Prosecutor - There is no evidence but the Prosecutors own that No 3 belongs to him -

8. Under these circumstances the Court find it impossible to pass judgment at present on the 1st Prisoner, and they resolve to call on the Acting 3rd Judge on Circuit to explain the difference in the descriptions of the Articles Nos 1. 2. and 3 which appears not to have attracted his notice -

9. The 2nd prisoner confesses before the Police to the same effect generally as the 1st prisoner and states that he received as his share and his under the bank of a Channel

1 Silver Cup

1 Silver Panjeeloo

1 Silver finger ring

1 Gold screw

and

1 Gold Rajabundrum -

10 Before the Court of Circuit 4 witnesses the 11th - 20th - 33rd - and 34th depose to this prisoner having given up the articles Nos 4 and 5 which they describe by the same name as the 2 first of the above - The other articles which some or all of the same witnesses say were given up by this Prisoner cannot be identified with those specified in his confession because of the difference of names - Nos 2 and 3 are very probably the same as the 2 last articles mentioned in the confession - But there is some confusion about these articles in the evidence of the witnesses -

11. The 1st Prosecutor before the Court of Circuit claims No 5 but calls it a Bamboo stick and does not claim No 4 - Before the Criminal Court he claimed Nos 4 and 5 by the same names as the Prisoners

and

7th December 1840

and witnesses-

12- The 11th nothing [illegible] also before the Court of Circuit identifies Nos 4 and 5 which he calls by the same names as the other witnesses to be the prosecutor's property-

13 The evidence against this Prisoner is sufficient for conviction, and the Court of Jaigdaree Adalut direct that the Acting 3rd Judge be required to explain the difference in the description of No. 5 before the Criminal and Circuit Courts which appears not to have attracted his notice-

14 There was no property found on or given up by the 5th prisoner, and his confession of the robbery and the circumstances under which he was apprehended as stated by the 27th and 28th witnesses, do not in the opinion of the Court justify the imposition of security from him- The Court have accordingly directed that he may be set at liberty as well as the 12th prisoner, who did not confess the robbery though he confessed having been with Saurows gang and received articles of the description of Nos 96 and 97 from Saurow which articles also the 20th 33d and 34th witnesses deposed to having been given up by him- But as these articles

articles are not claimed by either of the Prosecutors in the case and as there is nothing against him but his own Police confession, the Court have acquitted him-

15 The 6th prisoner did not confess the robbery or that he concealed the articles found on his premises knowing them to have been acquired by robbery. Further more there is no evidence that he buried those articles at all though from his Police confession and his question before the Court of Circuit about the root (p 288) there can be little doubt that he did-

16. Four articles Nos 31, 33, 60, and 116 are deposed by the 23d 24th 29th and 30th witnesses to have been found inside the 6th prisoner's house, but the 6th prisoner was not present being detained in confinement, and there are some very suspicious circumstances respecting Curnam Panpia, who the prisoner states gave him the property to conceal, and also gave the information by which the property was discovered- The Prosecutor claims Nos 31, 33, and 60 and designates 31 and 60 by the same names as the witnesses before both the Criminal and Circuit Courts- It is not clear that he claimed No 116 before the Criminal Court- But several

witnesses

witnesses for the 6th prisoner recognize Rs. 60 as his and he claims the other 3 articles.—

17. Under these circumstances the Court of Tinnevelly Adalat are unable to convict this prisoner, but they consider that the evidence certainly creates strong suspicion against him and they have accordingly required him to furnish security for his future good behaviour.

18. The Court concur with the acting Judge in convicting the 8th and 9th prisoners but under all the circumstances are of opinion that 18 years imprisonment is a sufficient punishment for them. The Court observe that suspicion attaches to the evidence of the Curnam Lanpiah (30th witness) which would probably have been removed had the Judge of Circuit examined the Tahsildar and they are surprized that the Circuit Judge did not take measures to ascertain the truth of the statement of the 7th witness that he had delivered some pearls obtained from the 9th prisoner to the Tahsildar.—

19. The Court cannot pass from the consideration of this trial without recording their censure of the apathy (as shewn from the Proceedings of the trial) displayed by the Magistracy on this occasion

occasion.—

20 Such a robbery of this extensive nature in which a numerous gang headed by a daring leader who has for a long time been the terror of the country by the desperateness which characterizes his outrages, proceeded to the committal of every kind of violence with an unheard of success in the very heart of the town the head station of the District Police, and even surdetated the plunder of the Government Treasury it might have been expected that the Magistrate would have adopted every measure that was calculated to deliver the country from the plague of such an inmate to strengthen the hands of those employed in capturing them.— but not only has the Magistrate passed over unnoticed the meritorious services rendered by the Peons who went to the succour of the inmates of the attacked house — but he also allowed the investigation of this important case to be conducted by the Native Police by whose mismanagement and disobedience to the repeated orders of the Court all the evidence that the case admitted of, has not been obtained and the claim to credibility in other valuable testimony destroyed.—

21. It appears from the report of the District

District Police Officer that the prisoners were taken into custody on different dates from the 5th to the 29th of February and that they were all brought before him by the 11th of March - By him they were detained till the 14th of March when they were sent up to the Criminal Court. —

22. The reasons which he gives for the long detention of some of the prisoners have been repeatedly denounced as altogether inadmissible he assigns equally unsatisfactory reasons for their detention by his subordinate. The effects of this illegal detention has been such as might have been expected - The prisoners have of course learnt to urge their demerits, assert their innocence, and complain of the violence used by the Police to extort their confessions from them - The witnesses for the Prosecution have also recanted their former depositions, and the testimony comes forward tinctured with distrust, from which it would have been entirely freed had the enquiry been conducted by the Magistracy. —

23. At page 86 a clue is given by the 16th prisoner who has been released which the Magistrate should have felt it an indispensable obligation of his public duty to have investigated and followed

followed up with alacrity he says that Saurows gang was aided by one under the Chegaty people another under the 13th Prisoner apparently a third under Narrana, and a 4th under Kreata Reddy - Instead however of zealously pursuing this inquiry the Magistracy do not interfere at all, and the consequence is that the 15th Prisoner has been released by the Court of Circuit from defective evidence and the suspicion of unjustifiable violence exercised by the Police in the case -

24. The Court further [redacted] that the Head of Police omitted to examine the murdered Pon though it appears that he lived many days after he had received his wound - The Court accordingly resolve to direct the Magistrate to ascertain whether this omission is attributable to a neglect of duty or to some other cause - If the former, the Magistrate will take such notice of the misconduct of this Officer as it may appear to deserve. —

25. The Court being of opinion that the meritorious services rendered by the deceased Pon the Allavary Duffadar Beeram Laid and the Ittavarra Pon Ramjee should be remunerated resolve to direct the Magistrate be called on to

Submit

7th December 1840.

submit the necessary information concerning the families of the deceased Don with his opinion as to the mode in which it may be advisable to provide for them with a view to the same being submitted to Govt.

The Magistrate will also take the earliest opportunities of promoting the Cuffadar Veeram Lait and the Don Ramjee.

Ordered that Extract from these Proceedings be sent to the Acting 3d Judge of the Provincial Court of Circuit in the Ceutee Division for his information and guidance.

(Sent in No 1169)

F. C.

Tuesday
8th December 1840.

At a Court of the Foujdaree Udalut.

Present

Alexr Duncan Campbell Esq 1st Puisne Judge
Henry Dickinson Esquire 2d Puisne Judge
Geo James Casamajor Esq. 3d Puisne Judge

Read Miscellaneous petition presented on the 3d August last by Tolaty Appiah Vakeel in behalf of Pottra Ananda Sastroolo and Jyagaree Canavo Mancoloo of the Zillah of Vizagapatam.

(Here enter M. P. No 82 of 1840.)

The Petitioners complain of the decision passed by the Agent to the Governor at Vizagapatam on a charge preferred by them against certain inhabitants of the Village of Laradam, relative to a water channel which has supplied their (Petitioners) village Pedadeela with the means of irrigation for the last 100 years: and request that the Court of Foujdaree Udalut will be pleased to issue orders, directing the Governor's Agent to allow the water to be conveyed as usual to their fields without any restrictions.

The Judges of the Foujdaree Udalut observe, that the foregoing petition, as an appeal from the decree of the Agent, ought under Rule XIX of those framed by Government for the guidance of the Governor's Agents,

7th December 1840.

submit the necessary information concerning the families of the deceased Don with his opinion as to the mode in which it may be advisable to provide for them with a view to the same being submitted to Govt.

The Magistrate will also take the earliest opportunities of promoting the Puffadar Peeram Saib and the Don Ramjee.

Ordered that Extract from these Proceedings be sent to the Acting 3d Judge of the Provincial Court of Circuit in the Centre Division for his information and guidance.

(Sent in No 1169)

F. 16.

Tuesday, 8th December 1840.

At a Court of the Foujdaree Udalut.

Present

Alexr Duncan Campbell Esqr 1st Puisne Judge
Henry Dickinson Esquire 2d Puisne Judge
Geo James Casamajor Esqr 3d Puisne Judge

Read Miscellaneous Petition presented on the 3d August last by Tolaty Appiah Vakeel in behalf of Cottra Ananda Instrooloo and Jagarao Camavarapoo Chanooloo of the Zillah of Vizagapatam.

(Here enter M. P. No 82 of 1840.)

The Petitioners complain of the decision passed by the Agent to the Governor at Vizagapatam on a charge preferred by them against certain inhabitants of the Village of Parasam, relative to a water channel which has supplied their (Petitioners) village Pedderla with the means of irrigation, for the last 100 years: and request that the Court of Foujdaree Udalut will be pleased to issue orders, directing the Governor's Agent to allow the water to be conveyed as usual to their fields without any restrictions.

The Judges of the Foujdaree Udalut observe,

2.

that the foregoing petition, as an appeal from the decree of the Agent, ought under Rule XIX of those framed by Government for the guidance of the Governor's Agents,

Agents, to have been drawn out on a Stamp of the value prescribed by Section XIII. Regulation XIII of 1816.

3. They direct, that the Agent to the Governor at Vizagapatam be informed, that according to the rule prescribed by Section III. Regulation III of 1802, he should have required the Plaintiffs, (Petitioners) to state the value of the object claimed by them, and should have inserted the values of the object awarded, in his Decree according to the proofs offered; inasmuch as it is not possible to determine on what rate of Stamp the Petition of appeal should be prepared, unless a value is set, on the right to water sought to be recovered, in the Decree appealed against.

4. The Court of Foujdaree Adalut therefore, are unable at present to form any decision on the foregoing petition, and they direct, that the Agent to the Governor at Vizagapatam be called upon to amend his decree on the points above noted.

5. In conclusion, the Judges of the Foujdaree Adalut would add for the information and future guidance of Mr. Arbuthnot, that under Rule VII, claims to a right of water should, if possible, be referred to the decision of a Punchayet.

Ordered, that Extract from those Proceedings

8th December 1840.

proceedings be forwarded to the Governor's Agent at Vizagapatam for his information and guidance, and a Copy be furnished to Petitioners on their application.

(Sent in No. 1696.)

Read Miscellaneous petition presented on the 19th Ultimo with one Enclosure by Bucalata Sanny Rajah and Bungaroo Rajah of the Zillah of Chingleput.

(Here enter M. P. No. 129 of 1840.)

The Petitioners who were the Prisoners in Case No. 42 on the Chingleput Criminal Reports for the month of July last, complain of the requisition of Security of Rupees 25 to keep the peace for one year, demanded from them by the Magistrate of Chingleput, and pray that the Judges of the Foujdaree Adalut will be pleased, to favor them with orders to Sue their opponents for damages, and also to issue a precept to the Zillah Judge, directing him to inflict adequate punishment on Ragavacharry an inhabitant and Shrotrimmdar of Tolovoor, and on certain other Payacaree Ryots of the Villages Tolovoor and Serogadu for injuries occasioned to them (Petitioners) or to take suitable Security to prevent any further aggressions on their part.

2. The Judges of the Foujdaree Adalut direct, that the Petitioners be informed, that it is not

necessary

necessary for them to obtain the orders of this Court, to institute any Suit that they may desire.

3. Nor can the Court of Foujdaree Udalut issue any orders on the subject of the petition, but they direct that the Petitioners be informed, that if they are dissatisfied with the Proceedings of the Magistrate of Chingleput, they should appeal to the Judge on Circuit.

Ordered that the petition be rejected, and that Copy of these Proceedings be furnished to Petitioners on their application.

Vorogunty Cooppiah of the Zillah of Chittoor, moves the Court to return the Enclosures in his Miscellaneous Petition No. 56 of 1838.

Ordered accordingly.

Read letter dated the 30th November 1840. from the acting 3d Judge on Circuit in the Centre Division submitting for the consideration and final sentence of this Court of Foujdaree Udalut an English translation of the record of the trial in Case No. 4 on the Chingleput Calendar for the 2d Sessions of 1840.

/Here enter F.U. No. 2384 of 1840./

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 prisoners

Mr. Campbell and Mr. Dickinson.

prisoners

1st Parooviah

2d Arnachellam

3d Vadamalay

and

4th Comarasawmy

are not convicted on presumptive proof, or on the evidence of credible witnesses, or on their own confessions of the crime of murder, do acquit them thereof, and under the provisions of Clause Sixth Section II Regulation XV of 1804 direct that they be set at liberty.

1. It appears that the dispute in this case (in which it is alleged the deceased received the blows which caused his death) originates as to the right of the oil men who are of the right hand caste taking a dead body, through the Street of the weavers who are of the left hand caste. The Court accordingly resolve to direct that the Magistrate of Chingleput be required to hold an inquiry as to the right of the weavers to carry their dead through the Prosecutors Street and to adopt such measures as shall prevent the respective parties from infringing the established customs of their castes and thus leading to an infraction of the peace.

F. U.

At a Court of the Foujdaree Udalut

Present

Wednesday 9th December 1840.

Alexr. Duncan Campbell Esqre. Actg. 1st. Puisne Judge

Henry Dickinson Esquire Actg. 2d. Puisne Judge

Geo. James Casamajor Esqre. Actg. 3d. Puisne Judge

Read return dated the 9th. of November 1840 from the Criminal Judge of Salem, to the precept of the Foujdaree Udalut of the 6th. November 1840 conveying their remarks and orders on the Salem Criminal Reports for the month of September last.

/ Here enter F.U. No. 2208 /

Under the circumstances explained in the concluding parah of this return, the Court of Foujdaree Udalut are of opinion that the prohibition contained in the orders of Government dated the 25th. of May last does not include the class of prisoners hitherto employed in sewing clothes in the Jail under the charge of the Criminal Judge of Salem.

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

/ Sent in No. 1699 /

Read return dated the 27th. October 1840, from the Provincial Court of Circuit in the Centre Division

8th December 1840.

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

/ Sent in No. 1697 /

No return having been received from the Acting 2d. Judge of the Provincial Court of Circuit in the Centre Division to the precept of the Foujdaree Udalut of the 4th. November 1840 returning for further evidence the record in Case No. 1 on the Chittoor 12th. Supplemental Calendar for the 3d. Quarter Sessions of 1840.

Ordered, that the Acting 2d. Judge of the Provincial Court of Circuit in the Centre Division be required to make a return to the precept aforesaid, and to retransmit the record with the additional evidence required by the Court of Foujdaree Udalut without further delay.

/ Sent in No. 1698 /

Division, to the precept of the Fouzdaree Adalut of the 6th Instant, directing them to furnish the Magistrate of Bellary with the translation of the record of Case No. 46 on the Bellary Calendar for the 2d Sessions of 1839 with instructions to enter into a strict investigation of the conduct of Sungunahully Tippoogah, as well as of the Village Police, whose supineness and apathy on the present occasion give occasion to suspect that they were leagued with the convicted Offenders.

/ Here enter No. 2370 /

Read letter dated the 3d Ultimo, from the Acting Criminal Judge of Rajahmundry, explaining why the grounds of the Sentence in Case No. 51 on the Criminal Report for September 1840 were not entered sufficiently explicit.

/ Here Enter No. 2237 /

Read letter dated the 1st October 1840 from the Acting Chief Magistrate and Superintendent of Police at Madras, forwarding the report of Cases tried under Act No. XXII of 1837 for the month of September 1840.

/ Here enter No. 2337 /

Read letter dated the 23d Ultimo, from the 2d Judge on Circuit in the Northern Division,

reporting

reporting his having opened the Sessions at Itchapoor this day 23d November 1840.

/ Here enter No. 2373 /

Read letter dated the 24th Ultimo, from the Magistrate of Ganjam, reporting his having forwarded the Prisoner Yerregaudoo to the Auxiliary Court at Vizagapatam on a charge of Perjury agreeably to the instructions contained in Para 3 of the Proceedings of the Fouzdaree Adalut of the 7th October 1840.

/ Here enter No. 2377 /

Read letter dated the 28th Ultimo, from the Provincial Court of Circuit in the Western Division, forwarding the Statements received from the Criminal Judge of Canara and the Acting Joint Criminal Judge of Malabar, shewing the amount realized by the labor of the Prisoners in the last quarter, as required by the Circular Order No. 88.

/ Here enter No. 2396 /

Read letter dated the 30th Ultimo, from the Agent to the Governor of Fort St. George at Ganjam, forwarding the original death warrant in Case No. 10 of 1840 on the file of the Agent to the Governor of Fort St. George at Ganjam which has been duly executed.

/ Here enter No. 2398 /

Thursday,
10th December, 1840.

At a Court of the Fouzdaree Udalut.

Present;

Alexr. Duncan Campbell Esqre. Actg. 1st. Puisne Judge,
Henry Dickinson Esqre. ——— Actg. 2d. Puisne Judge,
G. J. Casamajor Esqre. ——— Actg. 3d. Puisne Judge,

Read letter dated the 20th. Ultimo, from the Second Judge on Circuit in the Northern Division, submitting a Copy of the Vizagapatam Primary Calendar for the 2d. Sessions of 1840.

(Received 24th. No. 2359 of 1840)

The above Calendar not requiring any remarks from the Court of Fouzdaree Udalut, Ordered, that Extract from these proceedings be forwarded for the information of the Second Judge on Circuit in the Northern Division.

(Sent as No. 1705)

Read letters dated respectively the 6th. and 20th. July last, and 6th. and 11th. Ultimo from the Provincial Courts of Circuit in the Centre, Western Northern and Southern Divisions, forwarding Copies of the returns submitted by several Officers in charge of Jails shewing the instances in which the punishment of

Solitary

solitary confinement has been resorted to, and with what effect.

/ Answer in Nos. 1290, 1455, 1620, & 1621 /

Centre Division
Chittoor

1 The Criminal Judge of Chittoor reports, that "the custom has prevailed in the Chittoor Jail, of using "the condemned cell, when not required for its peculiar "purpose, as a place of solitary confinement; and when "that cell is pre-occupied, a contiguous one which has a "small window, is appropriated for the purpose."

2 He quotes two cases in which the above mode of punishment was resorted to, and from which no pernicious effects resulted. In the one instance the prisoner was confined from the 1st February to the 2d March 1837, and again from the 6th October to 3d November 1838, but remained unreformed, and incurred fresh punishment. In the other instance the prisoner was confined from the 25th September to the 15th October 1837 and incurred no fresh infliction of punishment.

Chingleput

3 The Acting Criminal Judge of Chingleput reports, that "no solitary cells were erected in "the Jail under his charge, until the Month of March last, "when he had one constructed chiefly with the view of "confining unruly refractory Prisoners, that he is therefore unable

"unable to afford the information called for."

Bellary and Cuddapah

4 It appears from the returns submitted by the Criminal Judges of Bellary and the Acting Judge of Cuddapah, that no prisoners have been sentenced to solitary confinement since the promulgation of the orders of the 6th December 1836, because there are no cells in the Jails at those Stations, to carry such a sentence into execution.

Cuddalore

5 The Acting Criminal Judge of Cuddalore reports, that "the only use which he has made "of Solitary confinement has been, for the purpose of "enforcing Jail discipline, in which case he has found "it an excellent substitute for the lash, and productive "of the best effects;" that "it is much dreaded by the "prisoners, and does not tend to exasperate and harden "them, as corporal punishment too frequently does."

6 Under the circumstances represented above (from which it would appear that Solitary confinement had been attended with good effects in the Jail at Cuddalore) the Judges of the Sowdawr Udalut direct, that the Joint Criminal Judge be called upon to explain, why the infliction of it has not

not been brought into more general operation.—

Western Division 7. The Criminal Judge of Malabar in his return
Calicut states, that solitary confinement, varying in period from
one to twelve months has been resorted to in 13 cases in
the Jail under his charge, and that no bad consequences
have been found to result from this mode of punishment
on the health of the prisoners.—

8 As to the question however, whether the
punishment has been observed to produce good or evil
effects as regards the conduct of the prisoners, Mr. Cockburn
states that the instances in which it has been inflicted, are
too few to enable him to come to a definite conclusion.—

9 The Judges of the Zoyadaree Adalut
are however of opinion that some judgment might have been
formed from the 13 instances in which solitary confinement
has been resorted to in the Jail at Calicut and the "
Provincial Court of Circuit will accordingly require "
Mr. Cockburn to communicate, thro' them, the effects which
resulted from that mode of punishment in the above cases.

10 They desire also that the Criminal
Judge of Malabar be called upon to state, in what cases
and under what circumstances, so long termed a period
of

of Solitary confinement as twelve months, was considered
necessary, and whether in that particular case the
lengthened confinement of the prisoner in a solitary
Cell was attended with any evil result.—

Sellichary 11 The Acting Joint Criminal Judge
of Malabar states, that "Since the promulgation of the
"orders of the Zoyadaree Adalut dated the 6th December
"1836, solitary confinement has been awarded to two
"different individuals in the Jail at Sellichary. The 1st
"case occurred on the 7th September 1837, but the records,"
"it is stated, do not furnish any information as to its
"extent, but no bad effects appear to have resulted therefrom."

12 The Judges of the Zoyadaree Adalut
presume that in the instances above quoted, a sentence
was regularly passed on the prisoner, and they desire
therefore that the Acting Joint Criminal Judge be
called upon to explain, how the records do not furnish
any information as to the extent of the punishment.—

13 The 2d case was on the 11th Ultimo
when a Convict was kept in solitary confinement for
one week on reduced allowance of food. "That the effects
may

"may be remains to be seen"; but it is stated that as yet,
no bad consequences have resulted thereby nor has the Prisoner's
"health suffered in consequence".

14. The Court of Sanjdarra Udalut reports
that the effect of the solitary confinement awarded in this
instance will form the subject of a future report.

15 The Acting Joint Criminal Judge
records his belief that this mode of punishment is most
effectual in bringing to order a troublesome Convict, but
that its infliction at Tellicherry has been in a measure
precluded, in consequence of the want of accommodation
in the Jail at that station.

Canara 16 The Acting Criminal Judge of Canara
states that "strictly speaking, there are no solitary cells
"in the Jail at that station"; that, "on reference to the
"records of the Court, there appear to have been only one
"instance of solitary confinement since the passing of the
"Regulation". Under these circumstances, he hopes that he
may be excused from offering any remarks on the good
or evil effects which may have resulted in Canara
from that mode of punishment.

Honore 17 The Principal Sudr Ameen at Honore
forwards

forwards a statement, shewing the instances in which
Solitary confinement has been resorted to in the Jail
under his charge, during the years 1836, 1837, 1838 and
1839. From this statement it appears that the longest
period of such confinement was 3 months and 18 days,
and the shortest was 5 days, that in none of those years,
this punishment was resorted to in more than five
instances, and that no individual has been subjected
to it more than once. It does not appear that any
bad consequences resulted from this mode of punishment
on the health of the Prisoners.

18 With regard to the general question,
whether this punishment has been observed to produce
good or evil effects, the Principal Sudr Ameen at Honore
states, that during the six months he has been in
charge of the Court at that station, no Prisoners have
undergone Solitary confinement and therefore he is
unable to offer any opinion upon the subject.

Southern Division 19 The Acting Criminal Judge of
Madura Madura reports that in consequence of there being no
Solitary cells, the orders regarding Solitary confinement
have never been carried into effect in the Madura Jails.

And

Sinnevally 20

And for the same reason the Officiating Joint Criminal Judge of Sinnevally states, that he is unable to submit any particulars as to the effects resulting from Solitary confinement.—

Combaconnum 21

Mr Lewin subjoins to his report a list of 9 Prisoners who have been in Solitary confinement in the Zillah Jail of Combaconnum for periods of time varying from 15 days to 6 weeks. The Criminal Judge states that one of the 9 Prisoners was twice subjected to this punishment, but that not one request was ever made to mitigate the confinement as far as the solitude was concerned— the cells, are said to be complete, the inmates are completely shut up, and precluded from all communication with others— but as far as Mr Lewin is able to judge, the system in the Combaconnum Jail, "has not "produced the least effect, either on those who were put to "Solitary confinement or generally in terrorem on the rest "of the prisoners in the Jail"

Tuticorin 22

Mr Mole remarks that owing to the short period he has had charge of the Auxiliary Court of Tuticorin, his report is necessarily grounded rather on information derived from the Jail Servants, than from personal

personal observation. Solitary confinement has been awarded in Six instances for periods from three weeks to four months, but in no case has it been inflicted more than once on the same Prisoner. Extracts from Journals proportionate to the length of confinement, had in all cases, owing to the cells being badly constructed and badly ventilated, been the consequences to the effects of Solitude itself, unconnected with the actual suffering attending it; the Acting Joint Criminal Judge of Tuticorin apply is unable to speak with any degree of certainty, but he observes that "the fear of it is said to "have tended to the preservation of order, and observance "of Jail discipline"

23

On the first perusal of the above report from the Acting Joint Criminal Judge at Tuticorin the Judges of the Zillah Adalut issued orders to the Provincial Courts of Circuit directing that measures be forthwith adopted, under the advice of the Medical Officer, for remedying the bad construction of the Solitary Cells in the Jail at Tuticorin from which such serious evils had resulted.—

Salem 24

The Criminal Judge of Salem states that the punishment of Solitary confinement

in the Jail at that Station does not appear from the records of sentences passed in the Criminal Courts to have been inflicted.

Coimbatore 25 Since the construction of the Solitary Cells in April 1838 the Joint Criminal Judge of Coimbatore reports that no case rendering it necessary to resort to Solitary punishment has fallen under the notice of the Court. Mr Frere states that the Cells in question have been made available for the temporary custody of the prisoners of refractory character, and for the confinement of Prisoners under the sentence of death.

Northern Division 26 The Acting Criminal Judge of
Rajahmundry. Rajahmundry in his return dated the 24th December 1836 reported that there was one Cell in his Jail available as a Solitary Cell, but the Officer now in charge of the Court at Rajahmundry states that there are no cells in the Jail at that Station adapted for the purpose of Solitary confinement, and that this mode of punishment has only been once inflicted for 15 days, and that instance it appears occurred before the Acting Criminal Judge took charge of the Court; Since his arrival at the Station, all the Prisoners are stated to have behaved very orderly, and in no instance to

have needed such punishment.

Masulipatam 27 Five instances of Solitary confinement, ranging in length of period from 8 days to 6 Months are stated by the Joint Criminal Judge, to have occurred in the Jail at Masulipatam. No evil effects were observable in any case from this mode of punishment which Mr Rhode considers to be the most efficacious adopted.

Vizagapatam 28 The Officiating 2nd Joint Criminal Judge at Vizagapatam reports that there is only one Solitary Cell in the Jail at Vizagapatam but that it had always been used for such as were condemned convicts, from the time the Sentence is communicated to them, till the day of their execution; that he has not had occasion to confine any other Prisoner in it, from the time he took charge of the Jail, and is therefore unable to afford the information required.

Ichapoor 29 The Principal Asst. Ameen at Ichapoor reports that no prisoners have as yet been subjected to Solitary confinement in the Jail at that Station, as there are no cells adapted for that purpose.

Guntoor 30. The Acting Joint Criminal Judge of Guntoor reports, that in 1839, Solitary punishment was

was resorted to for periods not exceeding a week. that he has since himself tried it upon two refractory convicts. "the first of whom a turbulent character, was completely "tamed in a week, and is reported to have behaved steadily "since." that he had lately sentenced another for 10 days and doubted not of success in his case. but "the very limited "terms to which the sentences have extended, afford no "criterion for estimating its result upon the Prisoner's health."

31 The Acting Joint Criminal Judge of Guntoor attributes the paucity of instances of Solitary confinement on record, to there being only 2 Solitary Cells in the Jail at Guntoor, and these not well calculated to give the fullest effect possible to this mode of punishment.

Nellore 32 The Criminal Judge of Nellore states that no Solitary punishment has been inflicted in the Jail at that Station. He observes that an outlay of Rupees 123-8 for building four Solitary Cells was sanctioned by Government under date the 21st April 1837, but as "no convenient place for them in the Jail could be found, "they have not as yet been commenced upon. but if it "is considered necessary that the Cells should be built" he requests, "that instructions may be given to the

Principal

10th December 1840.

Principal Collector to have them erected."

33 It is observed that the 6 Solitary Cells authorized by Government to be built at Nellore were proposed to be erected as a "distinct building," because it was found that no part of the Jail could be conveniently altered into Solitary cells.

34. Pending however the consideration of certain measures of Jail discipline suggested by the Prison Discipline Committee in Calcutta, the Court of Fouzdaree Udalut are disinclined to direct that the buildings in question be immediately commenced upon.

35. The Court of Fouzdaree Udalut are however decidedly of opinion that a deficient exercise of the power of punishment created by Section IV. Regulation XIII of 1832 would be attended with advantage, but the present construction of the Jails in the Provinces will not admit of the enactment in question being brought into general operation, and the Court of Fouzdaree Udalut would postpone the consideration of any general plan for enabling the several authorities to carry such punishment into execution, until they are enabled to record their sentiments on the system of Jail Discipline suggested

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F. 41
10th December 1840.

Principal Collector to have them erected."

33 It is observed that the 6 Solitary Cells authorized by Government to be built at Nellore were proposed to be erected as a "District building," because it was found that no part of the Jail could be conveniently altered into Solitary Cells.

34. Pending however the consideration of certain measures of Jail discipline suggested by the Prison Discipline Committee in Calcutta, the Court of Sudder Dewanny Adawlut are disinclined to direct that the buildings in question be immediately commenced upon.

35. The Court of Sudder Dewanny Adawlut are however decidedly of opinion that a discreet exercise of the power of punishment created by Section IV Regulation XIII of 1832 would be attended with advantage, but the present construction of the Jails in the Provinces will not admit of the enactment in question being brought into general operation, and the Court of Sudder Dewanny Adawlut would postpone the consideration of any general plan for enabling the several authorities to carry such punishment into execution, until they are enabled to record their sentiments on the system of Jail Discipline suggested

suggested by the Prison Discipline Committee in Calcutta; as in the event of the suggestions offered by that Committee, for the better classification of Prisoners, being adopted, (a measure which is contemplated wherever the means of effecting that separation can be done at a cost of two or three thousand Rupees) a very considerable alteration of the buildings occupied as Jails within this Presidency will become necessary; and in providing means for effecting a separation of the different classes of Prisoners, that opportunity can be taken for providing places for Solitary Confinement in those Jails which do not at present afford any or sufficient means for carrying such punishment into effect.

Ordered that Copy of these Proceedings be forwarded to the Chief Secretary to Government, for the purpose of being laid before the Right Honorable the Governor in Council with reference to para 3 of the Minutes of Consultation under date the 19th November 1836, No 973.

(Sent in No 1706)

Ordered also that copy of paras of these proceedings be communicated to the Joint Criminal Judge of Cuddalore, the Acting Criminal Judge of Malabar and Joint Criminal Judge of Tellicherry and the Criminal Judge of Nellore, thro' the Provincial Courts of Circuit for their information and guidance.

(Sent in Nos 1707-1708 & 1709)

Paras 5 & 6 Pro Court 6 D.
" 7 & 15 " " 7 D
" 32 to 34 " " 12

Suggested by the Prison Discipline Committee in Calcutta; as in the event of the suggestions offered by that Committee, for the better classification of Prisoners, being adopted, (a measure which is contemplated wherever the means of effecting that separation can be done at a cost of two or three thousand Rupees) a very considerable alteration of the buildings occupied as Jails within this Presidency will become necessary; and in providing means for effecting a separation of the different classes of Prisoners, that opportunity can be taken for providing places for Solitary Confinement in those Jails which do not at present afford any or sufficient means for carrying such punishment into effect.

Ordered that a Copy of these Proceedings be forwarded to the Chief Secretary to Government, for the purpose of being laid before the Right Honorable the Governor in Council with reference to para 3 of the Minutes of Consultation under date the 19th November 1836, No 973.

(Sent in No 1706)

Ordered also that a copy of paras 5 & 6 Trabanch C.D.
" 7 to 18 " " W.D
" 32 to 34 " " N.D.
of these proceedings be communicated to the Joint Criminal Judge of Cuddalore, the Joint Criminal Judge of Malabar

Malabar and Joint Criminal Judge of Tellicherry and the Criminal Judge of Nellore, thro' the Provincial Courts of Circuit for their information and guidance.

(Sent in Nos 1704-1705 & 1709)

Friday
11th December, 1840.

At a Court of the Zoujdaree Adaulut
Present

Alexr. Duncan Campbell Esqr. — Acting 1st Puisne Judge
Henry Dickinson Esqr. — Acting 2d Puisne Judge
George James Casamajor Esqr. — Acting 3d Puisne Judge

Read the Criminal Reports submitted by the Joint Criminal Judge of Cochin for the month of October 1840.—

(Here enter No. 2279.)

Mr. Campbell
and
Mr. Dickinson,

The above Reports do not appear to call for any remark from the Court of Zoujdaree Adaulut.—

Ordered therefore, that Extract from these Proceedings be sent to the Joint Criminal Judge of Cochin for his information.—

(Sent in No. 1710)—

Read the Criminal Reports submitted by the Joint Criminal Judge of Masulipatam for the month of October 1840.—

(Here enter No. 2308.)

Mr. Campbell
and
Mr. Dickinson,

The above Reports do not appear to call for any remark from the Court of Zoujdaree Adaulut.—

Ordered therefore that Extracts from these Proceedings be forwarded to the Joint Criminal Judge

Judge of Masulipatam for his information.—

(Sent in Ad. 1711).

Read the Grey Criminal Reports sub=
=mitted by the Provincial Court of Circuit in the Western
Division for the month of October 1840.—

(Here enter Ad. 2319.)

Mr. Campbell,
and
Mr. Dickinson.

The above Reports do not appear to call for
any remark from the Court of Sudder Adalut.—

Ordered therefore that Extract from
these proceedings be forwarded to the Provincial Court of Circuit
in the Western Division to be by them communicated to the
Principal Sudr Ameen at Grey for his information.—

(Sent in Ad. 1712).

Read letter dated the 26th November 1840
from the Magistrate of Rajahmundry, submitting the explanation
called for in the Proceedings of the Court of Sudder Adalut
of the 29th October 1840 relative to certain cases included in
the Rajahmundry Criminal Reports for the month of Sep=
=tember last.—

(Here enter Ad. 2376.)

Mr. Campbell,
Mr. Dickinson,
and
Mr. Casamajor,

The explanations contained in the above
letter given with reference to paras 4, 5, 6 and 7 of the
proceedings of the Court of Sudder Adalut of the 29th
October: appearing satisfactory the Court direct that their

opinion

opinion be communicated to the Magistrate of Rajahmundry.—

Ordered, that Extract from these Pro=
Proceedings be sent to the Magistrate of Rajahmundry for
his information.—

Sent in Ad. 1713.

Read letter dated the 26th Octbr from
the Agent to the Governor of Fort St. George at Vizagapatam
submitting with reference to Clause 5 Rule I of the Rules
framed by Government for his guidance, a Summary of
the evidence against eight prisoners charged with house=
breaking, and communicating his opinion as to the punish=
=ment to be passed on the eight prisoners.—

(Here enter Sudr. Ad. 2380 of 1840.)

Mr. Campbell,
Mr. Dickinson,
and
Mr. Casamajor,

The Court of Sudder Adalut having
maturely considered the Summary of the evidence taken
before the Agent, the Statement of the grounds for the
conviction, and his opinion as to the punishment to be
passed on the eight prisoners resolve to confirm the sentence
of 7 years imprisonment with hard labor in irons, and to give
with a Cat of nine tails proposed by the Agent to be passed
on the prisoners.

1st Canny Nagadoo,
2d Nuckah Cotigadoo,
3d Nuckah Cannoodoo,
4th Nuckah Chinna Ramoodoo,
5th Senapaty Vydeegadoo,
6th Conaungiy Yerkadoo,
7th Cunnaya Cumbegadoo, and
8th Cheedy Nuttagooravadoo,

Ordered

Ordered, that Extract from these proceedings be forwarded to the Agent to the Governor of Fort St. George at Vizagapatam for his information and guidance.—

Ext. Ord. No.

(Sent in No. 1714)—

Read letter dated the 31st October last from the 2d Judge on Circuit in the Northern Division transmitting copies of the Rajahmundry Primary and Supplemental Calendars for the 2d Sessions of 1840.—

Mr. Campbell,
Mr. Dickinson,
and
Mr. Casamajor,

Case No. 5.

(Here enter No. 2221.)

1. The trial in Case No. 5 has been postponed in consequence of the absence of the 1st witness whose testimony is "deemed indispensable".—

2. The 2d Judge on Circuit is directed to call upon the Acting Criminal Judge of Rajahmundry to shew what measures have been adopted for procuring the attendance of this witness at the next Sessions. and the 2d Judge will forward for the information of the Court of Sudder Adawlut a copy of any return that may in consequence be made to him by the Acting Criminal Judge.—

Case No. 7.

3. The Prisoner in Case No. 7 has been required by the 2d Judge to give security for his future good behaviour and appearance when required within 3 years on the ground that the circumstance of his having made his

escape from the Gaol before being released on his trial," is greatly in proof of the consciousness of his guilt, "and naturally creates strong suspicion against him".—

4. The Court of Sudder Adawlut are not of opinion that this is a ground of suspicion justifying a requisition of security under Clause 6th Section II Regulation XV of 1803.—

5. The Regulation in question contemplates a requisition of security only when a prisoner may be strongly suspected of a Criminal offence, by reason of the evidence given at the trial, which although it may constitute a case of strong suspicion against him, may yet not have been considered adequate proof for conviction.—

6. The provision of the Regulation quoted above, also authorizes security to be taken upon proof of notorious bad character, but the requisition in this case does not appear to have been made upon any such grounds, and accordingly if the prisoner has furnished security the Court of Sudder Adawlut direct that the security Bonds be cancelled or if detained in Gaol in default that he be immediately released from confinement.—

7. For the offence of escaping from Gaol the prisoner can be tried and punished by the Criminal Court

In

11th December 1840.

Ordered, that Extract from these proceedings be forwarded to the Agent to the Governor of Fort St. George at Vizagapatam for his information and guidance.—

(Sent in No. 1714)—

Read letter dated the 31st October last from the 2d Judge on Circuit in the Northern Division transmitting copies of the Rajahmundry Primary and Supplemental Calendars for the 2d Sessions of 1840.—

(Here enter No. 2221.)

Mr. Campbell,
Mr. Dickinson,
and
Mr. Cadamajee,

Case No. 5.

1. The trial in Case No. 5 has been postponed in consequence of the absence of the 1st witness whose testimony is "deemed indispensable".—

2. The 2d Judge on Circuit is directed to call upon the Acting Criminal Judge of Rajahmundry to shew what measures have been adopted for procuring the attendance of this witness at the nexet Sessions and the 2d Judge will forward for the information of the Coyjaree Adawlut a copy of any return that may in consequence be made to him by the Acting Criminal Judge.—

Case No. 7.

3. The prisoner in Case No. 7 has been required by the 2d Judge to give security for his future good behaviour and appearance when required within 3 years, on the ground that the circumstance of his having made

his

F. G.

11th December 1840.

his escape from the Jail before being placed on his trial," is greatly in proof of the consciousness of his guilt, "and naturally creates strong suspicion against him".—

4. The Court of Sovjaree Adawlut are not of opinion that this is a ground of suspicion justifying a requisition of security under Clause 6th Section II Regulation XV of 1803.—

5. The Regulation in question contemplates a requisition of security only when a prisoner may be strongly suspected of a Criminal Offence, by reason of the evidence given at the trial, which though it may constitute a case of strong suspicion against him, may yet not have been considered adequate proof for conviction.—

6. The provision of the Regulation quoted above, also authorizes security to be taken upon proof of notorious bad character, but the recognizance in this case does not appear to have been made upon any such ground, and accordingly if the prisoner has furnished security the Court of Sovjaree Adawlut direct that the security bonds be cancelled or if detained in Jail in default that he be immediately released from confinement.—

7. For the offence of escaping from Jail the prisoner can be tried and punished by the Criminal Courts

In

Case No. 8.

8. In Case No. 8 - 12 prisoners stood charged with the crime of Gang Robbery by open violence, and with having robbed from the house of the prosecutor grain, and gold and silver ornaments &c., to the value of 85 Rupees and 14 annas.—

9. The 2d Judge submits that the charge has been wilfully magnified, "for there is not the least "appearance of any injury on the three persons stated to have "been beaten, and the loss of Gold and Silver Ornaments, "so conspicuously included in the Complaint, appears from "the list of the stolen property given in by the owner to "the District Officer, to have been half a Rupee in value "and nearly the rest of it, consisted of Paddy, Chillies, grain "and grain of various other kinds, which seems to have "offered the chief inducement for the plunder, as it was "known he had them in quantities."—

10. The 6½ prisoner is stated to be an old offender, and accordingly the 2d Judge has sentenced him to 14 years imprisonment with hard labor in irons, but in favor of the 1½ 2½ 3½ 4½ 5½ 7½ 8½ 10½ and 12½ prisoners the 2d Judge suggests a mitigation of the prescribed punishment to 8 years imprisonment with hard labor in irons.—

11. As the chief object of the Robbery is stated to have been the grain stored in the prosecutors house, the Court of Foujdaree Adawlut consider that the ends of justice will be sufficiently met by a sentence of 8 years imprisonment with hard labor in irons as regards the 6½ prisoner, and 4 years imprisonment with hard labor in irons as regards the 1½ 2½ 3½ 4½ 5½ 7½ 8½ 10½ 11½ and 12½ prisoners, and should the 2d Judge on further consideration concur in this view, he is, in that event, authorized to pass such mitigated sentences on the prisoners

1½ Cuttoola Yerrador

2½ Sirnada Pullegandoo

3½ Gorala Deerador

4½ Dumpana Coolladoo

5½ Vasumsetty Pentadoo

6½ Vadapurty Yogadoo

7½ Corumpoody Nangadoo

8½ Naika Nangadoo

10½ Morumpoody Paddeegandoo

11½ Paddeereddy Nursimloo

and

12½ Cummaral Chinnegandoo

Case No. 12. 12. In Case No. 12 - twelve prisoners stood charged with the crime of Gang Robbery by open violence, and with having robbed from the Prosecutors granary yard, grain valued at 67 Rupees.—

13. The prisoners having been fully convicted of the crime charged against them, the 2d Judge has sentenced

sentenced each prisoner to 14 years imprisonment, and the 12th prisoner to receive in addition one hundred lashes, he being an old offender.—

14. As grain alone was the object, the Court of Sudder Adawlut are of opinion that the sentence passed by the Court of Circuit is too severe. In the opinion of the Sudder Adawlut the ends of justice will be attained by a sentence not exceeding four years' imprisonment with hard labor in irons.—

15. Should the 2d Judge upon further consideration concur in this view, the Court of Sudder Adawlut authorize him in that event to pass a sentence of four years imprisonment upon the prisoners

1st Calabathoola Jogadoo

2d Bundla Eswardoo

3d &c - Suttee gundoo

4th Jungum Gungadoo

5th Butchaly Cunnegadoo

6th Canoo Boomattah Bungaroogadoo

7th Pydee Bandoo

8th Diddy Venkadoo

9th Pannee Eswardoo

10th Bimla Poolleegadoo

11th &c Jaggamaikloo

and

12th Gundy Venkadoo

unless should he be unable to do so, he will be pleased to

to submit an English translation of the Record for the Court's consideration.—

Case No. 13. 16. In Case No. 13 two prisoners stood charged with having with a gang of 15 others attempted to commit Robbery by open violence.—

17. The 2d Judge observes "that the violent "attempt to commit the robbery, the non effection is sufficiently "indicated by the rush into the Prosecutor's house, by so "large a party, and being apprehended at this stage, this "case seems to fall under the provision of Clause third, "rather than fourth, of Section IX Regulation XV of 1803, that "as no property was lost nor any personal injury sustained" the 2d Judge "recommends that each Prisoner be sentenced to (5) "Eight years imprisonment with hard labor in irons."—

18. The Court of Sudder Adawlut having duly considered all the circumstances of this case, resolve under the authority vested in them by Clause third, of Section III Regulation I of 1825, to accede to the recommendation of the Presiding Judge; and accordingly authorize that officer to pass the mitigated sentence above indicated upon the prisoners

1st Veeregum Cheemana

and

2d Coopoo Seshana

Case No. 1 Supplemental Calendar 19. The Court of Sudder Adawlut desire that the Acting Criminal Judge of Rajahmundry be furnished with

with a copy of the grounds recorded by the Court of Circuit for the acquittal of the prisoner charged with Perjury in Case No. 1 of the Supplemental Calendar.

20. The Court of Conjdaree Ex-dutt consider the above case a highly improper commitment on the part of the Acting Criminal Judge.

21. The committal appears to have been ordered without any consideration having been given to the statement of the Prisoner (aged 70 years) that he was ill when he gave his second deposition.

Case No. 3. 22. In Case No. 3 two prisoners stood charged with having with 5 other individuals attempted to break into the house of the prosecutor.

23. The 2d Judge observes that altho' the Robbery was not effected a hole was perforated in the Prosecutor's dwelling with the Iron Picker before the Court, used for such purposes, and left there by one of the gang, on the alarm being given - that the violent attempt, is manifest from this circumstance, as well as the attack made by them to prevent being arrested, which brings the Prisoners Case under the provisions of Clause third Section IV Regulation XV of 1803, but as neither the Prosecutor nor the 1st and 2d witnesses, received any material hurt on the occasion, and the Prisoners were apprehended before any property was lost, the 2d Judge begs to recommend that their

their sentence be reduced to (10) ten years imprisonment each, with hard labor in irons".

24. The attempt at Burglary was secret and not by open violence. The violence offered by the prisoners on the occasion was to their arrest after discovery.

25. Under the circumstances of the case however, the Court of Conjdaree Ex-dutt resolve, under the authority vested in them by Clause third, Section III Regulation of 1829, to accede to the recommendation of the Presiding Judge, and accordingly authorize that Officer to pass the mitigated sentence above indicated upon the prisoners

1st Chadaphiry Nanjadoo

and

2d Mantu Venkadoo

Case No. 4. 26. In Case No. 4 two prisoners stood charged with Robbery to the value of Rupees 38 12, and with having beaten the prosecutors wife with their hands, and having been convicted by the Court of Circuit, each prisoner has been sentenced to be imprisoned with hard labor in irons for (14) fourteen years, under Clause third Section IV Regulation XV of 1803, "but as the imputed "personal wrong towards the Prosecutors wife, was "more ideal, than real," the 2d Judge "begs to propose "a mitigation in the sentence to (8) eight years".

The

27. The Court of Conjeveram adopt resolve to accede to the recommendation of the Presiding Judge, and accordingly they authorize that Officer to pass the mitigated sentence above indicated upon the prisoners

1st Boorey Nairegandoo

and

2d Gorray Venkadoo

28. The Acting 2d Judge is enjoined to abstain in future from transmitting to the Court of Conjeveram adawlut a copy of all the orders issued by him to the Lower Court, and to the Mahommedan Law Officer attached to the Court of Circuit, connected with the Cases included in the Calendar. The transcription of all such papers, in their form of an Appendix, must occupy a large portion of the time of the English Establishment attached to the Court of Circuit, and as every useful purpose will be attained by those proceedings only being transcribed, which it may be essentially necessary should be laid before the Court of Conjeveram adawlut, the 2d Judge will in future confine the Appendix to such papers accordingly.—

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

E.H.

11th December 1840.

guidance by precept returnable in 7 days from and after its receipt.—

(Sent following Precept No 1715)

Read Supplemental Return dated the 26th October last from the 2d Judge on Circuit in the Southern Division, to the precept of the Conjeveram adawlut of the 26th September 1840, conveying their observations and orders on the Madura Calendar for the 2d Session of 1840.—

(Here enter No 2185 of 1840.)

Read return dated the 5th Instant from the Criminal Judge of Vellore, to the precept of the Conjeveram adawlut of the 30th October 1840, conveying their observations and orders on the Criminal Reports for the Month of September last.—

(Here enter No 2236 of 1840)

Read letter dated the 7th Instant from the Acting Magistrate of Conjeveram, submitting the explanation called for in the Proceedings of the Conjeveram adawlut dated the 27th Instant, relative to Case No 146 on the Combaconum Criminal Reports for the Month of September last.—

(Here enter No 2257 of 1840.)

Read return dated the 7th Instant from the 3d Judge on Circuit in the Western Division to the precept of the Conjeveram adawlut of the 27th October

11th December 1840.

October last, directing him to call for the Proceedings held in Case No. 49 of the Criminal Reports transmitted by the Principal Sudder Ameen of Honore for the months of September last, and pass upon 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 Adawlut.—

(Here enter No. 2404 of 1840)

Read Supplemental Return dated the 8th instant from the Provincial Court of Circuit in the Centre Division, to the precept of the Foujdaree Adawlut of the 6th October last, directing them to furnish the Magistrate of Bellary with the translation of the record of Case No. 4 on the Bellary Calendar for the 2d Sessions of 1839 - with instructions to enter into a strict investigation of the conduct of Sungunabully Eshpoojah, as well as of the Village Police whose supineness and apathy on the present occasion give occasion to suspect that they were leagued with the convicted offenders.—

(Here enter No. 2414 of 1840.)

Read letter dated the 2d instant from the acting 1st Judge Cuttack on Circuit in the Centre Division, transmitting the original death warrant in Case No. 6 on the Chingleput Calendar for the 1st Sessions 1840.—

(Here enter No. 2394 of 1840.)

Saturday 12th December, 1840.

At a Court of the Foujdaree Adawlut.

Present,

Alex.r Duncan Campbell Esq.re — Acting 1st Puisne Judge

Henry Dickinson Esq.re ——— Acting 2d Puisne Judge

George James Casamajor Esq.re — Acting 3d Puisne Judge

Read letter dated the 11th November 1840 from the 2d Judge on Circuit in the Northern Division submitting for the consideration and final sentence of the Foujdaree Adawlut an English translation of the record of the trial in Case No. 14 on the Rajahmundry Calendar for the 2d Sessions of 1840.—

(Here enter F.A. No. 2330.)

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

Veerabayina Caumey

is sufficient to convict her of having an accessary after the fact to the crime of murder, for which according to the Mahommedan Law as declared in futwas of their Law Officers discretionary punishment is awardable, do convict her thereof, and, with reference to the provisions of Clause third, Section VII Regulation XI of 1818, do sentence her to be imprisoned

Mr. Campbell, and Mr. Casamajor,

imprisoned and kept to hard labor, in irons, on the public roads or other public works, for and during the period of ten (10) years.—

1. The Court of Enquiry Ordained observe that the recommendation of the 2d Judge that the prisoner should be sentenced to such temporary imprisonment as the higher Court may deem adequate is not sufficiently specific in regard to the degree of punishment which in his opinion should be inflicted upon her, it should have contained a distinct opinion of the precise term of imprisonment to be awarded as laid down in the Circular Order of the 14th March 1834.—

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

(Sent following letter No. 1719)—

Read letter dated the 11th November 1840, from the Acting 3d Judge on Circuit in the Central Division, forwarding for the consideration and final sentence of the Court of Enquiry Ordained, an English translation of the record of the trial in Case No. 15 on the Billary Calendar for the 2d Sessions of 1840.—

(Here enter P. D. No. 2272.)

Mr. Campbell, and Mr. Cavanagh,

The Court of Enquiry Ordained, on a deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the

prisoner

12th December 1840.

prisoner

"Eminee"

is not convicted on presumptive proof, or on the evidence of credible witnesses or on her own confession of the crime of Murder, do acquit her thereof, and, under the provisions of Clause sixth Section II Regulation XV of 1803, direct that she be set at Liberty.

1. This case appears to the Court to have been very imperfectly investigated by all the different authorities before whom it has come.—

2. It appears from the deposition of the 3d witness a Darchesem, or Superior Police Officer, before the Criminal Court, that Kondumma, who lived in the house adjoining that of the Prisoner, stated, when questioned by him, that during the night before the Child's body was found, she heard the prisoner moaning — then an infant crying — which last noise ceased immediately — and soon afterwards she saw the Prisoner quit her house with an infant in her arms, and afterwards return to her house and lie down — that in the morning also she saw the Prisoner lying down and spoke to her —

3. This Kondumma, was examined by the Head of Police and stated some, but not all of the above circumstances. Before the Head of Police she stated that going out in the morning with two other females for a natural occasion she saw a dead Child floating in the

the well and told her two Companions what she had heard during the night; one of those women also, Sunjeevamah, was examined by the Head of Police, and confirmed Kondumma's statement.—

4. Both Kondumma and Sunjeevamah were sent up to the Criminal Court as witnesses and it does not appear from the record that either of them was examined and they were not sent for by the Circuit Judge.—

5. It was very material to prove that the child was born alive; and from the circumstances of the case it is probable that much more evidence might have been procured bearing upon the point. The Prisoner's House appears to have been in the Setta and must have had other Houses, besides Kondumma's, contiguous to it or near enough for some of the inmates to have heard the moaning and crying during the night. Enquiry ought to have been made of all the inmates of all the surrounding Houses. Nagumma also, the other woman who was with Kondumma and Sunjeevamma when they found the corpse, ought to have been examined; and both she and Sunjeevamma ought to have been questioned much more particularly as to what Kondumma told them she had heard and seen during the night.—

6. All this should have been supplied by the Criminal and Circuit Courts when the Case came before

before them without it. Kondumma in particular should have been most minutely examined. She might very probably have been able to state whether the infant had, or had not, the straw rope round its neck when the Prisoner took it from the House.—

7. As the case now stands there is no evidence at all that the infant was born alive; and if it was still-born, no crime attaches to the Prisoner she admitted before the Police that it was born alive; but she denies her Police confession and says this also before both the Criminal and Circuit Courts.—

8. The mark on the infant's neck might have been produced by the body swelling as is suggested by one witness. and the rope might have been fastened round it for other purposes than to strangle it, as suggested by several other witnesses; either to attach a stone to sink it; or to help the Prisoner to carry it from the House to the well, in the weak state in which it may be supposed she was.—

9. The Court being of opinion that it would be now too late to supply the defects above pointed out, have acquitted the prisoner and directed that she be set at Liberty.—

Ordered, that Extract from these Proceedings

the well and told her two companions what she had heard during the night; one of those women also, Sunjeevamah, was examined by the Head of Police, and confirmed Kondumma's statement.—

4. Both Kondumma and Sunjeevamah were sent up to the Criminal Court as witnesses and it does not appear from the record that either of them was examined and they were not sent for by the Circuit Judge.—

5. It was very material to prove that the child was born alive; and from the circumstances of the case it is probable that much more evidence might have been procured bearing upon the point. The Prisoner's House appears to have been in the Petta and must have had other Houses, besides Kondumma's, contiguous to it or near enough for some of the inmates to have heard the moaning and crying during the night. Enquiry ought to have been made of all the inmates of all the surrounding Houses. Nagumma also, the other woman who was with Kondumma and Sunjeevamma when they found the corpse, ought to have been examined; and both she and Sunjeevamma ought to have been questioned much more particularly as to what Kondamma told them she had heard and seen during the night.—

6. All this should have been supplied by the Criminal and Circuit Courts when the Case came before

them without it. Kondamma in particular should have been more minutely examined. She might very probably have been able to state whether the infant had, or had not, the straw rope round its neck when the Prisoner took it from the House.—

7. As the case now stands there is no evidence at all that the infant was born alive; and if it was still-born, no crime attaches to the Prisoner she admitted before the Police that it was born alive; but she denies her Police confession and every thing else before both the Criminal and Circuit Courts.—

8. The mark on the infant's neck might have been produced by the body swelling, as is suggested by one witness. and the rope might have been fastened round it for other purposes than to strangle it, as suggested by several other witnesses; either to attach a stone to sink it, or to help the Prisoner to carry it from the House to the well, in the weak state in which it may be supposed she was.—

9. The Court being of opinion that it would be now too late to supply the defects above pointed out, have acquitted the prisoner and directed that she be set at liberty.—

Ordered, that Extract from these Proceedings

the well and told her two Companions what she had heard during the night; one of those women also, Sunjeevamah, was examined by the Head of Police, and confirmed Kondummas statement.—

4. Both Kondumma and Sunjeevamah were sent up to the Criminal Court as witnesses and it does not appear from the record that either of them was examined and they were not sent for by the Circuit Judge.—

5. It was very material to prove that the child was born alive; and from the circumstances of the case it is probable that much more evidence might have been procured bearing upon the point. The Prisoner's house appears to have been in the Pettah and must have had other Houses, besides Kondummas, contiguous to it or near enough for some of the inmates to have heard the moaning and crying during the night. Enquiry ought to have been made of all the inmates of all the surrounding houses. Naganumma also, the other woman who was with Kondumma and Sunjeevamma when they found the corpse, ought to have been examined; and both she and Sunjeevamma ought to have been questioned much more particularly as to what Kondumma told them she had heard and seen during the night.—

6. All this should have been supplied by the Criminal and Circuit Courts when the Case came before

before them without it. Kondumma in particular should have been most minutely examined. She might very probably have been able to state whether the infant had, or had not, the straw rope round its neck when the Prisoner took it from the House.—

7. As the case now stands there is no evidence at all that the infant was born alive; and if it was still-born, no crime attaches to the Prisoner she admitted before the Police that it was born alive; but she denies her Police confession and says nothing else before both the Criminal and Circuit Courts.—

8. The mark on the infants neck might have been produced by the body swelling, as is suggested by one witness; and the rope might have been fastened round it for other purposes than to strangle it, as suggested by several other witnesses; either to attach a stone to sink it, or to help the Prisoner to carry it from the House to the well, in the weak state in which it may be supposed she was.—

9. The Court being of opinion that it would be now too late to supply the defects above pointed out, have acquitted the prisoner and directed that she be set at liberty.—

Ordered, that Extract from these Proceedings

ember 1840.

17th December 1840.

Proceedings be sent to the Acting 3d Judge on Circuit in the Central Division for his information and for communication to the Criminal Judge and Magistrate with directions to the latter to make the Police officers concerned acquainted with this Court's remarks.—

(Sent following letter No. 1720)

E. 66.

Monday
14th December, 1840.

At a Court of the Coimbatore Adalut.

Present,

Alexr Duncan Campbell Esqre — Acting 1st Puisne Judge

Henry Dickinson Esqre — Acting 2d Puisne Judge

George James Casamajor Esq — Acting 3d Puisne Judge

Read letter dated the 23d Ultimo from the 3d Judge Cutch on Circuit in the Northern Division, submitting an English Translation of the Record in Case No 44 of the Vizagapatam Criminal Calendar 7th Sessions of 1840.—

(There enter No 2407 of 1840.)

The Court of Coimbatore Adalut, on a deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the prisoners

1st Eaheerah,

2d Shaik Ibrahim,

3d Imam Khan,

4th Syed Cossim,

and

5th Hossain Saheb alias Kauther Hossain,

are not convicted on presumptive proof, or on the evidence of credible witnesses or on their own confession of the crime of murder, do acquit them thereof, but considering that the proof against the prisoners is sufficient to convict them

Mr Campbell,
and
Mr Dickinson,

them of the offence discribed in Act XXI of 1836, do convict them thereof, and, under the provisions of Clause first of that Act, do sentence them to be imprisoned and kept to hard labor in irons, on the public roads or other public works, for and during the period of their natural lives.—

(Sent following letter No. 1721)—

Read letter dated the 17th Ultimo, from the 2d Judge on Circuit in the Southern Division, transmitting an English translation of the Record in Case No. 1 on the Salem Calendar for the 2d Sessions of 1840.—

(Here enter S.R. No. 2318 of 1840.)

The Court of Enquiry Ordered, on a deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the proof against the Prisoners

"Tr Neelah"

and

"2d Ramdas"

is sufficient to convict them of the crime of murder committed in the prosecution of robbery by open violence, do convict them thereof, and, under the provisions of Clause 1st and 5th Section IV Regulation XV 1833 adjudge the Prisoner,

2d Ramdas

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

1st

Mr Campbell,
and
Mr Dickinson,

Tr Neelah

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

(Sent following letter No. 1722)—

Read letter dated the 30th November 1840, from the 3d Judge on Circuit in the Western Division, transmitting an English translation of the record of the trial in Case No. 6 of the Mangalore Calendar for the 2d Sessions of 1840.

(Here enter S.R. No. 2396.)

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

Mr Campbell,
and
Mr Dickinson,

"Keshwa"

is sufficient to convict him of the crime of murder, do convict him thereof, but being of opinion that there are circumstances in the case which would render the punishment of death to which the prisoner is liable under the provisions of Section X Regulation VIII of 1802, too severe, the Court according to the provision of Clause Second Section VI Regulation I of 1835, sentence him to be transported

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

1.

In the 9th paragraph of his letter of reference, the 3d Judge recommends that the reward of 25 Rupees already offered for the apprehension of the prisoners elder brother should be increased to 50 Rupees.—

2.

The Court of Foujdaree Adalut concurring in the expediency of the measure of increasing the amount offered as a reward for the apprehension of the said Porter, resolve in virtue of the authority vested in them by Section XXI Regulation IX of 1816, to sanction the offer of a reward of Rupees one hundred, payable under the provisions of Section VI Regulation I of 1818, on the delivery of the said Porter to the Magistrate of Canara or to the Magistrate in whose jurisdiction he may be apprehended.—

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

Sent following letter No 1933.

Ent 7th.

The Sudr. Adpsn on behalf of Cottura Chunnuda Cattrolu and Jugarre Camara Shanoobhog of Vizagapatam, moves the Court to return the enclosure in Miscellaneous Petition No 82 of 1840.—

Ordered accordingly.—

Tuesday,
15th December, 1840.

No 6.

At a Court of the Foujdaree Udalut

Present,

Alexr. Duncan Campbell Esqre. Offg 1st Puisne Judge,
Henry Dickinson Esqre. —— Offg 2d Puisne Judge,
G. L. Casamajor Esqre. —— Offg 3d Puisne Judge.

Read letter dated the 9th November 1840, from the Principal Sudr. Ameen at Honore, submitting the Criminal Reports of his Court for the month of October last.—

(Here enter F.C. No 2301.)

Suppl. Report.

Case No 31.

The Court of Foujdaree Udalut deem it necessary to require the Principal Sudr. Ameen to explain the cause of the delay in applying to the Magistrate for evidence to the fact that the house in which the plundered property was found, belongs to the prisoner. It appears that the case reached the Court on the 22nd of June, and that the application is dated the 9th of October.—

Case No 31.

2. It appears to the Court that the amount of security demanded from the prisoner in this case is too high, and they direct that it be reduced to Rupees 30. unless the Principal Sudr Ameen have any further explanation to

to offer:-

Ordered, that Extract from the Proceedings be sent to the Principal Sudr. Ameen at Honore for his information by [illegible] return-able in 5 days from and after its receipt.-

Sent following Precept No. 1721/

Read return dated the 24th Ultimo from the Agent to the Governor of Fort St. George at Ganjam, to the precept of the Foujdaree Udalut of the 13th November 1840, conveying his observations on Case No. 42 of 1840 on the file of the Agent to the Governor of Fort St. George at Ganjam-

/Here Enter No. 2374./

Read return dated the 2d Instant from the Magistrate of Bellary, to the Precept of the Foujdaree Udalut dated the 26th Ultimo enjoining him to call the attention of his Head of Police to the omission of the guilty knowledge from the charge of receiving stolen property, and to state for the information of the Judges of the Foujdaree Udalut that the injunctions therein contained have been attended to.-

/Here Enter No. 2409./

Read letter dated the 5th Instant from the Agent to the Governor of Fort St. George at

at Ganjam, forwarding with reference to the Proceedings of the Foujdaree Udalut of the 13th Ultimo copy of a letter from Captain Vallancey Assistant General Superintendent and Joint Magistrate submitting an explanation in regard to an allegation made against him by the 2nd Prisoner Lookadeeree in Case No. 42 of the Criminal file.-

/Here enter No. 2418./

Read letter dated the 8th Instant from the 2nd Judge on Circuit in the Northern Division, transmitting copy of a Supplemental return from the Magistrate of Rajahmundry forming part of the appendix in Case No. 6 of the Primary Calendar of that Zillah.-

/Here Enter No. 2426./

Read letter dated the 9th Instant from the 2nd Judge on Circuit in the Southern Division, reporting the opening of the 2nd Sessions of 1840 at Coimbatore on the 9th Instant and the state of the Calendar.-

/Here Enter No. 2429./

No. 46.

Wednesday, 16th December 1840.

At a Court of the Foujdaree Udalut

Present

Alexr. Duncan Campbell Esqre. Offg. 1st. Puisne Judge,

Henry Dickinson Esqre. Offg. 2d. Puisne Judge,

G. S. Casamajor Esqre. Offg. 3d. Puisne Judge,

Read letter dated the 19th. Ultimo from the 3d. Judge on Circuit in the Western Division, transmitting an English translation of the Record in Case No. 4 on the Canara Calendar for the 2d. Sessions of 1840.—

(Vern Enter No. 2360.)

Mr. Campbell and Mr. Casamajor.

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

"Moodarah"

is sufficient to convict him of the crime of murder, do 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. 7284)

Read letter dated the 18th. Ultimo from

16th December 1840.

From the 2nd Judge on Circuit in the Northern Division, transmitting an English translation of the Record in Case No. 5 on the Vizagapatam Primary Calendar for the 2d Sessions of 1840.

/Here enter No. 2354./

Mr. Castamajor.

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

"Shaik Emam"

is sufficient to convict him of the offence described in Act XXX of 1836, do convict him thereof, and, under the provisions of Clause first Section V Regulation VIII of 1831, and Clause first of the Act above specified, do 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—/

Read letter dated the 18th Ultimo, from the 2nd Judge on Circuit in the Northern Division, transmitting an English translation of the Record in Case No. 7, on the Vizagapatam Primary Calendar for the 2d Sessions of 1840.—

/—Here Enter No. 2355./

The

16th December 1840.

Mr. Castamajor.

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

"Shaik Khajah"

is sufficient to convict him of the offence described in Act XXX of 1836, do convict him thereof, and, under the provisions of Clause first Section V Regulation VIII of 1831, and Clause first of the Act above specified, do 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. 129/

Read letter dated the 11th Instant, from the 1st Judge of the Provincial Court of Circuit in the Western Division, reporting his intention to open the 1st Sessions of 1841 at Malabar on the 12th Proximo—

/Here Enter No. 2365./

Ent'd HH.

16th

Thursday,
17th December 1840.

At a Court of the Fouzdaree Udalut.

Present,

Alexr. Duncan Campbell Esqre. Actg 1st. Puisne Judge,

Henry Dickinson Esqre. _____ Actg 2d. Puisne Judge,

G. J. Casamajor Esqre. _____ Actg 3d. Puisne Judge,

Read the Criminal Reports submitted by the Acting Criminal Judge of Chingleput for the Month of October 1840.

(Hereunto J.U. No. 2274 of 1840)

The above reports do not appear to call for any remark from the Court of Fouzdaree Udalut.

Ordered therefore that Extract from these proceedings be forwarded to the Acting Criminal Judge of Chingleput for his information.

(Sentence No. 1731)

Read Letter dated the 9th Instant from the 1st Judge of the Provincial Court of Circuit in the Northern Division, reporting that proclamation has been sent to the Criminal Judge of Nellore for opening the Court of 1st Sessions of 1841 on the 2d proximo.

(Hereunto J.U. No. 2422 of 1840)

Friday,
18th December 1840.

At a Court of the Foujdaree Udalut

Present,

Alex.r Duncan Campbell Esq.re Actg 1st Puisne Judge,

Henry Dickinson Esq.re ——— Actg 2d Puisne Judge,

G. I. Casamajor Esq.re ——— Actg 3d Puisne Judge,

Read letter dated the 1st Instant &c.

from the Agent to the Governor of Fort St. George at Ganjam,

submitting with reference to Clause 5th Rule I of the Rules

framed by Government for his guidance, a Summary of

the evidence against the prisoner Ronna Naiko, charged

with theft and wounding, and communicating his

opinion as to the punishment to be passed on the

prisoner.

/Here enter J. D. No 2417 of 1840/

The Court of Foujdaree Udalut having

maturely considered the Summary of the evidence taken

before the Agent, the statement of the grounds, for the

conviction, and his opinion as to the punishment to be

passed on the prisoner, resolve to confirm the sentence of

7 years' imprisonment with hard labor in irons, and

100 Stripes with a cat of nine tails, proposed by the

Agent

Agent to be passed on the prisoner.

Rama Naiko.

Ordered that Extract from these proceedings be forwarded to the Agent to the Governor of Fort Saint George at Tanjore for his information and guidance.

Sent in No. 1739.

Read letter dated the 28th November 1840 from the Criminal Judge of Salem transmitting the Criminal Reports of that Court for the month of October last.

/Here enter Fdh No. 2379 of 1840/

Supplemental Report. Case No. 184.

1 The prisoners in this case were charged with having gone forth with weapons and torches to the house of the Prosecutor entered it by climbing over the wall and after having beaten the Prosecutor's brother with sticks and wounded him, taken ready money and ornaments valued at Rupees 1920-12.

2 It is stated in the abstract of the grounds of the sentence that the 7th prisoner confessed his crime to the witnesses who captured him and gave an agreement binding himself to restore the stolen property, therefore he was required to furnish two securities of 20 Rupees each for the

the term of 9 months or in default to be imprisoned for the same period.

3 It is observed that if there was nothing to corroborate the confession of this prisoner, the requisition of security was contrary to numerous decisions of the Tanjore Adalut, and the Court direct that the Bail Bonds be cancelled and that the prisoner if he be still in confinement under the requisition be forthwith discharged.

Case No. 191.

4 With reference to the abstract of the evidence given in this case the Court incline to the opinion that the 1st prisoner should have been unconditionally released. They accordingly resolve to request the Provincial Court of Circuit in the Southern Division to call for the proceedings held in the case, and pass such orders thereon as may appear to them necessary with reference to the provisions of Section XXIII Regulation X of 1816.

Case No. 192.

5 Adverting to the circumstances stated in the abstract of this case, the Court of Tanjore Adalut deem it necessary to direct that they be brought to the notice of the Magistrate who will be requested to cause every exertion to be made by the Police to ascertain whether

whether the Prisoner has suddenly become possessed of money.

Report No V
Case No 203

6 The Court do not intend to disturb the sentence that has been passed by the Acting Assistant Judge in this case, but they are of opinion that there was sufficient established against the prisoner to warrant his being required to furnish security.

Case No 204.

7 The Court of Zoujdaree Udalut observe that the sentence in this case has expired, but they are of opinion that if the Prosecutor has for 8 years past known that the Prisoners stole his bells and omitted to prosecute them, the prisoners should have been released with an admonition.

Cas No 210

8 Of the two prisoners in this case, the 1st prisoner is charged with having stolen gold and silver ornaments worth Rupees 71 which were kept in a corner of the Prosecutors house, and was sentenced to 6 months imprisonment under clause fourth Section III Regulation VII of 1822, and all the jewels ordered to be returned to the Prosecutor.

9 The Court of Zoujdaree Udalut are not satisfied of the correctness of the judgment in this Case.

10. It appears by the evidence of the 1st and 2d witnesses that 2 of the Jewels belonged to the wife of the Prosecutor, and as the 1st prisoner admits having taken all of them and declined proving that she has any right to any one of them, they are returned to the Prosecutor.

11 The Court of Zoujdaree Udalut resolve to direct the Provincial Court of Circuit in the Southern Division to call for the proceedings in this case, and upon a consideration thereof pass such orders on it as may appear to be necessary 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 Criminal Judge of Salem for his information by precept returnable in 6 days from and after its receipt.

Sent following precept No 1740.

Ordered also that Extract of Paras 4, 8, 9, 10 and 11 of these proceedings be forwarded to the Provincial Court of Circuit in the Southern Division for

for their information and guidance.

/Sentnce No. 1741/

Read letter dated the 5th December 1840
from the Criminal Judge of Canara, submitting the
Criminal Reports of that Court for the month of
November last.

/Dereenter J.C. No. 2415 of 1840/

Report No. V
Case No. 194.

1. The prisoner in this case is charged with having in his possession arrack valued at 3 Rupees without a license, and on conviction has been sentenced by the Principal Sudr Ameen to pay a fine of 20 Rupees to be realized by the sale of his property or in default to be imprisoned with hard labor in irons for 2 months under Section XV. Regulation I of 1825.

Case No. 195.

2. The Court of Sudder Udalut are of opinion that unless the prisoner is an old offender the sentence passed in this case is too severe, and they accordingly resolve to direct the Criminal Judge to refer to the proceedings held in the case, and to reduce the sentence to such extent as may appear to him proper with reference to the foregoing remark, reporting the result for the information of the Sudder Udalut.

The

The Court observe that it is not stated whether hard labor is included in the sentence passed on the prisoner in this case convicted of having assaulted and bitten the Prosecutor a Sow on his left breast while engaged in the execution of his duty, and they direct that an explanation be submitted on this point the adjudication to confinement without labor appears to the Court too lenient.

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

/Sent following precept No. 1742/

Read letter dated the 12th ultimo,
from the Acting Joint Criminal Judge of Guntoor,
transmitting the Criminal Reports of that Court for
the month of October last.

/Dereenter J.C. No. 2273 of 1840/

Case No. 59

1. The prisoner in this case is charged with horsebreaking and theft, and has been released by the Acting Joint Criminal Judge not only on accounts

18th December 1840.

account of the contradictions in the evidence for the prosecution but also because "the many inconsistencies elicited from the proceedings and cross questioning clearly shew that the money was placed on the grain heap by prosecutor or his people acting under his orders"

2 If the Acting Joint Criminal Judge was satisfied that the charge was false and originated in enmity it appears to the Court that the prosecutor would have formed a proper object of a prosecution for perjury—

3 The Court desire the Acting Joint Criminal Judge be called on to explain the cause of his having omitted to commit the Prosecutor to trial on that charge—

Ordered, that Extract from these proceedings be sent to the Acting Joint Criminal Judge at Guntoor by precept returnable in 5 days from and after its receipt—

[Sent following precept No. 1743]

Read letter dated the 2d Instant from the Agent to the Governor of Fort St. George at Vizagapatam, submitting

J.U.

18th December 1840.

Mr. Campbell.
and
Mr. Casamajor.

his proceedings in a trial for murder in case No. 190 of 1840. [Here entered Ct. No. 2105 of 1840]

The Court of Sanjdanee 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

"Mantramje Boyahah"

is sufficient to convict her of the crime of murder, do convict her thereof, and, under the provisions of Section X Regulation VIII of 1802. Sentence her 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 Agent to the Governor of Fort St. George for Vizagapatam, in the immediate vicinity of the place where the murder was committed.—

[illegible]

Ent'd [illegible]

[illegible]

[illegible]

[Sent following letter No. 1744]—

F. No.

Saturday 19th December 1840

At a Court of the Foujdaree Udalut.

Present.

Alex.r Duncan Campbell Esq.re A.g 1st Judge

Henry Dickinson Esq.re A.g 2d Judge

Geo. James Casamajor Esq.re A.g 3d Judge

Read letter dated the 13th November 1840 from the Agent to the Governor of Fort St. George at Vizagapatam, submitting the Criminal Reports for the Month of October last.

(Here entered F. No. 2334)

Principal Assistant Report No.2. Case No.56.

Referring to the remarks of the Agent in the 4th paragh. of his Remarks, the Court of Foujdaree Udalut observe that the inadvertency in the wording of the charge appears to them to arise from the word "Defendant having been inadvertently used for Prisoner and they direct that it be pointed out to the Principal Assistant that the use of the term Defendant in Criminal Charges is incorrect, the accused should be termed Prisoner.

2d Junior Assistant Mr Binny's Report.

2. The Court approve of the orders issued by the Agent to his Assistant Mr Binny

19th December 1840

Acting Junior Assistant Mr Wilson's Report No 2.
Case No 130.

Barry—

3 With reference to case No 130 on the report of the Acting Assistant in which a prisoner C. Ramadoo has been sentenced to one year's imprisonment with hard labor in irons and 100 lashes on a charge of house breaking and theft— the Court of Zoujdaree Udalut observe that unless the prisoner is an old offender, or the commission of the burglary was attended with any circumstances of aggravation not detailed in the report, the punishment awarded by the Acting Assistant is too severe, and they accordingly direct that it be modified by the remission of the stripes—

4 The Court further object to the application of the term committed to cases sent up to the Assistants by the Heads of Police, and they direct that the term "Forwarded" or "sent up" be in future made use of—

Ordered that Extract from these proceedings be sent to the Agent to the Governor of Fort St George at Vizagapatam by precept returnable in 5 days from and after its receipt—

(Sent following precept No 1745)

19th December 1840

Read the Criminal Reports submitted by the Acting Joint Criminal Judge of Guntoor for the month of November 1840.

(Record entr. F. 16. No 2454)

The above Reports do not appear to call for any remark from the Court of Zoujdaree Udalut—

Ordered, therefore that Extract from these proceedings be forwarded to the Acting Joint Criminal Judge of Guntoor, for his information—

(Sent in No 1746)

Read letter dated the 1st Instant from the 2d Judge on Circuit in the Northern Division submitting a copy of the Mchaspoor Primary Calendar for the second Sessions of 1840.

(Record entr. F. 16. No 2423)

The above Calendar not containing any remarks from the Court of Zoujdaree Udalut. Ordered, that Extract from the proceedings be forwarded for the information of the 2d Judge on Circuit in the Northern Division—

(Sent in No 1747)

Read letter dated the 9th of November 1840 from the Officiating Criminal Judge of Vizagapatam submitting the Criminal Reports of his Court for the month of October last.

[Presented F. C. No 2333]

Report No V. 1. In case No 14 the prisoner was
Case No 14. convicted of the charge ("the silver waist string,
"&c &c" "found in his possession") "it is stated and most
"clearly proved to belong to the Prosecutrix") "and
"was committed" ("by the Criminal Judge") "to the
"Court of Circuit."

2. The Criminal Judge will be
pleased to report whether the guilty knowledge
was actually charged and proved in this case
and with reference to his remarks he will
be pleased to submit for the consideration
of the Court a copy of the Magistrate's reply
to the communication which ought to have
been made to the Magistrate on the subject,
if none however was made, the Court
direct that the Criminal Judge do now
forward a copy of their remarks in regard
to this case, together with a copy of it as
it stands in the Report to the Magistrate
who will be requested to submit direct to
this Court a Report of the notice he may
deem

deem it necessary to take of the conduct of
the Police Officers mentioned by the Criminal
Judge, and the measures taken by him to
apprehend the "two Principals in the Robbery."

Case No 17. 3. The prisoner in this case was
charged with having wounded the deceased
on the wrist of his left hand. It is stated
in the abstract of the grounds of the sentence
that "it was clearly proved by two witnesses
"who were present and saw the act that
"the prisoner wounded the deceased" "but it
"is not proved that those wounds caused his
"death, in fact it is clearly proved he died
"of dysentery twenty days after when the
"wounds were nearly well."

"The prisoner was committed
"to take his trial before the Court of Circuit
"for wounding with a Sword under Regulation
"I of Section IV Clause II of 1818."

4. It is observed that if the wounds
were slight, it was not requisite to commit
the Prisoner and the Court direct that the
Criminal Judge do submit a Report on
the nature of the wounds received by the
deceased.

Case No 19. 5. In this case the prisoner is
charged

charged under Act XXX of 1836 with being by
profession and one of a Gang of thugs, com-
mitting with them highway robberies and
strangling people on the roads in the Province
of Mysore by which alone he gained his
livelihood.—

6 The Court of Foujdaree Udalut
observe that this latter part of the charge is
incorrect and altogether superfluous unless
it was intended to charge the prisoner with
the crime of murder in addition to the
offence described in Act XXX of 1836 in
which case it should have formed a separate
count and the charge should have stated
more fully the facts with which the
prisoner was charged.—

Cases Nos 20, 21, 22 and 23.

7 The Court observe that a
similar remark is applicable to these
cases, and they direct that the Joint Magistrate
and Assistant Superintendent of Thuggee be
advised of the unseasonableness of these super-
fluous additions

Ordered that Extract from these
Proceedings be sent to the Officiating Criminal
Judge at Vizagapatam for his information by
precept returnable in 5 days from and
after—

after its receipt.—

(Sent for following Precept No 1745)

Read letter dated the 10th
Instant from the Criminal Judge of Bel-
lary, submitting the Criminal Reports
for the month of November 1840.

(Herewith No 2450)

The Court of Foujdaree
Udalut trust that no further delay
will be experienced in procuring the attendance
of the evidence required to enable the Criminal
Judge to complete the investigation of
cases Nos 208-209-210-211 and 212; with
this remark the Court of Foujdaree Uda-
lut would close their observations on
these Reports.—

Ordered that Extract from
these Proceedings be forwarded to the
Criminal Judge of Bellary for his
information and guidance.—

(Sent in No 1749)

Read letter dated the 18th
November 1840 from the Criminal Judge
of Chittoor forwarding the Criminal
Reports of that Court for the months of
October last.

(Here

14th December 1840.

/Here enter F. U. No. 2326/

Report No. V.
Case No. 213.

The Court direct that copy of this case as it stands in the Report and of this paragraph be sent by the Criminal Court to the Magistrate, who will report direct to the Court of Foujdaree Udalut where the prisoners were from the 29th September till the 12th of October the date on which it is reported they appeared before the Head of Police.

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

/Sent in No. 1750./

Read letter dated 12th November 1840 from the Joint Criminal Judge of Cuddalore forwarding the Criminal Reports of his Court for the month of October last.

/Here enter F. U. No. 2298/

These reports do not appear to call for any remarks from the Court of Foujdaree Udalut.

Ordered therefore that Extract from these proceedings be sent to the Joint Criminal Judge at Cuddalore for his information.

/Sent in No. 1751./

Rec.

F. U.
14th December 1840.

Read the sixty Criminal Reports submitted by the Provincial Court in the Western Division for the month of November 1840.

/Here enter F. U. No. 2461/

The above Reports do not appear to call for any remark from the Court of Foujdaree Udalut.

Ordered, therefore that Extract from these proceedings be forwarded to the Provincial Court in the Western Division to be by them communicated for the information of the Principal Sudr Ameen at Chittoor.

/Sent in No. 1752./

Read letter dated the 9th Instant from the 3d Judge of the Provincial Court of Circuit in the Southern Division submitting a Copy of the Trichinopoly Calendar for the 4th Quarterly Session of 1840.

/Here enter F. U. No. 2432/

The above Calendar not requiring any remark from the Court of Foujdaree Udalut. Ordered, that Extract from these proceedings be forwarded for the information of the 3d Judge of the

19th December 1840

The Provincial Court of Circuit in the Southern Division.-

/Sent in No. 1753/

Read letter dated the 2d Instant from the Second Judge on Circuit in the Northern Division submitting a Copy of the Stchapore Supplemental Calendar for the 2d Session of 1840.-

/Here enter No. 2424/

The above Calendar not requiring any remark from the Court of Sudder Adalut. Ordered, that it with these proceedings be forwarded for the information of the Second Judge on Circuit in the Northern Division.-

/Sent in No. 1754/

Read the Criminal Reports for the Month of October 1840 submitted by the Criminal Judge of Madura.-

/Here enter P. C. 2321/

Report No. V. 1. — The Court of Sudder Adalut
Case No. 76 direct that it be pointed out for the information of the Criminal Judge of Madura, that the charge of escape brought against the 1st prisoner in this case, should be separate from the other charge brought against him.

19th December 1840

The Court have noted, that the offence of escape is distinct from all others and that the punishment should be in addition to any other punishment which the prisoner may be undergoing. The Criminal Judge will accordingly modify the charge in the next Report.-

Case No. 80. 2. — In this case the prisoner is charged with having been found in possession of two of the five stolen buffaloes "of the Prosecutor," but the guilty knowledge which could alone render the prisoner obnoxious to a Criminal prosecution is not charged.-

Case No. 84. 3. — In this case the 1st prisoner is charged with having stolen a sheep of the Prosecutor's valued at 8 annas which had joined his herd of sheep, and the rest are charged with having in company with certain other individuals aided and abetted the 1st prisoner in the commission of the above theft.-

4. — The Court presume there must have been some circumstances of aggravation attending the commission of this theft which induced the Magistrate (to whom it had

had been referred by the Head of Police to direct its transmission to the Criminal Court instead of himself disposing of it under the provisions of Section III Regulation VII of 1827 and they resolve to call for an explanation on this point.—

Ordered that Extract from these Proceedings be sent to the Criminal Judge of Madura by precept returnable in 5 days from and after its receipt.—

/ Sent following precept No 1755 /

Read letter dated the 6th Instant No 1840 from the Criminal Judge of Canara, transmitting the Criminal Reports of that Court for the month of October last.

/ Stone enter P.C. No 2252 /

In this case the prisoner has been sentenced under the provisions of Section VII. Regulation X of 1816. The Court direct that the Moorstee Sudr Ameen be called on through the Criminal Judge to explain whether housebreaking i.e. the removal of the tatty door fastened in the usual manner was or was not established against the prisoner. If it was not the case has been correctly disposed of, but if breaking was effected the

the case would fall under the provisions of Clause Fifth Section II Regulation VII of 1822.

Case No 174. 2. The Criminal Judge will send a copy of this as it stands in the report and of this para to the Magistrate who will call for and transmit direct to the Foujdaree Adalut the explanation of the Assistant Magistrate of the detention of this case before him.—

Case No 176. 3. The prisoners in this case were charged with having in concert with the prisoners in Cases Nos 43 and 82 of 1837 and 50 of 1838 and 89 of 1839 and 150 of 1840 broken into the house of the Prosecutor ill treated him and the inmates of the house, and plundered therefrom property to the value of Rupees 62. 5. 8. It is stated in the abstract of the grounds of sentence that the evidence is to the alleged recognition of them all by the Prosecutor and two witnesses.— The evidence of one of the witnesses however is unsatisfactory in consequence of his not having been brought forward by the Prosecutor in the first instance. On the grounds however of the above evidence, the circumstance of all three having absented themselves from their

their usual places of residence added to alleged bad character creates strong suspicion against them and they are sentenced to find Security in different amounts for one years good behaviour and appearance.—

4. It appears to the Court of Foujdaree Udalut, that if the evidence of the Prosecutor and the other witness was satisfactory there were sufficient grounds to warrant their conviction, and they accordingly Resolve to direct the 3d Judge on Circuit in the Western Division to call for the proceedings held in the case and pass on them such orders as may appear to him proper with reference to the provision of Section XXIII. Regulation X of 1816 reporting the result for the information of the Court of Foujdaree Udalut.

Case No 4181 5 With reference to the remarks by the Criminal Judge in case No 185 the Court of Foujdaree Udalut Resolve to point out for the information and guidance of that Officer, that sentence should have been recorded by the Criminal Court in the case referred to but not carried into effect until the result of the commitment before the Court of Circuit is known.—

The

6. The Court observe that of the 59 prisoners confined in the Jail at Cawnpore 4 are reported to have died during the month of October last, and they desire that an explanation of the cause of this mortality may be submitted.—

7. With reference to the Circular Order of the 27th October 1830 and 5th June 1832 the Court of Foujdaree Udalut are desirous of being informed whether the bail allowed to the prisoner Fukeerdeen was granted on the requisition of the Medical Officer, since if it was, the Court are of opinion that the Judge was not authorized in stopping it under the provisions of Clause 3d Section VI Regulation X of 1832.—

Ordered that Extract from these Proceedings be sent to the Criminal Judge of Canara for his information by precept Returnable in 5 days from and after its receipt.—

/Sent following precept No 1756/

Ordered also that Extract from these Proceedings /paras 3 and 4/ be sent to the 3d Judge on Circuit in the Western Division for his information.—

/Sent in No 1757/

19th December 1840

Read letter dated the 8th Instant from the 3d Judge on Circuit in the Western Division, reporting the opening of the 2d Sessions of 1840 at Amarao on that date and the state of the Calendar—

(Here enter P. M. No 2449.)

Read letter dated the 12th Instant from the 1st Judge of the Provincial Court of Circuit in the Southern Division, reporting his intention to open the 1st Sessions of 1841 at Madura on the 6th Proximo—

(Here enter P. M. No 2448.)

Engd.

P. M.

Monday
21st December 1840.

At a Court of the Foujdarree Adalut.—

Present,

Alexr. Duncan Campbell Esqre 1st Judge.
Henry Dickinson Esqre 2d Puisne Judge.
Geo: James Casamajor Esqre 3d Puisne Judge.

Read again letter dated the 23d October 1840 from the Acting 2nd Judge of the Provincial Court of Circuit in the Centre Division transmitting an English translation of the record in Case No 1 on the Chittoor 12th Supplemental Calendar for the 3d Quarterly Sessions of 1840.—

(Here enter No 2150.)

Read also return and Supplemental return dated respectively the 11th and 19th Instant from the Acting 2nd Judge of the Provincial Court of Circuit in the Centre Division, to the precept of the Foujdaree Adalut of the 4th Ultimo, directing him to take further evidence in Case No 1 of the 12th Supplemental Calendar for the Chittoor 3d Quarter Sessions of the present year.—

(Here enter No 2420 and 2508.)

Mr Campbell and Mr Dickinson.

The Court of Foujdaree Adalut on deliberate consideration of all the circumstances of

of the case in evidence before them, being of opinion that the proof against the prisoner

Gurrudoo Naidoo

is sufficient to convict him of the crime of fraudulently abstracting a Document from the Records of the Zillah Court of Cuttoor, do convict him thereof, and, with reference to the provisions of Clause first Section II. Regulation VIII of 1829, do 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 two years.-

(Sent following letter No 1763.)

Read Miscellaneous Petition presented on the 23d November 1840 by Venkanaiky of the Zillah of Chingleput.-

(Here enter P. R. No 144 of 1840.)

1. The object of this Petition is to induce the Court to punish certain parties therein named, who the Petitioner alleges were guilty of the murder of her husband, and who are the prisoners in Case No 4 on the Chingleput Calendar for the 2d Sessions of 1840.-

2. The Petitioner is informed that the Court of Foujdaree Adalut after giving the case in question their most deliberate consideration, directed

directed that the prisoners be set at liberty.-

Ordered, that 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 Covoroo Seddappah of the Zillah of Cuddapah.-

(Here enter M. P. No 146 of 1840.)

1. The Petitioner alleges, that he has been forcibly plundered of Jewels worth Rupees 200, a roll of purest gold of 4 Pagodas weight, and pearls and rubies valued at Rupees 100, amounting in all to Rupees 300; and states, that although he has twice preferred a complaint before the Magistrate, he has been unable to obtain any redress.-

2. He therefore prays the Court of Foujdaree Adalut, to be pleased to issue orders, instructing the Magistrate fully to investigate the complaint, recover the property of which he (Petitioner) has been unjustly deprived, and inflict a heavy punishment upon his opponents.-

3. The Court of Foujdaree Adalut direct, that the Petitioner be informed, that if he is dissatisfied

dissatisfied with the Proceedings of the Magistrate, he must apply to the Court of Circuit.-

4. The prayer of the foregoing petition is therefore rejected.-

Ordered accordingly, and that copy of these Proceedings be furnished to Petitioner on his application.-

Read Miscellaneous petition presented on the 19th October 1840 by Ponchatchara Swamoolavaro of the Zillah of Chittoor.-

(Here enter Rec. No. 130 of 1840.)

1. The Petitioner states, that the Magistrate of Chittoor refused to receive a petition addressed to him, complaining of abusive letters which had been written to him (Petitioner) by certain inhabitants of Bommarajoopettah, who had been excommunicated from their caste for acting contrary to the custom of the caste- that thereupon he (Petitioner) preferred a complaint to the Circuit Judge. who referred him again to the Magistrate, and directed that Officer to institute an enquiry into the case, and dispose of it according to the Regulations in force; but that the Magistrate refusing still to admit

- admit the petition, he again appealed to the Circuit Court, and that they forwarded a precept accompanied by a copy of the petition to the Magistrate.-

2. As however no orders have been passed regarding the petition by Mr. Ogilvie, the Petitioner now prays, that the Court of Foujdarree Udalut will be pleased to make a particular enquiry concerning the petition presented to the Circuit Court, inflict severe punishment upon the offending party and cause the destruction of the abusive letters.-

3. Under the circumstances above related, the Judges of the Foujdarree Udalut direct that a copy of this Petition and of these Proceedings be forwarded to the Provincial Court of Circuit in the Centre Division, and that they be instructed to call upon the Magistrate of Chittoor to submit for the information of the Court of Foujdary Udalut, an explanation regarding the allegations contained in the foregoing petition.-

(Sent in No. 1764.)

Ordered accordingly, and that copy of these Proceedings be furnished to the

21st December 1840.

the Petitioner in his applications.—

Vencata Sawmy Rajah and Bungaroo Rajah of the Zillah of Chingleput, move the Court to return the enclosure in their Miscellaneous Petition No 129 of 1840.—

Ordered accordingly.—

Read Supplemental return dated the 7th Instant from the Provincial Court of Circuit in the Northern Division, to the precept of the F.H. of the 19th June 1840, directing them to call for the proceedings of the Joint Criminal Judge of Masulipatam in the case of the Sibbundy Naik Veerumpindoss and others, and pass orders thereon, with reference to the provisions of Section XXIV Regulation X of 1816, reporting the result for the information of the Higher Court and of Government.—

(Here enter F. 16. No 2469.)

Tuesday
22nd December 1840.

F. H.

At a Court of the Foujdaree Adalut.

Present.

Alex. Duncan Campbell Esqre 1st Puisne Judge.
Henry Dickinson Esqre 2nd Puisne Judge.
Geo. James Casamajor Esqre 3rd Puisne Judge.

Read letter dated the 6th of November 1840 from the officiating Criminal Judge of Rajahmundry, forwarding the Criminal Reports of that Court for the month of October 1840.—

(Here enter F. H. No 2275)

From the abstract annexed to the Report No V it is to be remarked that there are 5 Cases under examination, and that only 3 Cases had been disposed of by the Criminal Court during the month. The Court of Foujdaree Adalut observe that when so few Cases are brought before the Criminal Court, there should be no arrears on the date of the transmission of the Reports to the Presidency.—

Ordered, that Extract from these proceedings be sent to the Acting

Criminal

22d December 1840.

Criminal Judge of Rajahmundry for his information.-

/Sent in No. 1764/

Read letter dated the 9th of December 1840 from the Assistant Criminal Judge in charge of the Criminal Court at Malabar, submitting the Criminal Reports of that Court for the month of November 1840.

Mr. Dickinson

/Here enter T. No. 2463/

Supplimental Report

Case No. 200.

In this case the name of the prisoner is not entered in the Report. The Court direct that this omission be pointed out to the Assistant Criminal Judge, who is required now to supply it.-

Report Nov

2.

Case No. 210.

In this Case the prisoner has been sentenced to 6 months imprisonment in Jail in irons. under Section VII Regulation X of 1816 for an assault.

3.

Although labor is not specified in the sentence, it is presumed that it is included. But the Court direct that an explanation may be submitted on this point.

Case No. 217

4.

With reference to the grounds for the order of commitment passed on the 10th, 12th and 14th prisoners in this case, the Court observe that it is not stated that in their

resistance

22nd December 1840.

resistance the Prisoners wounded their guards or any of the villagers who came to their assistance, which is essential to render the prisoners liable to be committed for trial under Clause fourth Section V Regulation VI of 1822. If there were no wounding sentence must be passed on these prisoners by the Criminal Court, and the commitment must be cancelled.

5.

It is also observed that this Case, as well as case No. 204 have been entered in the Statement required by the Circular Order No. 80. This double entry is incorrect. The Statement required by the Circular Order quoted provides only for the entry of such cases as have been disposed of under the provisions of Section X of 1832, which is inapplicable to these Cases in question.-

Ordered, that Extract from these proceedings be sent to the Assistant Criminal Judge in charge of the Criminal Court at Calicut for his information

/Sent in No. 1768/

Read the Criminal Reports submitted by the joint Criminal Judge

of

22d December 1840 of Coimbatore for the month of October 1840.

/ Here enter No. 2320 /

The above Reports do not appear to call for any remark from the Court of Foujdaree Udalut.

Ordered therefore, that Extract from these proceedings be forwarded to the Joint Criminal Judge of Coimbatore for his information.—

/ Sent in No. 1769 /

J. 16.

Wednesday, 23d December, 1840.

At a Court of the Foujdaree Udalut

Present,

Alexr. Duncan Campbell Esqre. Actg. 1st Puisne Judge

Henry Dickinson Esqre. ——— Actg. 2d Puisne Judge

J. J. Casamajor Esqre. ——— Actg. 3d Puisne Judge

Mr. Campbell
Mr. Dickinson
and
Mr. Casamajor.

Read letter dated the 5th December 1840 from the Acting Criminal Judge of Rajahmundry forwarding the Criminal Reports of that Court for the Month of November last.—

/ Here enter J. C. No. 2416 of 1840 /

Report No. V
Case No. 76.

1 If the statement of the prisoner that this is the first time he had been engaged in robbery, has not been falsified. The Court of Foujdaree Udalut are of opinion that the imprisonment adjudged in the case is sufficient for the offence committed, without resorting to the corporal punishment, which the Court directs be remitted.—

Case No. 78

2 In this case the Court of Foujdaree Udalut are desirous of being informed whether any declaration was taken from the deceased, previous to his death, which it would appear from the remarks of the Acting

8 The Court further direct that a copy of this Case as it stands in the report and of this para be sent by the Criminal Court to the Magistrate who will be pleased to enquire into the proceedings of the Village Police and take such notice of the unnecessary detention of the Prisoners as may appear to him proper reporting the result for the information of the Foujdaree Udalut.

Case N.o 171 9 If there are no other grounds for the requisitions of security from the 1st prisoner in this case besides his confessions before the Head of Police the Court direct that he be discharged if in confinement or that the bail bonds if they have been entered into be cancelled.

Report N.o V 10 In this case the Assistant Criminal
Case 176 Judge observes that "he considers that there is sufficient suspicion against the 2d Prisoner to warrant his committal and he therefore commits both the Prisoners to take their trial before the Court of Circuit. The Court direct that it may be pointed out to that Officer that mere bare suspicion can never warrant the commitment of a prisoner and unless after a most minute and carefull examination he is clearly of opinion that the evidence for the prosecution will convict

the prisoner he ought not to commit him
11 The Criminal Judge will be pleased to look into this case himself and over rule or confirm the order of commitment as to him may appear proper.
12 The Court also require that an explanation may be submitted of the proceedings of the Assistant Criminal Judge against the 3d witness as far as the Criminal Judge against the 3d witness as far as the Court are able to judge from the entry of them in the report they would appear to be illegal.
13 The Court of Foujdaree Udalut have viewed with much pleasure the Zeal and industry displayed by the Assistant Criminal Judge in the discharge of his Criminal duties, but they consider it would be found more expedient not to refer cases of great difficulty until the Assistant Criminal Judge shall have acquired more experience in his duty.

Case N.o 178. 14 In this case it is stated that the 1st and 2d witnesses contradict themselves but both state that they were talking and that they saw the prisoner set fire to the house and that they saw after him and apprehended him and gave him over to the

Prosecutor" and in another place it is stated that the 1st 2d 3d and 4th witnesses positively swear that the Prosecutor and 1st and 2d witnesses came and took the prisoner out of his house while sleeping – The Court presume that these 1st 2d 3d and 4th witnesses are witnesses for the defence, if so, it should have been thus stated in the abstract –

Case No. 183. 15 In this Case the 1st and 2d prisoners were detained in the Talook pending the apprehension of others concerned and the discovery of the stolen property under orders received from the Magistrate, this proceeding has often been denounced as unjustifiable by the Court of Sonjdarree Adalut; the Judges therefore resolve to call on the Magistrate to give further explanation on this subject –

Case No. 184. 16 In a note appended to this Case it is recorded that the 1st witness contradicted her statement before the Head Assistant Magistrate, but as none of the depositions were solemnly affirmed before him no proceeding could be taken against her –

17 The Court of Sonjdarree Adalut desire that the Head Assistant Magistrate be called on to explain the cause of his having committed so gross an instance

instance of irregularity as to examine witnesses without having previously caused them to make the prescribed affirmation before him –

18 The Criminal Court will therefore be pleased to furnish the Magistrate with a copy of this case as it stands in the report and of this parah and with instructions to submit his explanation direct to this Court –

19 The Court of Sonjdarree Adalut are concerned to observe the very heavy arrears in the Criminal Department of the Court at Cuddapah and they trust that no exertions will be spared in reducing it –

Ordered that Extract from these proceedings be sent to the Criminal Judge of Cuddapah for his information and guidance by precept returnable in 8 days from and after its receipt –

Sent following precept No. 1771 –

Ordered also that Extract from these proceedings paras 1, 2, 3 and 4 be sent to the Provincial Court of Circuit in the Centre Division by precept returnable in 30 days from and after its receipt –

Sent following precept No. 1772 –

Thursday
24th December 1840

At a Court of the Foujdaree Udalut.

Present

Alexr. Duncan Campbell Esqr. Actg. 1st Puisne Judge
Henry Dickinson Esqr. Actg. 2d Puisne Judge
Geo: James Casamajor Esqr. Actg. 3d Puisne Judge

Read letter dated the 2d
Instant from the 3d Judge of the Provincial
Court of Circuit in the Northern Division
submitting for the consideration and final
sentence of the Foujdaree Udalut an English
translation of the Record of the trial in
No 1 of the Masulipatam Calendar
4th Quarterly Sessions of 1840.
(Here enter No: 2402)

Mr Dickinson and Mr Casamajor

The Court of Foujdaree Udalut
on a deliberate consideration of the circum-
stances of the case in evidence before them,
being of opinion that the proof against
the prisoner
"Navvoloory Soobbunnah"
is sufficient to convict him of the crime of
wounding, with intent to kill, for which
according to the Mahommedan law as
declared in futwas of their law Officers
de secretemary

disretionary punishment is awardable, do convict him thereof and with reference to the provisions of Clause third Section VII Regulation XV of 1803 adjudge 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 labor in irons on the public roads or other public works for and during the period of his natural life.-

1. The prisoner was charged with having attacked with a sword and severely wounded the Proprietor and two Prosecutrix's intending to kill them.-

2 The Law Officer having taken exceptions to the evidence of the witnesses declared the prisoner to be only liable to suspicion, on which the Presiding Judge, instead of asking the Law Officer what would be his futwa if the particulars of exceptions which he had taken did not exist, asked him what it would be "if the crime of maiming and wounding with "an intent to kill had been legally proved "according to the Mahomedan Law against "the Prisoner," and having ascertained that it would

would be "Cisas but" he proceeded to pass Sentence on the prisoner in which he declared that he concurred with the Law Officer in the finding of Suspicion and therefore that he would refer the case to the Sunjdaree Udalut for their final orders.-

3. If this is a correct transcript and it was the intention of the 3d Judge to declare his concurrence in the futwa of the Law Officer which declared the prisoner only liable to Suspicion the Court of Sunjdaree Udalut would be precluded from taking Judicial cognizance of this case.-

4. In the concluding parah of his letter which accompanies the trial, the 3d Judge has stated that "the "evidence against the Prisoner appears to "me to be most clear and convincing, "whilst there is not the slightest reason "to believe that he even was subject to "fits of Insanity, or that this cruel act "was committed under any feeling but "a bloody cruelty." He therefore recommended that the Prisoner might be sentenced to imprisonment and hard labor in irons for life.-

&c

5 The Court are therefore of opinion that the sentence recorded by the 3d Judge has been incorrectly copied, and that instead of the Court concurring in it, it should be the Court not concurring in it, and this idea becomes the more probable from the very strong opinions recorded against the prisoner in the letter of reference.

6 Under this impression and the opinion that the evidence against the prisoner was sufficient for his conviction of the offence of wounding the prosecutor. The Court have sentenced him to be transported.

7. The Regulations declare that the Judge on Circuit shall examine and be responsible for the accuracy of the translation of the proceedings held in cases referred to the Court of Sowdaree Udalut and the Court regret to observe that the neglect of the 3d Judge is in this instance the more reprehensible from the circumstance that the Regulation here referred to was pointedly brought to his notice in a recent Extract from the Proceedings of this Court.

Ordered, that Extract from these Proceedings be sent to the 3d Judge of the Provincial Court in the Northern Division for his information.

/Sent in No 1775/

Read

F. R.

24th December 1840

Mr Campbell and Mr Dickinson.

Read return dated the 15th October from the Provincial Court of Circuit in the Northern Division to the precept of the Court of Sowdaree Udalut under date the 4th October 1840 forwarding with reference to paras. 4 and 5 of the Proceedings of the Court of the same date, copy of a return and its enclosures from the Officiating Criminal Judge of Vizagapatam.

/Recorded F. R. No 2157 of 1840/

Read also return dated the 23d October from the Criminal Judge of the Auxiliary Court at Vizagapatam to the precept of the Sowdaree Udalut of the 4th October, transmitting copies of certain letters received from Captain Vallancey.

/Recorded F. R. No 2178/

1. It now appears that Moossa sue a lad of 17 years of age, tried and acquitted by the Sowdaree Udalut in case No 25 of the 2d Sessions of 1839, of the Crimes specified in Act XXX of 1836, was the son of the late Bareketron Ahmed Sain Khan approver, and was separately charged by Captain Vallancey with the

murder

Murder of the four Peasants Carrying near Palmcoor in the Nizam's Territories; on which charge he was accordingly committed with four others to take his trial before the Court of Circuit for the Northern Division in Case No. 15 of Calendar for the 2d Sessions of 1838, which was illegally postponed no less than 3 times, being No. 5 at the 1st Sessions of 1839. No. 21 at the 2d Sessions of the same year and No. 6 at the 1st Sessions of 1840.

2. The Court of Foujdaree Udalut observe, the following remark made by Mr. Haig, the 2d Judge on Circuit, relative to Hoossanee, the 5th Prisoner in Case No. 5 on the Vizagapatam Supplemental Calendar for the 1st Sessions of 1839 -

"The 5th Prisoner does not appear to have "taken any part of this murder, except "receiving a share from the plunder, he is "therefore excluded from this charge, and "committed in another Case under Act "XXX. of 1836."

3. The remaining four Prisoners were ultimately tried for the Palmcoor Murder in Case No. 6 of the Calendar for the 1st Sessions

Sessions of 1840, which has been referred to the Foujdaree Udalut and disposed of by them; and altho' the record of that trial shows, that not a single witness was examined for the defence of any one of the 4 Prisoners, it is in the memorandum to the Provincial Court's return of the 23d October last stated by Mr. Stromboni, that on this occasion, the said Lal the Son of Bareekroo Hoossain Khan, was brought before the 3d Judge on Circuit, as a witness for the 3d Prisoner - His name however having been omitted as a Prisoner in that Case, and no other charge appearing against him, the presiding Judge directed under date the 13th June last, that he should be released, or made over to the Superintendent of Thuggee, as may have been hitherto usual in such Cases."

4. It was stated in the remark of Mr. Haig the 2d Judge presiding at the 1st Sessions of 1839, the 5th Prisoner (Hoossanee) was guilty to the extent of having received a share of the plunder, the Court of Foujdaree Udalut very much doubt the propriety of that

Officers

Officer's proceeding, in excluding him from the charge brought against him in Case No 5 without any trial at all. They refrain however from making any further remarks on Mr Haig's conduct in this case, as that Officer has quitted the Country.

5 But without adverting to the order of Mr Haig above quoted, regarding (Hoosdance) the 5th Prisoner in case No 5 of the 1st Sessions 1839, the Court of Fouzdaree Udalut observe, that the subsequent order of release was passed upon him on the 13th June last, by the 3d Judge on Circuit for the 1st Sessions of 1840, who states, that he was brought as a witness for the 3d Prisoner before him. Now not only is there no record of such fact on the trial; but it is moreover shewn at para 173 of the Criminal Proceedings, in that case, that the 3d Prisoner never summoned Hoosdance as a witness at all.

6 For this most extraordinary proceeding, the Fouzdaree Udalut are quite at a loss to account. It was obviously the imperative duty of the Circuit as well as of the Criminal Judge, to make himself acquainted

acquainted with the particulars of the case of every Prisoner, and had Mr Glass looked well into the real cause why the Prisoner Hoosdance, who stood as a Prisoner in case No 15 of the Calendar for the 2d Sessions 1838, was not included in the Calendars subsequent to that of the 1st Sessions of 1839, he would thereby have prevented Mr Stromboom from falling into the error which he afterwards committed.

7 But whatever may have been the negligence displayed by the Officiating Criminal Judge of the Ampillaig Court at Vizagapatam in this case, the Court of Fouzdaree Udalut are surprized, that Mr Stromboom, without properly examining the records of the Office himself, should take for granted that the cause of the Prisoner's exclusion could not be discovered and proceed to pass an order, which can in no way be justified; for even admitting that the name of the 5th Prisoner had been erroneously excluded by the Lower Court from the Calendars subsequent to that of the 2d Sessions of 1838 - it was manifestly

a

a great error on the part of Mr Stromberg to release him, or send him back to Captain Vallancey without trial, instead of correcting the mistake which had been made, by placing him at the bar as a Prisoner in No 6 of the 1st Sessions of 1840, and trying him with the rest.

8 As the Prisoner Hoossain Khan has been acquitted by the Court of Zoujdaree Udalut of the charge of having belonged to a gang of Thugs, on the grounds stated in their Proceedings under date the 31st March last, and moreover as the Judges of the Zoujdaree Udalut, after the proceedings held by Mr Haig, and their own acquittal of the other 4 Prisoners in that case deem it objectionable that the Prisoner should again be placed at the bar on a charge for the Pal-manor murder, they direct that he be set at liberty forthwith.

9 With reference to the last return from the Officiating Criminal Judge at Vizagapatam to this Court's precept of the 4th Ultimo, the Judges of the Zoujdaree Udalut regret to observe, that

that the explanation thereon submitted is unsatisfactory. Had Mr Glass perused with care the record of the trial in Case No 25 of the 2d Sessions of 1839, he would immediately have seen by the depositions taken from the witnesses for the prosecution, that the Prisoner in that case was Moossaneo the son of Barce Meer Hussain Khan, the identical person whose name had been omitted in Case No 6 of the Calendar for the 1st Sessions of 1840 on the charge for the Palmanor murder — and would not have confounded him with the Prisoner Shaik Hussain alias Moossaneo committed in case No 9 of the Calendar for the 2d Sessions of 1839 for murder by Thuggee, and recommitted in No 2 for the 1st Sessions of 1840, whose case was lately separately disposed of by the Zoujdaree Udalut.

10 In reference to the observation on Mr Glass' return of the 23d October last, in which it is stated that "Captain Vallancey had previously requested this Court, that in the event of "any Thug Prisoners being released by the "Court

"Circuit Court or by the Toujdaree Udalut
"to send them tobim" The Toujdaree Udalut
with reference to their orders of the 28th Janu-
ary 1828 observe that such a proceeding
would be justifiable only in cases of
thuggee, in which it is the intention of
the Assistant Superintendent to bring
forward other instances of Murder by
Thuggee a prisoner once acquitted by the
Court of Circuit, or by the Court of Toujdaree
Udalut, of a specific offence cannot be again
placed on his trial, on the same charge, even
tho it may be subsequently in the power
of the Assistant Superintendent to bring
forward further evidence against him of all
the evidence that it was in the power of the Assis-
tant Superintendent to bring forward against
a prisoner must be communicated to the
Court before his trial, his case at a second
time upon a charge which has already been
decided before a Competent Tribunal would
be illegal.

Ordered, that Extract from these
proceedings be sent to the Provincial Court of
Circuit in the Northern Division, to be by them
communicated to the Joint Criminal Judge at
Vizagapatam.

(Sent in Sr 1776)

Read letter dated 19th November
1840 from the Criminal Judge of Cuddapah
Mr Dickinson. submitting the Criminal Reports of that
Court for the month of October last.

(Item entered F.C. No 2338 of 1840)

Case No 204. 1. The Court of Toujdaree Udalut
Report No V. consider the sentence passed in Case No 204
under of house breaking and theft to be inade-
quate and at variance with the obvious in-
tention of the Legislature in enacting the
Regulation cited as declared in the Preamble
thereto.

Case No 205. 2. In this case a very insufficient
explanation is given of 3 months' delay in
preparing and transmitting the case to the
Criminal Court. The Magistrate will therefore
be furnished by the Criminal Judge with
a copy of the case as it stands in the report
and of this para: and will be required to ascertain
and submit a further explanation.

Case No 209. 3. The Court of Toujdaree Udalut
are inclined to doubt whether or not case
No 209 falls within the scope of Section
XV Regulation I of 1829. It appears that the
2 witnesses who saw the rest of Bagapurboy
and

and that he employed the Prisoner to sell the
arrack for him and that the Prisoner was not
liable to punishment by the Judge however
pressed to direct the Provincial Court of
Circuit in the Centre Division to call
for the proceedings in the case and to pass
such orders thereon as to there may appear
proper reporting the result for the infor-
mation of the Fouzdaree Udalut-

Case No 212 4. Referring to the protracted delay
in this case the Court of Fouzdaree Udalut
observe that where the offence may clearly
come within the scope of the Provisions of
Clause first Section XXVII Regulation XI
of 1816 it is incumbent on the Police Officer
to send the accused to the Criminal Judge
immediately on the completion of his
investigation and that intermediate references
to the Magistrate are unauthorized and form
an reasons for a detention of prisoners
in custody which is on many accounts
seriously objectionable- Where doubts
may occur to any Officer of Police as to the
proper mode of proceeding in any particular
case he should nevertheless forward the prisoner

to

to the Criminal Court as required by the
Regulations and apply to the Magistrate
for instructions for his future guidance-

5 The Court direct that copy of these remarks
and of the case as it stands in the report be
sent by the Criminal Court to the Magistrate
for his future guidance-

Case No 221. 6 With reference to the abstract
of the evidence given in Case No 221 the Court
of Fouzdaree Udalut perceive no reason to suspect the
Criminal Judge to refer to the depositions
recorded in the case with the view to ascertain
whether the declaration of the Pundit [redacted] was correctly
recorded thereon be correct- There appears to
the Court strong reason for believing that
the 1st Prisoner assaulted and wounded the
Prosecutor-

Case No 230 7. The date of the Prisoners appre-
hension in this case is reported to be unknown
The Court of Fouzdaree Udalut desire that
the Magistrate be directed to ascertain and
report the same for the information of
this Court-

8 The Judge remark that out of
49 cases containing 102 persons before the

Criminal

24th December 1840

Criminal Court, on by 27 cases containing 65 persons have been disposed of within the same period leaving 22 cases containing 38 persons to be examined. The Judges trust that so large a proportion of cases undisposed of will not be apparent in the Report for the month of November last.

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

(Sent following precept No 1774)

Ordered also, that Extract (para: 3) from the same Proceedings be sent to the Court of Circuit for the Central Division by precept returnable in one month.

(Sent following precept No 1775)

J. Us

Saturday, 26th December, 1840.

At a Court of the Foujdaree Udalut.

Present,

Alex.r Duncan Campbell Esq.re Actg 1st Puisne Judge,

Henry Dickinson Esq.re ——— Actg 2d Puisne Judge,

G. J. Casamajor Esq.re ——— Actg 3d Puisne Judge,

Mr Campbell and Mr Casamajor

Read the Criminal Reports submitted by the Acting Joint Criminal Judge at Tellicherry for the Month of November 1840.

(Here enter F.U. No 2438 of 1840)

The above Reports do not appear to call for any remarks from the Court of Foujdaree Udalut.

Ordered therefore that Extract from these proceedings be forwarded to the Acting Joint Criminal Judge at Tellicherry for his information.

(Sentence No.)

Mr Dickinson

Read the Criminal Reports submitted by the Assistant Criminal Judge in charge of the Zillah Court of Combaconum for the month of November 1840.

(Here enter F.U. No 2482 of 1840)

The above reports do not appear to call for any remarks from the Court of Foujdaree Udalut.

Ordered

Ordered therefore, that Extract from these proceedings be forwarded to the Assistant Criminal Judge in charge of the Zillah Court of Combaconum for his information.

/ Sent in Sr.

Mr. Campbell
Mr. Dickinson
and
Mr. Casamajor

Read letter dated the 8th instant from the Criminal Judge of Madura, forwarding for the information of the Court of Sunjedaree Udalut translation of the remarks of the Pundeh Sudr Ameen in Case Nº 814 of 1840 on the Criminal file for the month of November last and requesting instructions to reinvestigate the Case.

/ Sent in Sr.

/ Sree enter J. U. Nº 2443 of 1840 /

1 The Criminal Judge states, that a petition has been presented to him by the Mother of the 1st Prisoner, stating circumstances which incline him to doubt the said Prisoner's guilt.

2 Under these circumstances the Judges of the Sunjedaree Udalut direct the Criminal Judge of Madura to review the Sentence passed on the Prisoner, but to submit for the consideration of the Court of Sunjedaree Udalut a copy of the proceedings which may be held by him

him on the case before giving them effect, suspending the execution of the Sentence passed by the Sudr Ameen for the present.—

3 Mr. Babington will further be pleased to forward for the information of the Court of Sunjedaree Udalut, a translation of the Petition presented to him by the Mother of the 1st Prisoner.

Ordered that Extract from these Proceedings be forwarded to the Criminal Judge of Madura for his information and guidance.

/ Sent in Sr.

Mr. Dickinson

Read letter Supplemental return dated 14th December 1840, from the 2d Judge on Circuit in the Southern Division to the precept of the Sunjedaree Udalut of the 26th September 1840 submitting an English translation of the record of the trial in case Nº 12 on the Madura Calendar for the 2d Sessions of 1840.—

/ Sree enter J. U. Nº 2475 of 1840 /

1 The prisoner in this case was acquitted of the charge of Forgery on which he was tried, but strong suspicion attaching to him, in the opinion of the Judge on Circuit, he was required to furnish two good and sufficient

sufficient Securities for his good behaviour and appearance
when required in the amount of 50 Rupees each for 2 Years.

2 The Court of Sawdaree Udalut considering
it doubtful whether grounds existed for the Security required
by the 2 Judge from the prisoner, directed in the 13th paragraph of
their proceedings of the 26th September 1840, that an English
translation of the record of the trial should be submitted for
their consideration.-

3 It appears to the Court of Sawdaree
Udalut after a most attentive consideration of all the
circumstances of the case, that the order of the 2d Judge
on Circuit requiring the Prisoner to furnish Security
was perfectly correct. The strongest suspicion attaches
to him that he committed the forgery charged: indeed
it is scarcely possible to doubt his having done it. As
however a doubt may be entertained the Court think that
the case has been properly disposed of.

Ordered that Extract from these
Proceedings be forwarded to the 2d Judge on Circuit
in the Southern Division for his information.

(Sentence No.

Read

2 S.U:

26th December 1840

Read return dated the 11th December
1840 from the Acting 2d Judge of the Provincial Court
of Circuit in the Centre Division to the precept of the
Sawdaree Udalut of the 11th November 1840 directing
him to take further evidence in Case No. 1 on the Criminal
4th Supplemental Calendar for the 3d Quarterly Sessions
of 1840.

(Here enter S.U: No. 2644 of 1840)

Read also letter dated the 14th December
1840 from the same Officer forwarding the defence taken
from the prisoners in Case No. 1 of the Calendar above
recorded.-

(Here enter S.U. No. 2659 of 1840)

1 At page 132 of the additional
evidence now submitted it is observed that three
witness Moonesawmy, son of the 6th witness, named
no less than 3 persons to prove his alibi at the
time of the affray; yet the Court are concerned to
observe that notwithstanding these remarks, conveyed
in the 5th Parah of their Proceedings of the 14th
November last, that "any persons who may have been
"with at that time should also have been called and
"examined on these points, in order that if Moonesawmy
pleaded

26th December 1860

pleaded and alibi it might have been established by
"corroborative testimony and not left to his bare assertion"
not one of these three persons has been summoned
or examined by Mr Davis.

2 The Court of Sanjdaree Udalut have
on several former occasions had to notice irregularities
of proceeding on the part of Mr Davis. In the present
instance his departure from the plain and express
orders of the Court is so palpable, as to demand a
reprehension. the reason given for the omission in parah
4 of Mr Davis' return shews that he is quite insensible
to the conflicting evidence in this case.—

3. The Court deeming it inexpedient
to proceed to judgment in this case, until the fact
of Moonesawmy's absence, or presence, at the affray
shall have been fully established, resolve again to
return the record of the trial to the Acting 2d Judge,
with directions to summon and examine, in the
presence of the prisoners, the 3 witnesses named by
Moonesawmy to prove that he was in the house
of his mother in Low Chinganna at Dammlcherroor,
as well as all the witnesses who may be cited by
the

26th December 1860

the prisoners to prove that he was present at the
affray.—

4 The Acting 2d Judge will permit
the prisoners to cross examine the witnesses and to
offer any thing further in their defence, should
they wish it, at the close of the examination, and
will annex English translations of the record of
the additional evidence so taken to the record of
the case, and will retransmit the same for the
consideration and final sentence of the Sanjdaree
Udalut.—

Ordered that Extract from these
proceedings be sent to the Acting 2d Judge of
the Provincial Court of Circuit in the Centre Division
by precept, returnable in 30 days from and after
its receipt.—

Sent following precepts &c /

Monday
28th December 1840.

At a Court of the Toujdaree Udalut

Present

Alexr. Duncan Campbell Esqre. Ag. 1st Puisne Judge
Henry Dickinson Esqre. Ag. 2d Puisne Judge
G. T. Casamajor Esqre. Ag. 3d Puisne Judge

Read letter dated the 26th Ultimo from the Second Judge on Circuit in the Northern Division, transmitting the Record in Case No. 1. on the Mehapore Primary Calendar for the 2nd Sessions of 1840.—

Here enter No. 2477.

Mr. Dickinson
and
Mr. Casamajor

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

1st Suggadoss
and
2nd Lokanadha Betoke

is sufficient to convict them of the crime of murder, do convict them thereof, and under the provisions of Section X Regulation VIII of 1802 sentence them to suffer death by being hanged. so soon as conveniently can be after the

the receipt of this warrant at a spot to be selected by the Principal Sudr Ameen at Ittapore in the immediate vicinity of the place where the murder was committed.—

/Sent following letter No. 1785./

Read letter dated the 18th Instant from the Acting Second Judge of the Provincial Court of Circuit in the Centre Division, submitting with reference to his return of the 11th Instant in Case No. 1 of the 12th Supplemental Calendar for the 3rd Quarter Sessions of 1840. copy of a Supplemental return and its enclosure from the Criminal Judge of Chittoor, for the consideration and orders of the Foujdaree Adalut on the subject.—

/Here enter No. 2498./

Read letter dated the 17th Instant from the Criminal Judge of Bellary, reporting the re-apprehension of the Prisoner Tola Timmadoo in Case No. 195 of the Supplemental Report for January 1839.—

/Here enter No. 2503./

Read letter dated the 16th Instant from the Acting Magistrate of Malabar, submitting

submitting the explanation called for in the Proceedings of the Foujdaree Adalut of the 29th October 1840, relative to certain cases in the Malabar Criminal Reports for September last.—

/Here enter No. 2506./

Read letter dated the 19th Instant from the Acting Magistrate of Tinnevelly submitting the explanation called for in the Proceedings of the Foujdaree Adalut dated the 27th October last, relative to certain cases in the Criminal Reports for the month of September last.—

/Here enter No. 2510./

J. 96

Tuesday,
29th December, 1840

At a Court of the Foujdaree Adalut

Present,

Alexr. Duncan Campbell Esqre. Actg 1st Puisne Judge,

Henry Dickinson Esqre. ——— Actg 2d Puisne Judge,

G. J. Casamajor Esqre. ——— Actg 3d Puisne Judge,

Read letter dated the 15th November 1840

from the Agent to the Governor of Fort St. George at Ganjam,

submitting the record in case No. 41 of 1840 on the file of the

Agent to the Governor of Fort St. George at Ganjam.—

/ Annexture J. 96. No. 2351 of 1840 /

Mr. Dickinson
and
Mr. Casamajor.

The Court of Foujdaree Adalut on a full

deliberate consideration of all the circumstances of the case in

evidence before them, being of opinion, that the proof against

the prisoners,

1st. Lanca Naiko
5th. Nunda Naiko
6th. Chinchan Naiko
7th. Ganga Naiko
8th. Gona Naiko
9th. Rasa Naiko
10th. Ananda Naiko.
11th. Ingga Naiko
12th. Doobba Naiko
13th. Jamba Naiko
14th. Comma Naiko and
15th. Ragoo Naiko

is sufficient to convict them of the crime of robbery by force & violence attended with aggravating circumstances, and that against the prisoner

2d Natha Naiko

is sufficient to convict him of being accessory thereto before the fact, do convict them thereof, respectively, and under the provisions of Clauses 2d and fifth, Section IV Regulation XV of 1803, do sentence the prisoners,

2d Natha Naiko
4th Sanna Naiko
5th Nunda Naiko
6th Chondran Naiko
7th Ganga Naiko
8th Goora Naiko
9th Rasa Naiko
10th Aunsa Naiko
11th Jugga Naiko
12th Boodia Naiko
14th Connie Naiko

and

15th Ragoo Naiko

to be banished to the District of Chinglepet, to be imprisoned in the Jail at that Station, and kept to hard labor in irons on the public roads, or other public works

works for and during the period of 14 Years, and the prisoner

13th Somba Naiko

to be banished to the district of Chinglepet, and 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 8 Years.

The Court further being of opinion that there is no sufficient evidence against the 3d Prisoner, direct that the prisoner

3d Ragoo Naiko

be set at liberty, being first admonished, that, as he was a watcher, it was his bounden duty to have reported to the proper authority the invitation which he admits that he received to join in the robbery, in order that proper means might be taken to prevent the commission of that crime.

Sent following letter No. 1784.

Read letter dated the 2d December 1840, from the 2d Judge on Circuit in the Northern Division, submitting for the consideration and final sentence of the Court of Sunjdaree Melalut an English translation

29th December 1860.

translation of the record of the trial in Case No 3 on the Hatharpore Primary Calendar for 2d Sessions of 1860.

/ Vers inter S.H. Nos 249 7 of 1860 /

W. Campbell and W. 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

Narrain Dannegraher

is sufficient to convict him of the crime of murder, do 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 prisoner in this case voluntarily confessed that he had singly allured the deceased boy to the spot where he was killed, and has described the manner in which the murder was committed. This confession which is fully proved to have been voluntary was given on the 16th September and is corroborated, as far as this possible that it could be corroborated by the previously recorded testimony of the 1st 2d 3d 4th and 5th witnesses who have throughout consistently adhered to their original depositions.

2 The testimony of the first witness completely

29th December 1860

completely establishes the falsity of the prisoners examination of the 3d and 4th prisoners, and the evidence of the 5th witness proves that the prisoner deliberately planned the murder, and that he was in the first instance prevented carrying his purpose into execution by the interference of this very witness who "conducted" the deceased boy back to his house, and chided him for being found with the accused."

3 That the prisoner bore a prominent part in the murder is acknowledged therefore by himself and corroborated in the opinion of the Court to a very unusual extent by the evidence of the witnesses. The Court have further no doubt whatever that the prisoner planned the murder and with his own hand perpetrated it.

4 Under these circumstances the Court of Foujdaree Udalut regret their inability to accede to the recommendation of the Circuit Judge in regard to the measure of punishment to be awarded to the prisoner. The Court consider the guilt of the prisoner to have been fully established, and they are unable to see in this case any alleviating circumstances which could justify them in mitigating the punishment awarded by the Law for

the

the crime committed by the prisoner.—

5. The Court are of opinion that this recommendation of the 2d Judge has been governed by a consideration of the degree of proof against the accused rather than the degree of guilt and criminality of the act established against him, a principle denounced in the preamble of Regulation XII of 1803.—

6. The Court further remark that the 2d Judge has neglected to observe the orders contained in the Circular Order of the 15th March 1834, that every letter received with a trial should contain a clear and distinct opinion as well as of the conviction or acquittal of the prisoner as of the punishments to be awarded.—

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

(Sent following letter No. 1784)—

Read letter dated the 11th November last from the 3d Judge late on Circuit in the Northern Division, submitting for the consideration and final sentence of the Sanjelaree Udalut an English translation of the record of the trial in case No. 5 on the Vizagapatam Primary

Primary Calendar 1st Sessions of 1840.

(Vide entry S.H. No. 2295 of 1840)

Mr. Dickenson. The Court of Sanjelaree 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,

"Sheik Madar alias Booddomadar"

is sufficient to convict him of the offence described in Act XXX of 1836, do convict him thereof, and, under the provisions of Clause first, Section V Regulation VIII of 1831, and Clause first of the Act above specified, do 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. 1788)—

1 The Court observe that this trial places in a very unfavorable point of view the conduct of the 3d Judge of the Provincial Court of Circuit on whose proceedings they regret to have been so often of late called on to animadvert.—

2 In this case there is the clearest evidence possible that the prisoner has for the last

thirty

29th December 1840

thirty years belonged to a Gang of Thugs, that he has accompanied them on their expeditions, and that he has received a share of the booty obtained in a vast number of cases.

3 The Court are therefore at a loss to comprehend what the third Judge late on Circuit in the Northern Division may mean by saying that the evidence is only sufficient to throw strong suspicions on the prisoners, such an opinion the Court conceive can only be accounted for by supposing that the 3d Judge did not peruse the case with that attention which is required or that his judgment is singularly defective.

4 The Court further observe that the part of this trial which it was necessary to have translated and copied in the Circuit Court consists of only seven widely written sheets, whereas the trial having closed on the 25th June, and the records having been dispatched on the 11th November, upwards of 4½ months were consumed in the preparation of this short trial. Such delay is altogether unpardonable, and the Court consider it their duty to require Mr Strambow to explain the cause of this most extraordinary and unjustifiable delay.

Ordered

3

J.H.

29th December 1840.

Ordered that Extract from these proceedings be sent to the Third Judge of the Provincial Court of Circuit in the Northern Division by precept, returnable in 10 days from and after it's receipt.

/ Sub following precept No. 1789 /

Read fourth supplemental return dated the 12th December 1840, from the 2d Judge on Circuit in the Southern Division, to the precept of the Tondiaree Udalut of the 26th September last, submitting an English translation of the record of the trial in Case No. 8 on the Madura Calendar for the 2d Sessions of 1840.

/ Here enter J.H. No. 2460 of 1840 /

Mr Campbell and Mr Dickinson

1 The prisoners in this case are charged with having waylaid the Prosecutrices and the 1st witness on the high road cut and wounded the 1st Prosecutrix with a bill hook and tore the ears of the 2d Prosecutrix and beat the 1st witness and robbed them of their Jewels &c. valued at Rupees 114.

2. The Mahomedan Law Officer in his futwa declared that under the evidence given by the 2d 3d and 4th witnesses there was only suspicion against the prisoners.

of

of the crime laid to their charges.

3. The 2d Judge concurred with the Law Officer in the above finding that the evidence against the prisoners was not sufficiently satisfactory to establish their guilt, but as he thought that there were strong grounds for suspicion against them, they were required to find two Securities in 25 Rupees each, for their future good behaviour for 2 Years.

4. The two prosecutrices and the witnesses for the prosecution have all contradicted themselves in the several examinations to which they were exposed in so exceedingly gross a manner as to deprive their testimony of all credit, and to render it impossible for the Judges to rely upon it at all.

5. Upon this ground, and after maturely considering the case, the Court of Sudder Udalut deem it necessary to set aside the order of the 2d Judge, and to direct that the prisoners,

1st Paroocauvalaven

and

2d Valliyen

be unconditionally set at Liberty.

The

6. The Court remark that the 2d Judge has omitted to cause the deposition of the deceased 1st witness to be read and proved on the trial, and they direct that his attention be called to their Circular Order of the 8th May 1833, and that he be enjoined to observe it in future; and they direct that the inaccuracy in the Circuit Proceedings in describing the age of the 2d Prosecutrix to be 50, while it appears from the proceedings of the Talook and the Criminal Court, that she was only 15, be pointed out to the 2d Judge.

Ordered that Extract from these proceedings be sent to the 2d Judge on Circuit in the Southern Division for his information by precept, returnable in 30 days from and after its receipt.

(Sent following precept No. 1799)

Read letter dated the 10th December 1860, from the Acting 3d Judge on Circuit in the Centre Division, submitting for the consideration and final Sentence of the Sudder Udalut an English translation of the record of the trial in case No. 24 on the Bellary Calendar for the 2d Sessions of 1860.

(Here enter L.R. No. 2445 of 1860)

The

29th December 1840.

Mr Campbell
and
Mr Casamajor

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 prisoners,

1st Tumbannah
2d Sevanapah
3d Marabasavah
4th Syannah
and
5th Morapah

are not convicted on presumptive proof, or on the evidence of credible witnesses, or on their own confession of the crime of gang robbery by open violence and murder, do acquit them thereof, and, under the provisions of Clause 5th, Section III Regulation XV of 1803, direct that they be released at liberty.-

1st. The Court cannot discover in the record of the foregoing Case any evidence to justify the conviction of the prisoners. The Court are unable to attach credit to the evidence for the Prosecution, which in their opinion evidently got up out of revenge.-

2. The murder was committed very early on Monday Morning, before day light, and at a very

Sinall

J. 11

29th December 1840.

Small distance from the village of Hoveghee. The 1st and 2d witnesses at day light went to the village and complained to the Peddy and were respectfully asked if they knew who the robbers were, when they both declared that they did not. The Peddy and the Jillader immediately proceeded to the spot where the 2d and 3d Prosecutrixes were still sitting, and they too were questioned and declared they did not know or suspect, who the Robbers were. On Wednesday (viz. 2 days and a half after the Robbery) the Peishkar came and then for the first time both Prosecutrixes and witnesses said that they clearly distinguished the 4 first Prisoners.-

3 The Prisoners all denied from the first - and none of the robbed property was found on any of them.- And on this evidence, the Circuit Judge recommends the 1st Prisoner to be hung, and the 2d 3d and 4th to be transported for life, notwithstanding a number of witnesses (far more than those for the Prosecution) depose in a natural and consistent manner to the presence of all the Prisoners at a village 7½ miles off where they were assembled at a wedding.- This evidence certainly is not quite conclusive

for

29th December 1840

for it appear possible that the prisoners might have gone to the scene of the murder and returned again between the time they were seen over night and next morning.—

4 The erroneous judgment given by the Judge on Circuit in the proceedings above noticed is of a serious nature, but the Court are unwilling to ascribe it to negligence or to any indifference on the part of the Judge of Circuit to the discharge of his duty. The Court trust however that they shall not be called upon to notice the occurrence of a similar error in his future proceedings.—

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

/Sent following letter No. 1791/-

Read letter dated the 30th November 1840 from the 2d Judge on Circuit in the Northern Division submitting for the consideration and final sentence of the Court an English translation of the record of the trial in Case No. 2 on the Ishapore Primary Calendar for the 2d Sessions of 1840.—

/Here enter S. U. No. 2474 of 1840/

Hz

29th December 1840.

Mr Campbell

and

Mr Dickinson

The Court of Sanyasee 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

Dunianatto

is sufficient to convict him of the crime of Robbery and attempt at murder, do 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 labor in irons on the public roads or other public works, for and during the period of his natural life.

/Sent following letter No. 1792/-

Read the Criminal Reports for the month of November last, submitted by the Joint Criminal Judge of Coimbatore.

/Here enter S. U. No. 2481 of 1840/

Mr Dickinson

Supplemental Report 1

Case No. 115.

The Court of Sanyasee Udalut remark that the abstract of the evidence given in this case contains no proof that the prisoner stole the buffaloes,

part

29th December 1840

part of which he was found in the act of cooking and they require information as to whether any and if so, what evidence to that fact was adduced on the trial.

Report No V
Case 119.

2 The prisoner in this Case was appre-hended on the 19th of October and was not forwarded to the Criminal Court till the 28th of October. The only explanation given of the delay in the Report is, "that the prisoner arrived at the Talook Cutcherry on the 26th of October". The Court accordingly direct that a Copy of the Case as it stands in the Report and of this parah be sent by the Criminal Court to the Magistrate, who will be pleased to ascertain and report where the prisoner was from the 16th to the 26th of the month in question.

Cases Nos 121 & 123

3 In these Cases, Section VII Regulation X of 1816 is cited in support of the sentence passed on the prisoners. The Court of Foujdaree Udalut observe that the offence brought home to the prisoners in these Cases is cattle stealing and falls within the provisions of Clause fourth

5 J.U.
29th December 1840.

fourth Section III Regulation VII of 1822.

Ordered that Extract from these proceedings be sent to the Zilah Criminal Judge of Coimbatore for his information by precept returnable in 5 days from and after its receipt.

/Sent following precept No 1795/

Mr Campbell and Mr Dickinson

Read letter dated the 12th November 1840 from the Criminal Judge of Bellary, forwarding the Criminal Reports of that Court for the month of October last.

/Here enter J.U. No 2296 of 1840/

Read also Letter dated 5th December 1840. from the same officer bringing to the notice of the Foujdaree Udalut the great delay which appears to have taken place in forwarding to the Criminal Court the case No 216 on the Bellary Criminal Report for the month of October last.

/Here enter J.U. No 2608 of 1840/

Supplemental Report
Case No 178 of 1840

In this case the 2d prisoner is charged with having received one of the Stolen ornaments.

ornaments from the 1st. prisoner but the guilty knowledge which could alone render him obnoxious to a criminal prosecution is not charged.

2. And he has been released because there is no reason to suppose even if the bangle had been stolen that he knew that it was stolen property.

3 If a communication on the subject of this case was made to the Magisthate as there ought to have been, the Court of Sonydanee Addalut direct, that a copy of that officers reply be submitted for their consideration; if none was made the Court direct that the Criminal Judge do now forward a copy of their remarks in regard to the case with a copy of the case as it stands in the report to the Magistrate who will be pleased to submit direct to this Court an explanation of the grounds on which the 2d. Prisoner was sent up by the Police to the Criminal Court.

Cases Nos. 192-197 inclusive

4 The same prisoner is charged in these six cases with having stolen from the several prosecutors 9 buffaloes.

5 It is stated that the prisoner confessed before the Criminal Court that he had stolen the cattle belonging to the respective Prosecutors in these cases while they were grazing and that he had sold them at Serigoopah. The several witnesses in the different cases proved that the prisoner had brought the buffaloes to Serigoopah for sale and that they had purchased them of him. The prisoner having been already sentenced in Case No. 172 of the Report No. V for September last to be imprisoned for two years, with hard labor for cattle stealing, no further sentence is passed in these cases.

6 The Court will not now disturb the Sentence passed in these Cases, but they would observe for the future guidance of the Criminal Judge, that an individual who has committed so many thefts and appears to be so confirmed a thief as the prisoner forms a fit object for commitment to the Court of Circuit.

Report No. V Cases Nos. 199 & 200.

7 The Court of Sonydanee Addalut direct that the circumstances of these Cases wherein it is asserted that the escape in each case appears to have been

29th December 1860

been owing to a want of precaution on the part of the persons in whose custody the prisoner was, and that undue severity appears to have been used in securing the prisoner in trying him with respect to be brought to the notice of the Magistrate who will enquire into them and submit the result of his enquiry for the information of the Sunderee Adalut.—

Case No. 216.

8 With reference to the delay which has occurred in this Case and which was wholly unnecessary and irregular, the Court of Sunderee Adalut direct that a copy of the letter addressed by the Criminal Judge to the Sunderee Adalut under date the 6th Instant be forwarded to the Magistrate and that it be pointed out to that officer that in Cases brought before a Magistrate under the provisions of Section XXIV Regulation IX of 1816, that officer is bound to hold a personal investigation, and that the reference of such cases to be disposed off by an officer of police is wholly unwarranted by the Regulations.—

9 The Court trust that measures will be adopted by the Magistrate to prevent a repetition of the irregularity pointed out.—

Ordered

J. 91.

29th December 1860.

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

(Sent in No. 1794).

Ordered also that copy of paras 8 and 9 of these proceedings be forwarded to the Magistrate of Bellary for his information and guidance.—

(Sent in No. 1795).

Read the Criminal Reports submitted by the Zillah Criminal Judge of Trichinopoly for the Months of November 1860.—

(Here enter J. D. No. 2511 of 1860)

Mr. Dickinson

The above reports do not appear to call for any remark from the Court of Sunderee Adalut.

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

(Sent in No. 1796)

Mr. Campbell and Mr. Dickinson

Read letter dated the 10th December 1860 from the Principal Sudr Ameen of Honore submitting the Criminal Reports of his Court for the Month of November last.—

(Here enter J. D. No. 2495 of 1860)

In

29th December 1840

Case No. 59

In this case the prisoner is charged with house breaking and theft and was acquitted by the Sudr Ameen who tried the case, who considered the evidence unworthy of implicit credit and directed the prisoner to be released.

2 This order was over-ruled by the Principal Sudr Ameen who observed that the circumstances of the case tho' not sufficient for conviction excited strong suspicions of the prisoners criminality. He was therefore sentenced to furnish one Security in the Sum of 35 Rupees for his good behaviour and appearance when required for the period of 3 months or in default to be imprisoned for that period.

3 The Court of Sunjdaree Udalut seeing every reason for believing that the defence of the prisoner is true, are of opinion that he ought not to have been required to furnish Security. They therefore resolve to set aside the order of the Principal Sudr Ameen and to direct that the Bail Bonds be cancelled and that the prisoner if he be still in confinement under the requisition be forthwith discharged.

Ordered that Extract from these proceedings be sent to the Principal Sudr Ameen at

29th December 1840

Memo by precept returnable in 5 days from and after its receipt.

(Sent following precept No. 1497).

Mr Dickinson

Read letter dated the 12th December 1840 from the Criminal Judge of Chittoor submitting the Criminal Reports of his Court for the Month of November last.

(Here enter Jl No. 2437 of 1840)

Read also letter dated the 15th Instant from the same Officer submitting an amended report to be substituted for the Report No. 8 transmitted on the 12th Instant.

(Here enter Jl No. 2472 of 1840)

Supplemental Report

Case No. 153.

In explanation of the non disposal of this case which reached the Criminal Court on the 30th July it is stated that "a letter has been sent to the Magistrate on the 22d August regarding the attendance of the Prosecutor and witnesses as the Tahsildar reports to this Court that they are not to be found." The Court of Sunjdaree Udalut desire to be informed whether the Magistrate has attended to this requisition and if so the nature of his answer.

The

29th December 1840.

Case No. 207.

2. The Court do not approve of the sentence passed on the 4th Prisoner in this Case, an accessary in the offence of house breaking and theft. They consider the commitment of so young a person to the Jail inadvisable, he should have been moderately whipped and discharged.—

Report No. V
Case No. 221.

3 In this case the prisoner an old offender was sentenced by the Sudr Ameen Pundit to 2 years imprisonment with hard labor in irons and to receive 100 lashes under the provisions of Clause fourth Section III. Regulation VII of 1822, on a charge of house breaking and theft of property valued at 1 Rupee. This sentence was mitigated by the Criminal Judge to 1½ Years imprisonment and 50 lashes.—

4 It having been proved that the prisoner was an old offender the Court are of opinion that the sentence passed by the Sudr Ameen was correct, but the Court will not now object to the modified sentence proposed by the Criminal Judge.—

Cases Nos. 222, 228

5 No explanation having been afforded of the delay which has taken place in the transmission of these cases to the Criminal Court. The Court direct that a copy of the cases as they stand in the report and of this para be sent by the Criminal Judge to the Magistrate who

29th December 1840.

who will be pleased to ascertain from his Acting Head Assistant the cause of their detention before him and submit the same for the information of this Court.—

Case No. 230.

6. The Court desire that the explanation afforded by the Joint Magistrate of the delay which has taken place in this case be entered in the next Report.—

Case No. 235

7 In case No. 235 the prisoners are charged with having suppressed the theft committed by Permand Chetty in Case No. 234 of 1840 without informing the Crime to the Circar and as the conduct of the two prisoners is of a highly suspicious nature they are ordered each to give two securities of 25 Rupees each for one year.

8 The Court observe that the wording of the charge in this Case exhibits a want of precision.— Further the suspicious conduct of the prisoners is not explained but if the 1st prisoner merely declined to prosecute it appears to the Court that he was not liable to punishment.

9. The Court however resolve to direct the Provincial Court of Circuit to call for the proceedings held in the Case and pass on them such orders as may appear to them proper with reference to the Provisions of Section XIV Regulation X of 1816 reporting the result for

for the information of this Court.—

Case N° 236. 10. The Provincial Court will also call for the proceedings held in this case and proceed as directed above. The Court of Zeyplaree Udalut see no reason to doubt the propriety of the manner in which the case has been disposed of.

11 The arrears pending before the Court at the close of the month (21 cases including 27 prisoners) is very heavy. The Criminal Judge is accordingly exhorted to use greater exertion and diligence in despatching of the cases now before the Court.—

12 In the statement showing the manner in which the convicts have been employed it is stated that 7 have been worked as gardeners in Jail. The Court direct that some explanation be afforded of this entry.—

Ordered that Extract from these proceedings be sent to the Criminal Judge of Chittoor by precept returnable in 5 days from and after its receipt.—

Sent following precept N° 1795.—

Ordered also that copy of these proceedings paras 7. 8. 9. and 10 be forwarded to the Provincial Court of Circuit in the Centre Division for their information and guidance

guidance by precept returnable in 4 days from and after its receipt.—

Sent following precept N° 1799.

Read letter dated the 11th Instant from the Agent to the Governor of Fort St George at Vizagapatam submitting a report on the trial of 11 Prisoners who are charged with highway robbery.—

(Secretary G. O. N° 2685 of 1840.)

M.r Campbell and M.r Casamajor.

This appears to the Court of Zeyplaree Udalut an unsatisfactory report and they are unable to come to any decision upon it.—

1

The confessions appear to have been only before peons and head Villagers, which last are forbidden by the Regulations to be taken and are not followed up by any corroborative circumstances except the discovery of articles of robbed property, which, without further information as to the particulars thereof, is not, the Court think sufficient.

2

The 1st 2d 3d 4th and 7th Prisoners are the only ones who were identified at the robbery, the 1st and 7th by the Prosecutor only respecting whom it does not appear whether he knew them before or not.— The identification of

3

of the 2d 3d and 4th Prisoners by the 1st witness is satisfactory, as he knew them before and had tarshy light to see them by.—

Under these circumstances the Court of Sowdaree Udalut resolve that the Agent be desired to send a translation of the list made out on the spot by the 5th witness and to state specifically which of the Articles appeared to him to be of a nature satisfactorily to be identified.— He should also state whether it appears from the Record that the Prosecutor knew the Prisoners whom he recognized before.—

Ordered, that Extract from these proceedings be forwarded to the Agent to the Governor of Fort St. George at Vizagapatam for his information and guidance by precept, returnable in 20 days from and after its receipt.

/Sent following precept No. 1800/—

Read letter dated the 20th Ultimo from the Acting Magistrate of Cuddapah forwarding with reference to the Proceedings of the Sowdaree Udalut of the 20th August 1840 a translation of a report by the Head of Police of the Pooliveedulah Talook relative to case No. 68 of the Cuddapah Criminal file.—

/Here enter J.C. No. 2336 of 1840./

J.C.

Wednesday, 30th December 1840.

At a Court of the Sowdaree Udalut.

Present.

Alexr. Duncan Campbell Esqre. 1st Puisne Judge
Henry Dickinson Esqre. 2d Puisne Judge
G. S. Casamajor Esqre. 3d Puisne Judge

Read letter dated the 2d November 1840 from the 3d Judge late on Circuit in the Northern Division submitting in compliance with the orders of the Sowdaree Udalut contained in their Proceedings of the 27th July 1840 an English translation of the record of the trial in Case No. 3 on the Mchapoor Calendar for the 1st Sessions of 1840.—

/Here enter J.C. No. 2254 of 1840./

Mr. Dickinson and Mr. Casamajor—

The Court of Sowdaree 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 Moonbhadral Lutchmoonayadoo
2d Timmadoo
3d Ragoovadoo
and
5th Narraneyadoo

is sufficient to convict them of the crime of

theft, do convict them thereof and with reference to the provisions of the Mahomedan Law, as declared in futwas of their Law Officers, annexing the penalty of amputation of one limb to that offence; and to the provisions of Section XXI Regulation VII of 1802, and Clause Second Section VI Regulation I of 1825, do sentence them to be imprisoned and kept to hard labor in irons, on the public roads, or other public works, for, and during the period of three years; and being of opinion that the proof against the prisoner

6th Saumarpoopetta Lutchmunnoo

is insufficient to convict him of the crime of receiving stolen property, knowing at the time of receiving the same that such property had been obtained by theft, do convict him thereof, and, under the provisions of Clause Second Section IV Regulation VI of 1822, sentence him to be imprisoned and kept to hard labor in irons on the public roads, or other public works, for one year, but being of opinion that the prisoner

4th Lutchee

is not convicted on presumptive proofs or on

the evidence of credible witnesses, or on her own confession of the crime of theft, do acquit her thereof, and under the provisions of Clause Sixth Section II Regulation XV of 1803 direct that she be set at liberty.—

1. The Court of Foujdaree Udalut observe that the proceedings on this trial exhibit another instance of inattention, on the part of Mr. Strombom, to the Regulations of Government enacted for his guidance.—

2. The 1st 2nd 3rd and 5th Prisoners stood charged with having stolen from under the Head of the Prosecutor, while he was sleeping, money amounting to Rupees 456, and a Snuff box valued at Rupees 3-8; the 4th and 6th Prisoners were charged with having received shares of the said money (the former 100 Rupees and the latter 20 Rupees) knowing it to be stolen.—

3. The Law Officer in his futwa declared the 4th Prisoner to be liable to suspicion, and therefore that Tadeeb might be awarded. He convicted the remaining Prisoners and declared them liable to Ookoobut.—

The

4. The 3d Judge late on Circuit put a second question to the Law Officer as to the punishment to which the Prisoners convicted were liable to which answer was made that they were liable to Dokoobut, Mud being barred in consequence of their denial before the Court of Circuit.—

5. On this the 3d Judge put a third Question to the Law Officer as to the punishment to which the prisoners would be liable supposing that they had not denied the charge before the Court of Circuit, and there had been no other grounds for barring Mud,— to which the Law Officer answered,— that under those circumstances all the Prisoners but the 4th and 6th, in whose case the former futwa still held good, would be liable to loss of one limb.—

6. The 3d Judge therefore sentenced the 1st 2d 3d 5th and 6th prisoners to imprisonment with hard labor in irons for 7 Years and the 4th to hard labor without irons for 2 Years quoting Section V Regulation XV of 1803 as authority for his sentence.—

7. On these proceedings the Court have to remark, that it is declared by Clause Sixth Section II Regulation XV of 1803, and it has been frequently ruled by this Court, that a prisoner pronounced to be only liable to Suspicion cannot be sentenced to a Specific punishment.— It was therefore the duty of the Presiding Judge to have immediately caused the 4th Prisoner to be released, or if he considered the case to require it, he should have called on him to furnish Security for his good behaviour for a period to be specified.

8. It appears from the answer of the Law Officer in his first futwah, that the 1st 2nd 3d and 5th were convicted of Hurnea-i-Sogra, as defined in Clause first of Section V Regulation XV of 1803.— The Law Officer having therefore declared the Specific penalty to be barred, and the exception taken by him to the Specific penalty being manifestly of the nature described in Clause fourth Section II Regulation XV of 1803,— the Law Officer should have been required to declare to what Specific punishment the

the Prisoners would have been liable had they not before the Court retracted their former confessions and the Judge proceeded thereupon as directed in the preceding Clause but the 3rd Judge was not justified in putting a question removing all bars to Mud.—

9. The Court are however at a loss to understand on what view of the case the Presiding Judge passed sentence on the Prisoners but if it was with reference to the answer to the third Question put to the Law Officer he should have quoted Section XXI Regulation VII of 1802 as well as Section V Regulation XV of 1803.—

10. Further the 6th Prisoner having been convicted as a receiver was not liable to be sentenced for theft.—

11. The Court of Foujdaree Udalut resolve therefore to direct that the 4th Prisoner be immediately set at liberty.—

12. The Court also consider the sentence passed on the other Prisoners to be too severe, there being no circumstances of an aggravating nature attending their offence

(and)

and they therefore resolve to sentence the 1st 2nd 3d and 5th Prisoners to imprisonment for 3 Years, and the 6th Prisoner to one Year.

Ordered, that Extract from these proceedings be sent to the 3rd Judge of the Provincial Court of Circuit in the Northern Division for his information.—

(Sent following letter 4th 1804)

Read letter dated the 14th of December 1840 from the Acting Criminal Judge of Chingleput, forwarding the Criminal Reports of his Court for the month of November last.—

Mr Casamajor.

(Here enter No. 2462.)

Report No. V.

Case No. 62.

1. The Court of Foujdaree Udalut seeing reason to doubt the propriety of the conviction in this case, resolve to direct the Provincial Court in the Centre Division to call for the proceedings held in the case, and pass such orders thereon as may appear to them proper, with reference to the provisions of Section XXIV Regulation X of 1816.—

Cases No. 63 and 64.

2. In these cases a delay of

several

several days occurred which has been explained by the Police Officer to have been occasioned by a reference to the Magistrate for instructions. The Court consider this reference to have been altogether unnecessary, and they trust that in directing the transmission of the cases to the Criminal Court, the Magistrate expressed his disapprobation of them; if not the Magistrate will notice the irregularity in such manner as the circumstances of each case may appear to him to require, furnishing a report of what he may have done to this Court.

3. The Court accordingly direct that a copy of these cases, as they stand in the report, and of the paras. referring to them, be sent by the Acting Criminal Judge to the Magistrate, who will submit to this Court the necessary explanations.

4. In Case No. 64 the Court remark that two reports of the character of the Prisoner were sent up by the Tahsildar, one representing that the Prisoner had never been punished for theft and that up to the date of the report

report he had been in the service of the Pagoda in the 2nd, which was forwarded by the desire of the Acting Head Assistant Magistrate, reporting that the Prisoner had been once before accused of theft; that although the property was found on him his assertion that he had found it was believed, that he had been dismissed by a Takeed dated 11th October from the service of the Pagoda, as a suspicious character; the Court of Foujdaree Udalut accordingly resolve to direct the Magistrate to make an inquiry into the circumstances under which the first report was forwarded by the Tahsildar, and should it appear that it was sent with a view of screening the prisoner to take such notice of his conduct as he may consider proper, reporting the result for the information of this Court.

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

(Sent following precept No. 1505.)

Read.

Read the Criminal Reports
for the month of November 1840 forwarded under
date the 1st December by the Officiating Joint
Criminal Judge of Tinnevelly.—

Mr. Dickinson.

(Vide Entry in Case No. 2479.)

Suppl. Report Case 119

1. The Court observe that no grounds have been shown in this case for the enquisition of security from the prisoner, and they resolve to direct the Provincial Court in the Southern Division to call for the proceedings held in the case and pass on them such orders as may appear to them proper, with reference to the provisions of Section XXIV Regulation X of 1816.—

Case 120

2. The prisoners in this case have been sentenced (on the grounds of their criminality seeming to be equal to that of the 2d Prisoner in Case No. 103 of 1840) to pay a fine of five Rupees each, commutable, in default of payment, to imprisonment for 10 days.—

Report No. V 121.

3. And the recorded grounds for the acquittal in Case No. 121 are that the evidence regarding the part the Prisoner took in the riot is so very contradictory as to be undeserving

of credit.—

4. Further the Report throughout contains no notice of the evidence adduced in support of the prosecution in the several cases. There are nothing but mere remarks, such as "the charge is clearly proved;" "the case is clear proved;" "there is some doubt regarding the identity of the prisoner;" &c.—

5. It is necessary that in each case the nature of the evidence against the prisoner should be stated, in order to allow the Court of Sunjdaree Adalut to judge of the propriety of the judgment of the lower Court, and the judges of the Sunjdaree Adalut trust that it will not be again necessary to call the attention of Mr. Limond to the omission to insert the requisite abstract of the evidence.—

Ordered, that Extract from these proceedings be sent to the Officiating Joint Criminal Judge of Tinnevelly by precept returnable in 5 days from and after its receipt.

(Sent following precept No. 1804.)

Read 2d Supplemental return dated the 9th of November 1840 from the 2d Judge.

30th December 1840.

2nd Judge on Circuit in the Southern Division to the precept of the Fouzdaree Udalut of the 26th September last submitting an English translation of the record of the trial in Case No. 3 on the Madura Calendar for the 2nd Sessions of 1840.—

(Here enter No. 2259 of 1840.)

Mr. Campbell and Mr. Castamajor

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

Ramen

is sufficient to convict him of the crime of assault, accompanied with torture, for which according to the Mahommedan Law, as declared in fatwas of their Law Officers, discretionary punishment is awardable, do convict him thereof, and with reference to the provisions of Clause third Section VII Regulation XV of 1803, sentence him to be imprisoned and kept to hard labor in irons, on the public roads, or other public works, for, and during the period of, 2. Years.—

In

No. XVI.

30th December 1840.

1. In this case the prisoner a Dean in the service of the Zemindar of Ammyanaikenoor in the Talook of Nellacotah was charged with having beaten with his hands and tortured the deceased Vandasitta pandaram, aged about 28 or 30 years, with the torturing sticks, or thumb screws (Kittee Col), in order to recover a certain sum of Kist monies from which pain the said Vandasitta pandaram was immediately attacked with convulsions, and died four days afterwards.—

2. The Law Officer acquitted the Prisoner of the crime of having occasioned the death of the deceased, but convicted him simply of having applied the Kittee to the deceased's hands,—and declared that it was discretionary with the judge to award a slight punishment against him.—

3. The 2nd Judge fully concurred with the Law Officer that there was no proof of the Prisoner having caused the death of the husband of the Prosecutrix who it is evident died of convulsions.—

The

4. The 2nd Judge observes that the Prisoner did not appear to have applied the Kittee with any degree of force, so as to cause any pain to the deceased; and as he had been confined in Jail upwards of six months since the date of his committal the 2nd Judge considered any further punishment unnecessary, and accordingly directed his release.—

5. The Court of Tanjore Udalut in reviewing the Calendar disapproved of the unconditional release of the Prisoner on the grounds recorded by the 2d Judge.—

6. They remarked that if the evidence adduced at the trial was sufficient for the conviction of the Prisoner, the ends of justice imperatively called for his punishment.—

7. And they directed the 2nd Judge to prepare and submit an English translation of the record of the trial,—and in the mean time to cause the re-apprehension and transmission to the Criminal Court of the Prisoner Ramen.—

30th December 1840.—

8. On a consideration of the record of the trial, the case appears to the Court to have been very unsatisfactorily examined by the Circuit Judge.— It is evident that there is throughout a desire on the part of the Witnesses, to screen the Prisoner,— most probably thro' fear of the Zemindar. The Court feel no doubt that the account given by Permaul naik and Poochyaven before the Police is the true one; but this is softened down in their evidence before the Criminal Court, and still more before the Circuit Court, and the Circuit Judge took no pains to elicit the particulars.— The Court consider that if this trial had been properly conducted a much more serious case would most probably have been made out against the Prisoner.—

9. The Court think it evident that the cruelty practiced by the Prisoner brought on the fit,—and the fit occasioned the death.— Permaul naik and Poochyaven in their depositions before the Police

(which

30th December 1840.

(which the latter admitted before the Criminal Court) state that the prisoner, so far from remitting the torture on the representation of Pernaul naik when deceased lost his speech, prefsed the thumbscrew tighter, till deceased fell down and the fit commenced.- If these facts had been elicited on the trial, the Court are of opinion that the Prisoner would have been convicted of murder.—

10. The Court however being of opinion that the prisoner is clearly convicted of assault by Torture, resolve to sentence the prisoner to be imprisoned and kept to hard labor in irons for 2. Years.—

11. The Court also deeming it advisable that the Magistrate should have an opportunity of ascertaining whether there may not be grounds for bringing the Zemindar to trial, for instigating and countenancing the cruelties by which the deceased met his death, resolve to direct that a copy of the record of the whole of this trial be furnished him by the Judge

F.C.

30th December 1840.

on Circuit for that purpose, and that he be required to report the result of his enquiries to this Court.—

Ordered, that Extract from these proceedings be sent to the 2nd Judge on Circuit in the Southern Division for his information with directions to conform to the orders contained in the concluding paragraph.—

(Sentence No. 1804.)

Ordered also, that Extract from these proceedings be forwarded to the Chief Secretary to Government for the purpose of being laid before the Right Honorable the Governor in Council, with reference to the order of Government of the 9th May 1836 No. 102.—

(Sentence No. 1808.)

J. 16.

Thursday,
31st December, 1840.

At a Court of the Tongdaree Adalut.

Present,

Alex.r Duncan Campbell Esq.re ... Actg 1st Puisne Judge.
Henry Dickinson Esq.re ... Actg 2d Puisne Judge.
Geo. James Casamajor Esq.re ... Adg 3d Puisne Judge.

Read letter dated the 15th February 1840 from the Secretary to Government in the Judicial Department, transmitting a petition from certain inhabitants of Masulipatam, and requesting the Court of Tongdaree Adalut to submit a report on the subject of the Complaint therein contained, for the information of Government.

(Here enter J 16 No. 342)

Read also letter dated the 6th April 1840 from the Northern Provincial Court forwarding with reference to the letter of the Tongdaree Adalut under date the 27th February 1840, the explanation of the Acting Joint Criminal Judge, and Magistrate, of Masulipatam on the subject of the above petition.

(Here enter J 16. No. 692)

Read again letter dated the 1st June 1840 from the Northern Provincial Court, forwarding with reference to para 4.

of

Mr. Campbell
Mr. Dickinson
and
Mr. Casamajor

of the letter from this Court under date the 2nd May 1840, a report from the Acting Joint Criminal Judge of Masulipatam, of the result of the examination into the conduct of Sibbundy Nail Neerunjundoss and others, whose oppressive conduct had given rise to the above petition to the Right Honorable the Governor in Council.-

(Here enter F.C. No 1097)

Read also returns dated the 6th July 1840, and supplemental return dated the 26th ultimo, from the Provincial Court of Circuit in the Northern Division, to the precept of the Foujdaree Udalut of the 19th June last, directing them to call for the Proceedings of the Joint Criminal Judge of Masulipatam in the Case of Sibbundy Nail Neerunjundoss and others, and to pass orders thereon, with reference to the provisions of Section XXIX Regulation X of 1816, reporting the result for the information of the Court of Foujdaree Udalut and of Government.-

(Here enter F.C. Nos 1351 and 2688)

1. In conformity with the orders of Government, the Magistrate of Masulipatam was called upon to institute a strict enquiry into the complaint of the Petitioners, and at the same time the Acting Joint Criminal Judge at Masulipatam was required to explain any circumstances connected with the petition, that may have come under his cognizance.-

2. The Magistrate states, that certain persons were apprehended as concerned in the robbery of the House of the Head Shenstadar, but that there is no evidence as to the maltreatment stated to have been received by those Prisoners.-

3. He adds however, that the conduct of the Head of Police was highly reprehensible, in confining the Prisoners for some days without enquiring into the case, or taking any depositions from them and that the Nail also acted very irregularly, in not immediately bringing the parties before the Head of Police, in order that any confessions they might be willing to make, might be recorded by that Officer. and that he severely reprimanded both the Head of Police and the Nail for these irregularities, but was unwilling to visit their offences with any further mark of displeasure on account of their general

good

good character.-

4 But as it appeared from the Statement of the Joint Criminal Judge of Masulipatam which accompanied the letter of the Northern Provincial Court under date the 15th April last, that in consequence of subsequent acts of irregularity and oppression, the Magistrate was compelled to suspend both the above officers, and forwarded them with several others to him to be dealt with according to the Regulations the Court of Foujdaree Adalut resolved, to await the decision of that Case before finally disposing of the matter and reporting the same to Government.-

5 The Case was tried by Mr Rohde as No 19 of 1840 on the Masulipatam Criminal file. He was of opinion, that the Prosecutor had without doubt been subjected to Maltreatment (which they had probably exaggerated) and that the Naib the 2d Prisoner was the instigator and chief offender.-

6 He therefore required the said Naib Neerungandoss to furnish good and sufficient security for two sureties, in the sum of Rupees 100 each, for his good conduct and appearance within one year, or in default thereof

thereof to be confined in Jail for the same period.-

7 As regarded the 1st Prisoner the Head of Police, Mr Rohde considered him guilty of great dereliction of duty, but not to an extent that would "justify the infliction of any penalty by the Court." He moreover he acquitted him of "all active participation in the Maltreatment charged" and ordered his release.-

8 The remaining Prisoners were also set at liberty.-

9 The Judges of the Foujdaree Adalut, seeing reason to doubt the propriety of the decision of the Joint Criminal Judge of Masulipatam in this Case, directed the Provincial Court of Circuit to call for the Proceedings of Mr Rohde in the matter, and pass such orders thereon, as they may deem necessary and proper with reference to the provisions of Section XXIV Regulation X of 1816.-

10 On a consideration of the record of the Case, the Judges of the Provincial Court of Circuit in the Northern Division were of opinion, that the 1st Prisoner

was

31st December 1840

was on his own acknowledgment, guilty of a dereliction of duty, and had been with propriety removed from the office of Head of Police in the Zillah of Masulipatam.-

11. Moreover they concurred in the sentence passed by the Acting Joint Criminal Judge of Masulipatam on all the other prisoners in Case No. 19 of 1840, excepting the second.-

12. As regards this 2d Prisoner, the Circuit Court considered, that he "satisfactorily established his plea of alibi" and resolved therefore to issue orders, reversing the sentence passed upon him, and directing Mr. Rohde "to quash the security deed entered into by him."

13. The Judges of the Tongdaree Udalut concur in the remarks made by the Provincial Court of Circuit in the Northern Division on the Case in question, and also in the orders passed by them, regarding the 2d Prisoner, and they direct that a copy of the return from the Magistrate of Masulipatam to the precept of the Provincial Court desiring him to reinstate the said Prisoner, be forwarded for the information of the Court of

Tongdaree

31st December 1840. Tongdaree Udalut.

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

(Sent in No. 1809-)

Ordered also that Copy of these Proceedings be forwarded to the Secretary to Government in the Judicial Department to be laid before the Right Honorable the Governor in Council for his information

(Sent in No. 1810-)

Read letter dated the 19th instant from the Acting 1st Judge of the Provincial Court of Circuit in the Centre Division submitting for the consideration of the Court of Tongdaree Udalut the Calendar in Case No. 12 of the 4th Quarterly Sessions of 1840, wherein the prisoner has been acquitted by the Law Officer of the Crime laid to his charge on the grounds of insanity which plea the Acting 1st Judge considers to have been clearly substantiated by the evidence, and proposing that the prisoner be placed in medical surveillance

Mr Campbell
Mr Erskine
and
Mr Casamajor

for

31st December 1840 for a further period of 3 Months, and if nothing in that interval occur to denote that his release would be inexpedient, that he be made over to his friends, they engaging to look well after him.-

(Here enter № 2499)

As the mental derangement of the prisoner, at the time of the crime charged against him, is established, he will of course be acquitted by the Acting 1st Judge, and the same recorded in the usual manner, and the Court of Sudder Adalut approve of the prisoner being detained under the immediate charge of the Medical Officer in charge of the Jail at Chittoor, for the period, and for the purpose proposed by the Acting 1st Judge.-

Ordered, that the Calendar which accompanied the foregoing letter be returned to the Acting 1st Judge as requested, and that Extract from these proceedings be forwarded to him for his information and guidance.-

(Sent in № 1811)

Mr Campbell
" Richardson
and
Mr Casamajor

Read letter dated the 15th Decem-
-ber 1840 from the Acting 2d Judge of the
Provincial

S. 46.

31st December 1840

Provincial Court of Circuit in the Centre Division forwarding Copies of the Calendars laid before him by the Magistrate of Chittoor during the first and third Quarter Sessions of the present year, together with Copy of his remarks thereon.-

(Here enter № 2468)

1 In Case № 16 of the finished Calendar the Acting 2d Judge remarks that in this case a fine should have been awarded in the first instance commutable, if not paid, to a certain period of imprisonment.-

2 This remark is incorrect; there is nothing in Section XXXII Regulation IX of 1816 to prevent a sentence of imprisonment in the first instance, or to require that imprisonment should be only in commutation for fine.-

3 The Acting 2d Judge will amend his proceedings accordingly.-

4 On Case № 35 the Acting 2d Judge has remarked that the "sentence appears throughout irregular," and "must be cancelled".

5 The only irregularity in this

Sentence

31st December 1840 for a further period of 3 Months, and if nothing in that interval occur to denote that his release would be inexpedient, that he be made over to his friends, they engaging to look well after him.-

(Here enter № 2499)

As the mental derangement of the prisoner, at the time of the crime charged against him, is established, he will of course be acquitted by the Acting 1st Judge, and the same recorded in the usual manner, and the Court of Zillah Adalut approve of the prisoner being detained under the immediate charge of the Medical Officer in charge of the Jail at Chittoor, for the period, and for the purpose proposed by the Acting 1st Judge.-

Ordered, that the Calendar which accompanied the foregoing letter be returned to the Acting 1st Judge as requested, and that Extract from these proceedings be forwarded to him for his information and guidance.-

(Sent in № 1811-)

Mr Campbell
" Dickinson
and
Mr Casamajor

Read letter dated the 15th Decem-
-ber 1840 from the Acting 2d Judge of the
Provincial

3

P. 76.

31st December 1840

Provincial Court of Circuit in the Centre Division forwarding Copies of the Calendars laid before him by the Magistrate of Chittoor during the first and third Quarter Sessions of the present year, together with Copy of his remarks thereon.-

(Here enter № 2468)

1 In Case № 16 of the finished Calendar the Acting 2d Judge remarks that in this Case a fine should have been awarded in the first instance commutable, if not paid, to a certain period of imprison-ment.-

2 This remark is incorrect; there is nothing in Section XXXII Regulation IX of 1816 to prevent a sentence of imprisonment in the first instance, or to require that imprisonment should be only in commu-tation for fine.-

3 The Acting 2d Judge will amend his proceedings accordingly.-

4 On Case № 35 the Acting 2d Judge has remarked that the "sentence appears throughout irregular," and "must be cancelled".

5 The only irregularity in the Sentence

sentence, is the omission to specify the term for which the security is required, which under Clause first Sections V and VII Regulation VI of 1827 ought to have been done; the omission of this however did not justify the Acting 2d Judge's order to quash the sentence; and the Court of Zillah Tongdarea Udalut direct him to recal and cancel his order to that effect, substituting another simply requiring that omission to be supplied.

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

(Sent in No. 1812.)

Ordered also that Extract from these proceedings together with copy of the Acting 2d Judge's report on the 1st and 3d Quarter Sessions of the present year be forwarded to the Chief Secretary to Government for the purpose of being laid before the Right Honorable the Governor in Council.

(Sent in No. 1813.)

The

Mr Campbell and Mr Dickinson

The Register lays before the Court the following Statements drawn up in his Office, from the returns received thro' the Provincial Courts of Circuit, exhibiting the operations of the Village and District Police and the Magistracy, of the Criminal Courts and of the Courts of Circuit respectively, and he submits also an Abstract of the operations of this Court from the 1st of July to the 31st of December 1839 according to the forms approved by Government.

(Vide enter No. 1869.)

1. Statement No 1 with the details in No 2 exhibits the number of persons summoned before the Village and District Police and the Magistracy, for petty offence punishable by them, together with the number of acquittals and convictions, and the nature of the Punishments inflicted.

2. The total number of persons brought before the Village Police together with the number acquitted or convicted of petty offences, as compared with the preceding half year, or from the 1st of January to the 30th June 1839, is as follows.

Persons

31st December 1840.

	Persons Summoned	Persons acquitted after investigation	Persons acquitted for want of Prosecution	Persons Punished
From 1st January to 30th June 1839	2522	373	529	1620
" 1st July to 31st December 1839	2761	500	648	1613

3. Of the 1,613 persons punished by the Village Police, 1103 were confined in the Village Choultry, and 510 in the Stocks

4 Complaints of Petty assaults or affrays constitute the great Bulk of the cases brought before the Village Police.

5. Out of 2761 persons brought before them, 2255 were for petty assaults or affrays, 506 for petty theft. Of the former 1157 were punished, of the latter 456.

6 The Districts in which resort to punishment by the Village Police has been most frequent are,

Madura
Canara
Combaconum
Malabar
Trichinopoly and
Tinnevelly

7 The number of persons brought before the Village Police in

Madura	was 616 of whom were punished	562
Canara	572	116
Combaconum	373	259

Malabar

Z. 16.

31st December 1840.

Malabar	was 242 of whom were punished	26
Trichinopoly and	233	205
Tinnevelly	185	181

8. Of the remaining persons there were Summoned in

Cuddapah	103 of whom were punished	68
Nellore	79	13
South Arcot	77	60
Bellarel	74	64
Chittoor	56	41
Rajahmundry	50	23
Ganjam	39	9
Combatore	33	31
Chingleput	22	21
Salem	17	12
Guntoor	9	2

9 The total number of persons brought before the District Police from 1st July to 31st December last, for petty offences punishable by themselves, was 54,005 besides whom there were 1230 whose cases were not disposed of at the close of the previous report.

10 In the preceding half year the number of persons summoned before the District Police was 52,118.

11 The subjoined is a comparative

Statement

31st December 1840.

Statement of the acquittals and convictions by the District Police, during the period under review, as contrasted with the previous half of the year 1839.

	Total number of persons examined and duly committed for trial	Acquitted after investigation	Discharged upon their own recognizance to appear when called upon	Punished without reference to the Magistrate	Total number of persons dismissed by the District Police without reference to the Magistrate	Total number of persons under examination at the close of the half year	Total number of persons brought before the Magistrate
From 1st January to 30th June 1839	53108	17347	21073	12513	899	51832	29246
" 1st July to 31st Dec. do	55231	16128	22012	12901	1000	54001	37193

12. In the number of persons acquitted as shewn above are included those against whom the complaint was considered to be wilfully false and malicious, amounting to 368.

13. The following statement exhibits the number of persons punished, and the nature of their punishment, by the District Police for the two periods above referred to, inclusive of those punished after reference to the Magistrate.

Punishment	Half year Ending 30th June 1839	Half year Ending 31st December 1839
Fined	8481	9026
Confined in the Choultry with or without labor	4348	4460
Confined in the Stocks	425	197
Flogged	160	118
	13412	13801

The

31st December 1840.

14 The 118 persons entered as having been flogged by the District Police were subjected to corporal punishment by order of the Magistrates, upon reference made to that authority under the provisions of Clause 2d Section IV Regulation IV of 1821.

Magistracy

15. Before the Magistracy during the half year under review, there were brought 4296 persons for petty offences, besides which there were 19 persons whose cases had not been disposed of at the close of the previous six months, making a total 4315 persons. In the preceding half year the total number was 3656.

× 4315
0 3656
659 Increase

16 The following is a statement of the acquittals and convictions, and of the nature of the punishments inflicted by the Magistracy, during the 2d half of the year 1839.-

	Total number of persons examined and duly committed for trial	Acquitted	Discharged upon their own recognizance to appear when called upon	Punished without reference to the Magistrate	Total number of persons dismissed by the Magistrate	Total number of persons under examination at the close of the half year	Total number of persons brought before the Magistrate
From 1st July to 31st Dec. 1839	1315	257	702	409	1262	53	4315

Statement shewing the manner in which the persons convicted before the Magistracy were punished.

	Fined	Imprisoned	Flogged	Total Punished.
From 1st July to 31st December 1839	854	454	101	1409

of

17. Of the 2157 persons acquitted by the Magistracy: there were 65 persons against whom the accusations were considered to be wilfully false and malicious; the number of persons considered to have been falsely and maliciously accused before the Magistracy during the previous half year was 87.

18. Of the 4,315 persons charged with Petty offences 3,311 persons were brought up for Petty assaults. 1034 persons for Petty thefts - 23 persons for using false weights and measures - 16 persons for frauds on the customs when vented, and 182 persons for abuse of authority. Of these last only 83 were convicted and punished; 65 by fine and 18 by imprisonment.

19. The following is a general statement in which the number of persons brought before the Village and District Police and the Magistracy for Petty Offences during the first half of the year 1839 has been contrasted with the number acquitted and punished for the same offences during the last half of that year.

Viewing

	Viewing the first half year ending the 30th June 1839.				Viewing the half year ending the 31st December 1839.			
	Convicted	Acquitted	Discharged without trial	Total	Convicted	Acquitted	Discharged without trial	Total
Village Police	2522	373	329	1620	2761	500	648	1613
District Police	53118	17347	21073	13422	55231	18188	22012	13801
Magistracy	3856	1688	586	1363	4315	2157	702	1409
Total	59236	19408	22188	16395	62307	20839	23362	16823

20. The above statement exhibits an increase as compared with the preceding half year of 3021 persons brought before the native Police officers and Magistracy.

21. The sum remitted to the Magistrates by the District Police officers on account of the 9026 persons who were fined by them, amounts to Rupees 8,923-15-10.

Crimes and Misdemeanors.

22. The total number of serious Crimes and Misdemeanors committed during the half year ending the 31st of December last, as exhibited in the statement No 3, with its details in No 4, amounts to 4045; in which it is calculated that 13,775 persons were concerned, being 153 Cases and 3357 persons less, than in the preceding six months.

23. Of the 13,775 persons supposed

to

to have been concerned in the cases ascertained to have occurred during the period embraced in this report, 6,487 persons appear to have escaped apprehension, which is 1902 persons less, than are supposed to have eluded apprehension during the previous six months.

24. The following Statement exhibits the cases of heinous Crimes committed during the 2d half of the year 1839.-

	Half year ending the 31st December 1839.	
	Cases.	Persons
Murder	108	337
Murder by Thuggee	1	1
Culpable Homicide	25	81
Robbery and Murder	29	255
Gang Robbery attended with or without aggravating Circumstances	490	4728
Robbery by a single individual	84	84
House breaking by day	40	95
do by night	361	3305
Theft	926	2081
Forgery	54	107
Perjury	2	2
Maiming or wounding	144	483
Arson	75	240
Rape	21	39
Sodomy	1	1
Adultery	1	2

25. The greatest number of the above Crimes have occurred in the undermentioned districts

districts

Cuddapah
Malabar
Canara
Coimbatore

26. The Districts in which the smallest number of serious Crimes has occurred are

Chingleput
Tinnevelly
Vizagapatam
Nellore
Masulipatam
Tanjore
Guntoor and
Madura.-

27. The Court now proceed to take into consideration the annual Reports submitted by the several Magistrates on the State of the Police in their respective Districts, and also the Reports from the Heads of Police, required by the 53d para of the dispatch from the Honorable Court of Directors, under date the 12th October 1831.-

Northern Division
Nellore. 28. Both the Magistrate and the Joint Magistrate of Nellore have brought to notice

notice in their respective Police Reports the want of co-operation, amounting almost to refusal on the part of the Village (Zemindars) servants in the Police Divisions of the Venkatagherry Zemindary, to afford any assistance to the Government Police Officers.-

29. The Magistrate states that the Zemindar's "attention has on more occasions than "one been drawn to this serious infringement of "one of the stipulations of his Sunnud Istimrar "and Cabooliyat and promises are made by "him without any serious intention of acting "up to them."-

30. The only course which appears to the Magistrate likely to remove the evil "would "be in a clear case of misconduct to require him "to dismiss the Officer," but the Magistrate is of opinion that it would be a "species of interference "very questionable in its general policy, and most "grating" "to the feelings" of the Zemindar; - the Joint Magistrate however suggests that "an in- -timation to the Zemindar to endeavour to induce his Villagers to render active assistance to the Police Officers might perhaps lead to some improvement."-

31. It will be remembered that

on

in consequence of Mr. Stonhouse having in his Police Report for 1835, recommended that the Police Establishment in the Venkatagherry Zemindary should be withdrawn, on the grounds of its being merely nominal and perfectly useless, the Right Honorable the Governor in Council in Para: 8 of the Minutes of Consultation under date the 15th November 1836, directed the Board of Revenue to address a communication to the Magistrate of Nellore to the same effect as they were directed in para 7 of the Minutes of Consultation of the 18th November 1836, to address to the Magistrate of North Arcot, on the subject of the state of the Police in the Zemindaries of Calastry and Canetmugger.-

32. If the measures therein directed have been fully carried out by the Magistrate of Nellore, little benefit would appear to have resulted either from the periodical residence of one of the Magistrate's European Assistants within the Zemindary of Venkatagherry or from the revision proposed to be made in the Police subdivision of the Zemindary Talooks. The Court of Zemdaree Adalut would therefore recommend, that enquiry be made as to what was done under the orders in question; and

a

as suggested by the Joint Magistrate of Nellore that an injunction be issued to the Zemindar, and in view to render such injunction more effectual, the Court of Foujdaree Udalut would suggest that such be made from the Right Honorable the Governor direct, warning the Zemindar that the Government will resume the Police of the Zemindary, if he fails to introduce an effectual reform into the system of Police in his Zemindary.

33. The other Police reports from this Division do not appear to call for any particular remark from the Court of Foujdaree Udalut; but adverting to the great number of persons who are reported in this Division to have lost their lives by accidental drowning, (from falling into uncovered wells &c.) the Court of Foujdaree Udalut are of opinion that the Magistracy should be instructed by a Circular Order to be issued under the sanction of Government to guard against such fatal accidents, as far as circumstances admit.

34. Casualties of this nature are for the most part beyond the reach of any specific legislative remedy which could be applied with propriety; but the influence and

Accidentally drowned from falling into Wells &c.

Nellore	148
Guntoor	88
Masulipatam	74
Rajahmundry	85
Ganjam	35
Chittoor	272
Cuddalore	116
Tritany	211
Chingleput	62
Madura	119
Trichinopoly	62
Tanjore	28
Coimbatore	322
Malabar	147
Canara	76

and authority of the Local Magistrates might frequently be exerted with advantage in inducing proprietors of wells to prevent the occurrence of such accidents, by erecting parapet walls round all wells, which in their present state may be dangerous to the public safety.

35. Accordingly the Court of Foujdaree Udalut would suggest that the several Magistrates be enjoined by a Circular Order issued under the authority of Government to require the proprietors of all Wells, within their Jurisdiction, to render them as secure as possible against accidents to travellers, or other persons who may be in the habit of using them; and whenever an instance may occur of accidental death from the want of any due precaution on the part of the proprietor of a well, the Magistrate should fine the proprietor under Section XXXII Regulation IX of 1816 for the offence therein involved, and require him to render the well secure against further accidents; appropriating the fine, if requisite, to that purpose.

Centre Division. Chittoor

36. The Magistrate of Chittoor has submitted no report on the state of the

31st December 1840.

the Police of his District, but has merely confined himself to a detail of the results exhibited in the printed Statements of Crimes and Misdemeanors.-

37. The Joint Magistrate however has justly observed that "Comparing the returns for 1839 with those for 1838" (in the middle of which year an additional Police force of 10 Peons and 1 Huffadar for each Taluk was sanctioned and employed) "there is not much room for gratulation"

38. In attempting to account for the increase of crime exhibited in the Statements now submitted to Government the Joint Magistrate states that he "can find no cause in the state of the season, which far from being one of scarcity, was on the whole one of cheapness and abundance nor, on the other hand, can he observe any increased laxity in the Police; the additional force of Ten Peons and a Huffadar to each Taluk appointed in the middle of 1838, have been in full employment throughout 1839, and the Police in general have been continually stimulated to exertion; and he points to the enlarged proportion of detections,

as

31st December 1840.

as evidence that they have not been more inert than in the previous year.

39. The Joint Magistrate feels constrained therefore to look to another cause for this apparent increase; it must be acknowledged, he adds, that no returns of crime can ever be relied on as perfectly exact, but the more care is taken to ascertain and report all offences, the nearer they will approximate to the truth. Throughout the past year his attention, he states, has been fixed on this object, and he cannot doubt that continual stimuli applied to the old Establishment and the location of the new force, above mentioned, at carefully selected places in each Taluk, have rendered the returns of offences more correct; or that the employment of the latter has actually operated to diminish crime

40. The Joint Magistrate adds that he refers only to an established and well known fact, when he says, that crime would be much diminished if the sale of liquor in this District was more restricted

41. On this subject the sentiments of Government have already been communicated to the Court of Foujdaree Adalut in the Minutes

Minutes of Consultation of the 12th March 1839 to the effect, "that the Right Honorable the Governor in Council concurs with the Board of Revenue that it would be inexpedient to fix any higher tax on Arrack and Toddy, and that nothing short of actual prohibition appears likely to put an end to the consumption of these baneful liquors."

42 The Court of Zoujdaree Udalut are of opinion however that good Government, in all countries, renders it advisable, that intoxication should be taxed, so as to render it a luxury beyond the ordinary means of purchase, by the lower and more vicious orders - and incline to think that both the morals of the people, and the revenue of the state, would be thereby augmented. A trial of the measure can alone ascertain its result; and the object in view appears to justify the attempt. To interdict intoxication altogether is hopeless - To render it more expensive, must check it, and may add to the revenue; or if the revenue falls it must be from reduced consumption, and less intoxication.

43 The Zoujdaree Udalut would also solicit attention to the other suggestions offered by the Joint Magistrate in paras. 7 and 8 of his

his Report, as to the better selection of places for the sale of liquor, and to a modification of the hours, so far as relates to the earlier hour of the night after which the contractor should be prohibited retailing liquor; and the Collector generally should in the opinion of the Zoujdaree Udalut be required to give attention to these suggestions when the Abkary tax is next farmed out.

44 In para 39 of the Proceedings of the Zoujdaree Udalut of the 5th February 1840 recorded on review of the Police Reports for the year 1838, the attention of the Magistrate of North Arcot was called to the fact stated by the Tripaty Head of Police that in many Villages of his Taluk the Canilgars were paid thro the Poligars and paid very irregularly; and in para 4 of the Proceedings of the Zoujdaree Udalut of the 25th May last, the opinion of the Magistrate of North Arcot was called for, relative to the resumption of the Villages of Mamadoor Kristnajeeram and Karumbady, and the payment of the Peons in them by Government.

45 Accordingly in a return dated the 22d June last the Magistrate of North Arcot

Communicates

communicated thro the Collective Court of Circuit, his opinion, that considering the great length of time the Cavilgars have held possession of their rnams, it would not be a just measure to deprive them of them, but he recommends that the sum of Rupees 3273 allotted by Government to be annually divided between these three Cavilgars, for the purpose of their paying and keeping up a certain number of Peons, be hereafter disbursed by the Tahsildar, and that the Village of the Chief be sequestered on the slightest relaxation of his Police duties

46 The Court of Foujdaree Udalut consider it very desirable that the Magistrate of North Arcot should be authorized to adopt the measures in question.

Cuddapah 47 On the state of the Police in the Cuddapah District the Court of Foujdaree Udalut will have occasion to address the Government separately.

Bellary 48 The Magistrate of Bellary has not submitted any detailed Report on the State of the Police of that District for the year 1839. Mr Mellor's appointment to this District took place only on the 30 August 1839.

and

and this may sufficiently account for his omission.-

49 The Acting Magistrate however alludes to a measure for the improvement of the Cuttoobadie force of that District being under the consideration of Government.

Chingleput and Cuddalore 50 The Reports from the Magistrates of Chingleput and Cuddalore do not appear to call for any particular remark from the Court of Foujdaree Udalut.

Southern Division Madura 51 The Court of Foujdaree Udalut have much pleasure in again bringing to notice the state of efficiency to which the Police of the District of Madura appears to have been brought by the exertions of the Magistrate Mr Blackburne

52 The Statement No 4, however shews, that in 21 serious offences, out of 31, none of the perpetrators had been discovered and the Report of the Magistrate appears to have overlooked that fact. He has also omitted to specify the number of criminals supposed to have been engaged in these 21 offences.

53 In Gang Robbery there has been a decrease of 13 Cases compared with the

31st December 1840

the returns for the preceding year, but the Magistrate states that of the 248 cases reported "under that designation" two only "can be properly "so classed" the rest he states "Consist of thefts "or burglaries and thefts in dwelling houses "perpetrated by more than one individual, but "unarmed with offensive weapons, and framing "and avoiding discovery in the act."

54. In para: 10 of his Report the Magistrate observes with great regret that a door has been again opened to the sanguinary boundary disputes between the zemindaries of Ettiapooram and Ramnad.

55. The Magistrate alludes to an Appeal having been admitted by the Acting Zillah Judge of Madura from an award passed by him (Mr Blackburne) in 1834, in the character of umpire, as agreed to by both parties.

56 The circumstances under which this Appeal has been filed (if any such Appeal has been in fact admitted) are briefly these.

57 The Zemindar of Ettiapooram petitioned the Court of Sudr Adalut to direct the Zillah Judge of Madura to review the

31st December 1840

the suit No. 167 of 1836, which suit he had brought against the proprietor and Managers of the Ramnad zemindary for the recovery of certain lands belonging to villages held by the Petitioner, but which by a decision of the Collector of Madura, as Arbitrator, had been declared to belong to the Ramnad Estate.

58. The orders passed by the Court of Sudr Adalut on that petition were to effect that, "as the arbitration by the Collector was a private one and the decision consequently not passed under any Provision of the Regulations, the Petitioner was entitled to a compliance with the prayer of his Petition, for the revival of the suit; but that in the first instance the Zillah Court should confine its enquiry to the question of the validity of the award; and that unless it were proved that the Petitioners consent to refer the matter to arbitration was not previously granted, or that the award involves matter not expressly referred by the mutual consent of the parties to the decision of the Arbitrator, the Zillah Court could not enter upon the merits &c."

59. It was subsequently brought to the notice of the Sudr Adalut that in fact the suit had not been revived.

The

31st December 1840

60 The Court of Sudr Udalut resolved therefore, under date the 6th July 1839, to direct the Provincial Court in the Southern Division to instruct the Zillah Judge of Madura to review the suit, with the view of determining on the validity or otherwise of the award of the Arbitrators; and should that award be pronounced invalid, and be therefore set aside, to proceed in that case to try and determine the claim of the Petitioner on its merits.

61 The change which has taken place in the office of Guardian to the Minor of Ramnad has, as yet, prevented the Sudr Udalut from disposing of this matter, which is now before them.

Tinnevelly and Trichinopoly

62 The Police Reports from Tinnevelly and Trichinopoly do not appear to call for remark from the Court of Foujdaree Udalut. The propositions of the Magistrate of Trichinopoly for the improvement of the Cavil System and for the better remuneration of the Village Police of the District under his charge, the Court of Foujdaree Udalut conclude have been ere this submitted to Government.

Tanjore

63 The Court of Foujdaree Udalut observe

9 T. U.

31st December 1840 observe with much satisfaction that Gang Robbery, a crime formerly so prevalent in the District of Tanjore, has been almost entirely suppressed the Joint Magistrate observes that "during the past 12 months" (the year 1839) "there has not occurred one "act of Gang Robbery within his Division" and the Acting Magistrate reports that only two cases of this nature occurred within the remaining portion of the District of Tanjore.

64 Both these officers attribute this result to the "untiring zeal with which "the Criminal Court has co-operated with "the Magistracy and the Police to ensure "Conviction in all possible Cases."

65 The Right Honorable the Governor in Council will observe that similar high testimony was borne to the exertions of Mr. T. Irwin the Criminal Judge of Combaconum in para 61 of the proceedings of the Foujdaree Udalut of the 20th September 1838, on review of the Police Reports for the year 1837.

66 The Police of the District of Tanjore appears to be in a very creditable

creditable state of efficiency, and the Acting Magistrate acknowledges with pleasure the zealous assistance he has received in the Magisterial Department from Mr Cook and Mr Gordon Forbes the Head Assistant and the Assistant Magistrate of the District; and in forwarding the Report of the Joint Magistrate, Mr A. Forbes, the Acting Magistrate records his sense of the able manner in which the Joint Magistrate conducts the Police duties of his division.

Salem and Coimbatore

69. The reports from these Districts do not appear to call for any particular remark from the Court of Sunderee Udalut they observe however that the number of persons still at large supposed to have been concerned in the Crimes ascertained to have occurred in the District of Salem, still continues large. If the returns, as to the number of persons supposed to have been concerned in the offences ascertained to have been committed, are prepared to this District from information that can be depended upon, the Magistrate should specially account for so great a number as 450 suspected persons remaining at large at

at the end of the year.

Western Division. Malabar

68. The Provincial Court of Circuit in reviewing the Reports received from the Magistrate and Joint Magistrate of Malabar, have observed that the number of Deaths by drowning (124) reported to have occurred in that District during the year 1839 may be attributed to the attempts made to avoid the very high tolls for ferries and bridges &c.

69. It is for the Government in communication with the Board of Revenue to determine whether these tolls might not, under the circumstances represented by the 1st Judge of the Provincial Court of Circuit, be entirely abolished.

70. The Joint Magistrate of this District in paras 12 to 16 of this Report has pointed out that the abominably bad quality of the Circar Tobacco has tended materially to promote the Crime of Smuggling in that District and the 1st Judge of the Provincial Court of Circuit in the 7th para of his proceedings in giving an instance of the bad quality of the Tobacco sold at the Government Stores,

observes

31st December 1840. observed that the inferiority of the Tobacco received from Coimbatore has long been a matter of Complaint.

71. The observations recorded by the Joint Magistrate and the 1st Judge of the Provincial Court of Circuit on this subject, and the suggestions offered by the former officer in view to checking the illicit trade in this article are deserving of the serious and early consideration of the Board of Revenue and of the Government.

Nos 5 and 6.

Criminal Courts

72. Statement No. 5, with the details in No. 6, exhibits the operations of the Criminal Courts from the 1st July to 31st December 1839.

73. The total number of Cases brought before the Criminal Courts during the above period, inclusive of those not disposed of at the close of the preceding report, is 1,937 including 4,234 prisoners.

74. In the preceding half year the total number of Cases was 2,139, including 4,968 prisoners, being a decrease in the half year under review of 202 cases and 734 prisoners.

31st December 1840.

prisoners.-

75. Of the Cases brought, and depending, before the Criminal Courts, 85 were Cases of Murder, 4 of Murder by Thuggee, 23 of Culpable Homicide, 32 of Robbery and Murder, 222 of Gang Robbery attended with or without aggravating circumstances, 15 of Robbery by a Single individual, 22 of Housebreaking by day, 271 of Housebreaking by night, 347 of Theft, 116 of Receiving Stolen goods, 19 of Arson, 6 of Rape, 39 of Perjury, 5 of Subornation of Perjury, 40 of Forgery, 90 of Maiming and Wounding, and 123 Cases of a Breach of the Revenue Laws

Vide Vide.

76. Of the 4,234 persons brought before the Criminal Courts

930 were released unconditionally.

Against 9 of whom the charge was considered wilfully false and malicious.

95 were released on Security.

119 were detained on demand of Security.

1135 were convicted and punished - in Cases Cognizable by the Criminal Court.

In Cases Cognizable by the Court of Circuit.

661 were released by the Criminal Courts ..... } In Cases punishable by the Court of Circuit.
Against 47 of whom the charge was considered wilfully false and Malicious .....
86 were released on Security .....
54 were detained on demand of Security .....

964 were committed for trial.

256 were under Examination.

10 Transferred to other Courts.

4 Died

4234.

Of

77. Of the 1135 persons who were convicted and punished by the Criminal Courts

666 were imprisoned.
245 were fined.
14 flogged.
36 were imprisoned and fined.
174 Imprisoned and flogged.
1,135.

78. The number of persons convicted and punished by the Criminal Courts in the preceding half year was 1231, the number committed was 1168, and the number unconditionally released in cases either punishable by themselves, or by the Courts of Circuit, was 1707 in the half year under review this number as shewn above was 1511.

79. In conformity to the instructions conveyed in para 4 of the Minutes of Consultation under date the 21st October 1839, № 853, the Statements exhibiting the operations of the Criminal Courts are accompanied by a report upon the manner in which the Sudr Ameens attached to those Courts have exercised the Criminal Jurisdiction conferred upon them by Regulation III of 1833.

80. These Reports shew that the Sudr Ameens have exercised their duties as Criminal

Criminal Judges satisfactorily, and the Court of Foujdaree Adalut are of opinion that in this capacity the Sudr Ameens have given material assistance to the Criminal Courts.

Statements 7 and 8

81 Statements №s 7 and 8 exhibit the operations of the Courts of Circuit from the 1st of July to the 31st of December 1839.

82. The Cases of every description which came before those Courts during the six months under review were 610, including 1195 persons, being 58 persons more than were brought before the Courts of Circuit during the 1st half of the year 1839.

83. Of the 1195 persons who were committed for Trial, 337 were released unconditionally, of whom none were considered to have been falsely and maliciously accused, 75 were released on Security and 644 were convicted and punished.

84 Of these latter

13 were flogged and imprisoned for a term exceeding 7 years
3 Do. Do. for a term not exceeding 7 years
197 were imprisoned for 7 years and upwards without flogging
192 imprisoned for 7 years and under without flogging
9 Fined and imprisoned
414

There

31st December 1840

85. There were 78 Cases including 200 prisoners referred to the Foujdaree Udalut. 25 Cases including 53 prisoners were postponed by the Court of Circuit, 10 prisoners were returned to the Criminal Courts in view to the charges against them being further investigated, 73 prisoners were returned to those Courts to be disposed of by them, 2 prisoners were returned to those Courts in order that they might demand security from them, 21 prisoners were discharged without trial, 9 prisoners died, and 1 insane prisoner was sent to the Lunatic Asylum.

86. The greatest number of Cases was brought before the Court of Circuit in the Centre Division, Viz: 146, of which 25 Cases were referred to the Foujdaree Udalut.

87. In the Southern Division the number of Cases was 98, of which 11 Cases were referred to the Foujdaree Udalut.

88. In the Northern Division there were 88 Cases, of which 27 cases were referred; and in the Western Division 78 Cases, of which 15 were referred to the Foujdaree Udalut.

89. Of the 78 Trials refused to the Foujdaree Udalut by the Circuit Courts, the Futwas

F. 46

31st December 1840

Futwas delivered by their Law Officers were concurred in by the Court of Circuit in 51 Cases; but the nature of the offences made the trials of necessity referible, and 18 Cases were referred because the Courts of Circuit did not approve of the Futwa of their Law Officers; the remaining 9 Cases were referred under Act No. XXX of 1836.

Foujdaree Udalut

Statement No. 9

90. Statement No. 9 exhibits the operations of the Foujdaree Udalut during the 2d half of the year 1839.

91. It shews that, at the date of the last report, there were 14 Cases, including 25 prisoners, which had not been disposed of, and that there were received during the half year 69 Trials, including 159 prisoners making together 83 Trials and 184 prisoners, whereof 42, were trials for murder, 5 Cases of Thuggee or for belonging to a Gang of Thugs, 1 Case of Culpable Homicide, 1 Case of Robbery and Culpable Homicide, 12 Cases of Robbery and Murder, 1 Case of Rebellion and Murder, 3 Cases of attempt to Murder, 9 Cases of Gang Robbery attended with or without aggravating circumstances, 1 Case of Housebreaking by night,

Case

2d December 1840

was affirmed by the Foujdaree Udalut in 23 Cases.

99

The subjoined statement exhibits the information required by the Honorable the Court of Directors in the 41st para of their general letter under date the 20th of March 1833, as to the "number of sentences passed by each "Judge of the Foujdaree Udalut, whether sitting "singly, or whether more than one Judge be present"

	Singly.	Conjointly.	Attached to the Court.
J. A. Oakes Esqr. Actg. 1st Judge.	1	26	During the whole period
William Andleston Esq. 2d Judge.	3	41	Do. Do.
A. D. Campbell Esq. 3d Judge.	3	23	From 21st Augt. to 31st Decr. 1839.
Henry Dickinson Esq. Actg 3d Judge	—	21	1 July to 20 Augt. do.
	100		

A Statement also is appended shewing what number of referible trials have actually been referred to the Foujdaree Udalut within the period under review, and what has been the average number of days delay in the disposal of those trials, as required by the 33d para of the General letter from the Honorable the Court of Directors dated 20th of March 1833.

Ordered that Extract from these proceedings, together with copies in Triplicate of all statements and reports connected therewith be forwarded to the Chief Secretary

to

P. 46.

31st December 1840

to Government for the purpose of being laid before the Right Honorable the Governor in Council.

Appendix.

The following is an abstract of the grounds of conviction in the Twenty two Trials disposed of by the Foujdaree Udalut, under Section II Regulation I of 1813 from the 1st July to the 31st December 1839.

Case No 11 Chittoor Calendar 1st Quarterly Sessions 1839.

In this Case two Prisoners were charged with having on a certain night attacked the Prosecutor Chittivale Cundum on the high road, and after beating and wounding him with Bamboo Sticks, with having Robbed him of Clothes valued at Rupees 3-12 ans.

"They both pleaded not Guilty"

The Mahomedan Law Officer of the Court of Circuit acquitted them.

In their Futwa, the Law officers of the Foujdaree Udalut declared, that the evidence for the Prosecution failed to establish the charge, as the witnesses had neither seen the Prisoners commit the crime, nor heard them confess it.

The case was one of those in which

which single testimony only could be produced, as the Prosecutor was alone. The Court of Zoujdaree Udalut were of opinion that the immediate recognition of the Prisoners by the Prosecutor who knew them before the presence of the Prisoners just about the spot at the time of the assault the Prosecutors mention of their names immediately and while he was under alarm for his life, which statement was corroborated by the Village Burnsiff Nagapen were sufficient grounds for convicting the Prisoners, and sentenced them both to 7 years imprisonment with hard labor in irons.

Case No 4
Chittoor Calendar
3rd Quarterly Sessions
of 1839.

"The Prisoner
"Vencatachellum"
was charged with having one day when under confinement in the jail at Arcot, in company with some others, murdered a jail Ron, and effected his escape.

The Mahmedan Law officer declared that the evidence of the witnesses did not with certainty prove the cause of the deceased's death - but he convicted the Prisoner by strong presumptive proof of being accessary to the crime of administering poison to the deceased fraudulently, and

and also of having effected his escape, and pronounced him liable to Cohoobut.

The Acting Judge of Circuit believed that death was not contemplated by the Prisoner it was unnecessary for the end he had in view - and considered him only party to the use of a poisonous drug as a means of effecting his escape.

The Law Officers of the Court of Zoujdaree Udalut considered that the evidence of the witnesses failed to show who was the murderer but declared that from the Prisoner's own confession, the crime of escape was fully established against him and that he was liable to be imprisoned, until he had completed the period of his original sentence.

The Court of Zoujdaree Udalut were of opinion that the cause of the Ron's death was not clearly shown - and that there was no proof of intent on the part of the Prisoner, to commit murder - They convicted him however of being accessary to the crime of administering a poisonous drug and sentenced him to 14 years imprisonment with hard labor in irons.

Case No 2
Chicacole Calendar
1st Sessions of 1839.

In this case the Prisoner
"Sandingthy Narrigandoo"
was

31st December 1840

was charged with having on a certain day murdered one

"Findung by Coveregander"

by stabbing him with a knife on the neck and back

"He pleaded not guilty"

The Mahomedan Law officer of the Court of Circuit acquitted him.-

The Law Officers of the Fouzdaree Udalut rejected the evidence for the Prosecution, as contradictory and generally insufficient, and declared the Prisoner entitled to his release.-

The Court of Fouzdaree Udalut concurred with the Circuit Judge in convicting the Prisoner of having stabbed and killed the deceased, but as there was no deliberate intention to murder, and as the deceased was the first aggressor, the sentence of transportation was deemed sufficient.-

Case No. 9.
Rajahmundry
Primary Calendar
1st Session of 1839

In this Case the Prisoner

"Bundla Vurdadoo"

was charged with having one day in conjunction with five others, struck the Prosecutors Brother "Reddy Rummanah," with sticks on his head - from the effects of which the said Reddy Rummanah died

13. F.C.
31st December 1840

died.-

"He pleaded not Guilty"

The Mahomedan Law officer of the Court of Circuit declared that the charge was not proved against the Prisoner by reason of the gross contradictions and inconsistencies in the evidence for the Prosecution but, considered him not free from suspicion on account of having absconded from his Village for a number of years, and pronounced him liable to Tadeet or admonition.-

The Law officers of the Fouzdaree Udalut considered the evidence for the Prosecution, on account of the contradictions in that of the first, second, fourth and fifth witness and on account of the sex of the second, fifth and sixth, as not in law entitled to credit, and accordingly acquitted the Prisoner.-

In consequence of the length of time that had elapsed since the Commission of the crime, disarepancies in the evidence were to be looked for - and the Court of Fouzdaree Udalut being of opinion, that it was sufficient to convict the Prisoner of having been one of the parties who beat the deceased

deceased, sentenced him to transportation.

Case No. 10.
Vizagapatam Calendar
1st Sessions 1839.

In this case the prisoner "Garekapaty Cunniah" was charged with having beaten the 1st Witness a girl of 12 years of age, and after squeezing her neck and ill treating her in various ways, with having forcibly committed a rape upon her person. He pleaded not Guilty.

The Acting Mahomedan Law Officer of the Court of Circuit declared in his Futwa, the prisoner not convicted, though not free from suspicion of having committed the Crime, and awarded Cohoobut.

The Law Officers of the Foujdaree Adalut acquitted the Prisoner, on the ground that the witnesses neither deposed to having actually seen the crime committed, nor to the Prisoner's confession of the charge.

The Judges of that Court concured with the Judge on Circuit in considering the Prisoner fully convicted. In their opinion the Prisoner had narrowly escaped the gallows, and was as guilty as if the result had been the death of the girl. He was sentenced to receive 195 lashes with a cat of nine tails and to be transported

for

Case No. 16
Vizagapatam Calendar
1st Sessions 1839.

In this case two Prisoners were charged with having one day robbed the Prosecutrix of a copper Chombo valued at Rupees 8, and the 1st Prisoner was further charged with having at the same place and time, cut the Prosecutrix with a knife on the right wrist and left thumb.

The Mahomedan Law Officer of the Court of Circuit in his second Futwa convicted both the Prisoners of Theft, and declared them liable to Cohoobut.

The Circuit Judge fully concurred with the Mahomedan Law officer in convicting the Prisoners; but, being of opinion, that the offence proved against them was robbery and not theft, referred the trial to the Court of Foujdaree Adalut.

The Law Officers of the Foujdaree Adalut, on account of the numerous contradictions in the evidence of the Prosecutrix and her witnesses, acquitted the Prisoners.

The Court of Foujdaree Adalut considered the Robbery established against the Prisoners, and sentenced them to 7 years imprisonment with hard labor in irons.

Case No. 17
Vizagapatam Calendar
1st Sessions 1839.

Of the two Prisoners in this

Case

31st December 1840

Case, the first was charged with having, one evening, forcibly taken possession of two boys, one aged 7 years and the other 5 years, sons of the 4th Witness, and delivered them to the 2d Prisoner in order to sell them, and the 2d Prisoner was charged with having, the next morning, taken the above mentioned two boys to Pimlipatam for the purpose of selling them.

"They pleaded not Guilty."

The Mahomedan Law officer of the Court of Circuit acquitted them.

The Law Officers of the Tongdaree Adalut declared the evidence of the 2d Witness, on account of its standing alone, and on account of his being the Captor, as in law not entitled to credit. The declaration also of the 2d Prisoner before the Criminal Court, to the correctness of which the 5th 6th and 7th Witnesses deposed, did not in their opinion contain his confession of the Crime. On these grounds they acquitted the Prisoners.

The Judges of the Tongdaree Adalut concurred in opinion with the Judge of Circuit. For the conviction of the 1st Prisoner, her plea to the arraignment, and on her defence added

147

31st December 1840

added to the testimony of the 1st witness was considered fully sufficient. The 2d Prisoner was also in the opinion of the Court, fully convicted, by his declaration before the Criminal Court, and by the evidence of the 2d Witness.

The Prisoners were sentenced accordingly, the first to 7 years imprisonment with hard labor without irons, and the second to 7 years imprisonment with hard labor in irons.

Case No 2 Coimbatore Calendar 1st Session 1839

In this case the Prisoner "Sellegoumden" was charged with having on a certain night murdered a female by beating her with a stick and pressing her throat with his hands.

The Mahomedan Law officer of the Court of Circuit, declared the prisoner not convicted of the charge brought against him, but on the ground of his own confession made before the Police officer, he considered him liable to strong suspicion, and therefore pronounced it optional with the Judge to punish or release him.

In this finding the Circuit Judge concurred.

The Law officers of the Tongdaree Adalut

31st December 1840

Udalut on account of the numerous contradictions in the evidence of the witnesses for the Prosecution, acquitted the Prisoners.

The Court of Foujdaree Udalut were of opinion that independant of the Prisoner's own confession, the circumstantial evidence was abundantly sufficient to convict him, and sentenced him to suffer death.

In this case the Prisoner "Curpandy"

Case No 6
Combatore Calendar
1st Session 1839.

was charged with having one day, wilfully and feloniously deprived the 2d Prosecutor of sight, by applying to his eyes, the caustic juice of the milk plant.

"He pleaded not Guilty."

The Mahomedan Law Officer of the Court of Circuit considered the Prisoner only liable to slight suspicion and awarded Corporal Punishment.

The Law Officers of the Foujdaree Udalut in consequence of the Prisoner's confession being given in the Talook, declared it not entitled in law to credit, and owing to the discrepancies in the evidence of the witnesses for the Prosecution, pronounced the Prisoner entitled to his release.

The

31st December 1840.

The Judges of the Foujdaree Udalut concurred with the Judge on Circuit, and were of opinion that the Prisoner was fully convicted. He was sentenced to receive 195 lashes with a cat of nine tails, and to be imprisoned with hard labor in irons for 14 years.

Case No. 12
Canara Calendar
1st Session 1839.

Of the three Prisoners in this Case, the first and second were charged with having one night, seized the Prosecutor's younger Brother when asleep, beaten him with their fists, smoked his face with chillies, and after thus illtreating him, with having carried him to a jungle, and there murdered him. The third Prisoner was charged with having been accessary to the said Murder.

"They severally pleaded not Guilty."

The Mahomedan Law Officer of the Court of Circuit declared the 1st and 2d Prisoners on account of the prevarications in their Statements, not free from suspicion of having committed the Murder, and awarded Corporal Punishment to the 3d Prisoner, on his own confession of having accompanied the former Prisoners.

The Law Officers of the Foujdaree Udalut acquitted the 1st and 2d Prisoners and declared them entitled to their release,

as

31st December 1840 as the Evidence for the Prosecution was not in Law entitled to credit the 3d Prisoner however on his own confession of being accessary to the crime was declared liable to Cokoobut.

The Court of Foujdaree Udalut were of opinion, that such contradictions as occurred in the statements of the 1st and 2nd Prisoners, were incompatible with innocence, and convicted them of the crime charged. They were sentenced to receive, each 195 lashes with a Cat of nine tails, and to be transported. The third prisoner was also convicted by the Court of being accessary to the murder, and was sentenced to eight years imprisonment with hard labor in irons.

Case No. 2.
Canara Calendar
2d Sessions 1839.

In this Case the Prisoner "Mahalinga" was charged with having one day, murdered the daughter of the Prosecutrix, by cutting her repeatedly with a bill hook.

"He pleaded not Guilty."

The Mahomedan Law Officer of the Court of Circuit, declared the Prisoner not free from suspicion.

He was acquitted by the Law Officers of the Foujdaree Udalut, on the ground that

that the evidence of the 2d Witness was not entitled in law to credit, while that of the other witnesses was of no avail to the Prosecution.

The Judges of the Foujdaree Udalut were of opinion that the evidence of the 2d and 3d Witnesses, combined with the Prisoners own admissions, convicted him of the crime charged, and accordingly sentenced him to suffer death.

Case No 8.
Sircy Calendar
1st Sessions 1839.

Of the three Prisoners in this Case, the two first, were charged with having one morning, in company with another, not yet apprehended, knocked down the Prosecutors elder Brother, struck him on the neck with a stick and stone, stuffed a cloth into his mouth, and by these means put him to death. The Third Prisoner was charged with being accessary to the murder.

The Mahomedan Law Officer of the Court of Circuit, convicted the 1st and 2d Prisoners on their own confession, and declared them liable to Cokoobut, but considered the 3d Prisoner guiltless, and entitled to his release.

In this finding the Presiding Judge

Judge concurred, and the 3d Prisoner was set at liberty.

The Law Officer of the Foujdaree Adalut also convicted the Prisoners on their own confessions, and awarded Cotcoobut.

The Judges of that Court were of opinion that the clear and distinct confession of the 1st Prisoner established beyond a doubt, his own guilt, and accordingly sentenced him to suffer death. The 2nd Prisoner was convicted by the Court of being accessary to the crime, and was sentenced to ten years' imprisonment with hard labor in irons.

Case No. 3.
Malabar Calendar
2d Sessions 1839.

Of the 3 Prisoners in this Case, the 1st and 2d were charged with having murdered the Prosecutor's nephew with an axe, and the 3d was charged with having decoyed the deceased to the spot where the murder took place, and laid hold of his legs during the commission of the crime by the other two Prisoners.

The Mahomedan Law officer of the Court of Circuit convicted the 3d Prisoner of having planned the murder, and awarded Cotcoobut. He also pronounced the 1st and 2d Prisoners not free from suspicion of having committed the murder.

The Judge on Circuit considered the Prisoners all to be proved guilty of murder.

The Law Officers of the Foujdaree Adalut rejected the evidence of the 2d 3d 4th 5th 9th and 10th witnesses, on account of its failing to show who committed the murder, and that of the 1st witness, on account of its standing alone. The remaining evidence was declared to be of no avail. The 1st and 2d Prisoners were acquitted by them, and the 3d Prisoner pronounced, by his former confession, to be liable to strong suspicion, and Cotcoobut was awarded.

The Judges of the Foujdaree Adalut concurred with the Judge on Circuit in the conviction of the Prisoners, and sentenced the 1st and 2d Prisoners to suffer death, and the 3d to be transported. In their opinion, the evidence of the 1st witness was confirmed both as to the manner in which the offence was committed, and as to the party by whom it was committed. As to the first point by the state of the corpse, and of the floor by the size of the wounds corresponding with that of the fatal Prisoner's hatchet

1840

hatchet, and by the place where the body was found - as to the second point, by the 3d Prisoner's confession and the other circumstances detailed in the Circuit Judge's letter of reference. Moreover 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 was greatly against them.

In this Case the Prisoner

"Aliparambatha Pargey"

was charged with having one day struck the Husband of the Prosecutrix on the head severely with a rice beater, in consequence of which wounds he died.

"He pleaded not guilty."

The Mahomedan Law Officer of the Court of Circuit declared the evidence insufficient for conviction.

The Presiding Judge considered the evidence of the 1st witness an intelligent child sufficient to convict the Prisoner.

The Law Officers of the Court of Fongdaree Adalut pronounced the evidence of the 1st witness on account of her sex,

her

J. H.

31st December 1840.

Case No. 5.
Malabar Calendar
2d Sessions 1839.

her relationship to the deceased, her tender age and the contradictions in it, not in law entitled to credit. The evidence of the other witnesses was declared of no avail for the prosecution, and the Prisoner was acquitted.

The Judges of the Fongdaree Adalut saw no reason for disbelieving any part of the 1st witness's statement. The Prisoner was proved to have gone into the house and brought thence the rice beater, which in the opinion of the Judges seriously aggravated his criminality. The Prisoner was convicted and sentenced by the Court to 5 years imprisonment with hard labor in irons.

In this Case the Prisoner

"Karandeporatha Ashary Checkotty"

was charged with having murdered the son of the Prosecutrix by inflicting wounds on him with a chisel, and with having inflicted severe wounds on herself, and also on her elder sister, who died in consequence thereof.

"He pleaded not guilty."

The Mahomedan Law Officer of the Court of Circuit declared the evidence insufficient to prove the crime, but on the evidence of the 1st and 2d witnesses added to

the

the fact of his having absconded, he pronounced the Prisoner not free from Johnuts.

The Law Officers of the Foujdaree Udalut considered the evidence generally insufficient, and acquitted the Prisoner.

The Judges of the Foujdaree Udalut concurred in the opinion of the Circuit Judge, and considered the Prisoner clearly convicted of wilful Murder.

He was accordingly sentenced to suffer death.

Case No. 1.
Pitching Calendar
2nd Quarter Sessions
1839.

In this Case the Prisoner,
"Polagum Pentalata"
alias
"Pampolata Chokey"
was charged with having one day inflicted severe wounds with a knife on the body of the niece of the Prosecutor, and thereby caused her death.

"He pleaded not guilty"

The Mahomedan Law Officer of the Court of Circuit acquitted the Prisoner.

The Presiding Judge considered the proof against the Prisoner sufficient to convict him of the crime of Culpable Homicide, and referred the case to the Court of Foujdaree Udalut

Udalut with his opinion that transportation would be a suitable and sufficient Punishment.

The Law Officers of the Court of Foujdaree Udalut declared the Evidence in this Case of the 1st 2d and 4th witnesses on account of the contradictions therein, and of their sex - and that of the 3d 5th 6th 7th and 8th on account of its failing to disclose the wounder to be in Law not entitled to credit and pronounced the Prisoner entitled to his release.

The Judges of that Court considered the case to be one of savage and cruel Murder. No provocation was shewn to have been given at the time by the deceased which could entitle the Prisoner to the indulgence shown by the Law of England to an act done in the first transport of passion. They could discover no alleviating circumstances in this Case to warrant a remission of the capital punishment prescribed on conviction of Murder.

The Prisoner was accordingly sentenced to suffer death.

(Sent in No. 1844)

Read the Criminal Reports

for

for the month of October last submitted by the Officiating Joint Criminal Judge of Tinnivelly.

/Here enter F.R. No. 2300/

Supplemental Report Case No. 106

1.

In this Case the prisoners who are Tahsildar and Police Poyasom are charged with having on the 15th of March 1840 extorted a bribe from the Prosecutor and have been sentenced under the provisions of Section VII Regulation X of 1816 to be imprisoned for six months and pay a fine of 200 Rupees commutable in default of payment to imprisonment for an additional period of six months.

2.

The Court of Zoujdaree Udalut observe that the offence brought home to the prisoners appears to fall within the provisions of Clause first Section XVII Regulation IX of 1822 which does not admit of a fine in addition to imprisonment and they accordingly direct that the sentence be modified unless the Acting Joint Criminal Judge have any further explanation to offer on the subject.

Case No. 107

3

The Prisoner Mydeen has been sentenced to pay a fine of 50 Rupees commutable in default of payment to imprisonment for 3 months under Section XXI Regulation I of 1812 for having been found in possession of 2 false Stamps.

The

The charge in this case is not sufficiently distinct since it does not appear whether the forged stamps were imitations of the public stamp used in the Custom House or whether they were forged stamp papers or Cadjans.

5

The Court of Zoujdaree Udalut accordingly require further explanation on this point.

Case No. 111

6.

The Prisoner in this case is charged with having beaten the Prosecutrix husband on the head with a cudjel, on the 26th September 1840 in consequence of which he died on the 11th October 1840 and robbed him of his 5 Marcalls of Cholum grain valued at annas 12 and has been sentenced for the assault to 3 Months imprisonment.

7.

The Court seeing reason to doubt the correctness of the judgment in this case resolve to request the Provincial Court of Circuit in the Southern Division to call for the Proceedings held in the case and pass on them such orders as may appear to them proper with reference to the provisions of Section XXIV Regulation X of 1816.

Cases No. 113-118

8

With reference to these cases

the

3rd December 1846

Ordered also that Extract from these proceedings (paras 6 and 7) be sent to the Provincial Court in the Southern Division for their information and guidance by precept returnable in 30 days from and after its receipt (and following precept No 1816)

Read letter dated the 12th instant from the Joint Criminal Judge of Caddalore forwarding the Criminal Reports for the month of November 1846.

(Here enter No 2478)

The Criminal Court through the Magistrate will call on the Assistant Magistrate to explain the cause of the delay in this case.

2. The Court of Zemindaree Adalut observe that all the stages of this case are marked with considerable delay. The Prisoners were in the custody of the Head of Police from the 18th to the 30th October before he made a reference to the Joint Magistrate about the case, it was not till the 9th November that the parties concerned appeared before the Joint Magistrate (this is indeed accounted for by the rise of the river) and were detained by the Joint Magistrate till the 17th.

The

Mr Campbell and Mr Cavanagh

Report for Case No 110

Case No 111

3rd December 1846

the Court of Zemindaree Adalut direct that it be pointed out to the Acting Joint Criminal Judge that an abstract of the evidence should have been given to enable the Court to judge of the propriety of the order passed by him and that he be cautioned against again omitting to insert the requisite abstract of the evidence.

Case No 115

Q.

The delay of this Case before the Police from the 10th to the 20th of October appears to have arisen from the detention of the Prisoner in the Village till the 18th the Court of Zemindaree Adalut direct that copy of this Case as it stands in the report and of this para be sent by the Officiating Joint Criminal Judge to the Magistrate who will be pleased to inform the Court what became of the prisoner from the 10th till the 18th of October.

10

The Court of Zemindaree Adalut desire to be informed of the circumstances under which the Convict Cannenevanden was punished, the Sentence adjudged appears a very severe one.

Ordered that Extract from these proceedings be sent to the Acting Joint Criminal Judge at Tinnevelly by precept returnable in 5 days from and after its receipt (and following precept No 1815)

Ordered

31st December 1840

3. The Court accordingly direct that copy of this Case as it stands in the Report and of this parah be sent by the Joint Criminal Judge to the Magistrate of South Arcot who will be pleased to call for further explanation from the Joint Magistrate and Head of Police respecting the first and last of these delays and to pass such further orders as he shall consider proper, reporting the result for the information of this Court.

Case No 112.

4. The Prisoners in this Case are charged with having on the night of the 29th May 1840 stolen from the Prosecutor property to the value of Rupees 21-3-4. The Joint Criminal Judge states that the crime laid to their charge is very clearly proved against the Prisoners by their own confessions, corroborated by evidence and circumstances. As however the 1st and 2d Prisoners are waiting their trial in Criminal No. 108 Calendar No. 15 the Joint Criminal Judge commits all 3 Prisoners in this Case to be disposed of by the Court of Circuit.

5. The Court of Zoujdaree Udalut observe that the Joint Criminal Judge should have passed sentence in this Case himself, but as regarded the 1st & 2d Prisoners till after the trials by the Court of Circuit when if convicted by that Court, the sentence of the Joint Criminal Court would have been merged in that of the Court of Circuit, if acquitted, the punishment should have been carried into execution.

The Court direct that copy of Case No 111 as it stands in the Report and of this parah be sent by the Joint Criminal Judge to the Magistrate of South Arcot who will be pleased to call for further explanation from the Joint Magistrate and Head of Police to the reason of the delay and to pass such orders as he shall consider proper, reporting the result for the information of this Court.

Case No 116

7. If the Prisoner has not been previously convicted the Zoujdaree Udalut desire that the Lashes in this Case be remitted.

With reference to case No 107.

8. The Court of Zoujdaree Udalut observe, that unless the Sayer Ameen was an Ameen of Police he had no authority to examine the Prisoner and send him to the Joint Magistrate when he was so sent, it would have been better had the Joint Magistrate examined him himself & then sent him back again, unless particular circumstances

charged under Act XXX of 1836 with being by
profession and one of a Gang of thugs, com-
mitting with them highway robberies and
strangling people on the roads in the Province
of Mysore by which alone he gained his
livelihood.—

6 The Court of Foujdaree Udalut
observe that this latter part of the charge is
incorrect and altogether superfluous unless
it was intended to charge the prisoner with
the crime of murder in addition to the
offence described in Act XXX of 1836 in
which case it should have formed a separate
count and the charge should have stated
more fully the facts with which the
prisoner was charged.—

Cases Nos 20, 21, 22 and 23.

7 The Court observe that a
similar remark is applicable to these
cases, and they direct that the Joint Magistrate
and Assistant Superintendent of Thuggee be
advised of the unseasonableness of these super-
fluous additions

Ordered that Extract from these
Proceedings be sent to the Officiating Criminal
Judge at Vizagapatam for his information by
precept returnable in 5 days from and
after—

after its receipt.—

(Sent for following Precept No 1745)

Read letter dated the 10th
Instant from the Criminal Judge of Bel-
lary, submitting the Criminal Reports
for the month of November 1840.

(Herewith No 2450)

The Court of Foujdaree
Udalut trust that no further delay
will be experienced in procuring the attendance
of the evidence required to enable the Criminal
Judge to complete the investigation of
cases Nos 208-209-210-211 and 212; with
this remark the Court of Foujdaree Uda-
lut would close their observations on
these Reports.—

Ordered that Extract from
these Proceedings be forwarded to the
Criminal Judge of Bellary for his
information and guidance.—

(Sent in No 1749)

Read letter dated the 18th
November 1840 from the Criminal Judge
of Chittoor forwarding the Criminal
Reports of that Court for the months of
October last.

(Here

14th December 1840.

/Here enter F. U. No. 2326/

Report No. V.
Case No. 213.

The Court direct that copy of this case as it stands in the Report and of this paragraph be sent by the Criminal Court to the Magistrate, who will report direct to the Court of Foujdaree Udalut where the prisoners were from the 29th September till the 12th of October the date on which it is reported they appeared before the Head of Police.

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

/Sent in No. 1750./

Read letter dated 12th November 1840 from the Joint Criminal Judge of Cuddalore forwarding the Criminal Reports of his Court for the month of October last.

/Here enter F. U. No. 2298/

These reports do not appear to call for any remarks from the Court of Foujdaree Udalut.

Ordered therefore that Extract from these proceedings be sent to the Joint Criminal Judge at Cuddalore for his information.

/Sent in No. 1751./

Rec.

F. U.
14th December 1840.

Read the sixty Criminal Reports submitted by the Provincial Court in the Western Division for the month of November 1840.

/Here enter F. U. No. 2461/

The above Reports do not appear to call for any remark from the Court of Foujdaree Udalut.

Ordered, therefore that Extract from these proceedings be forwarded to the Provincial Court in the Western Division to be by them communicated for the information of the Principal Sudr Ameen at Chittoor.

/Sent in No. 1752./

Read letter dated the 9th Instant from the 3d Judge of the Provincial Court of Circuit in the Southern Division submitting a Copy of the Trichinopoly Calendar for the 4th Quarterly Session of 1840.

/Here enter F. U. No. 2432/

The above Calendar not requiring any remark from the Court of Foujdaree Udalut. Ordered, that Extract from these proceedings be forwarded for the information of the 3d Judge of the

19th December 1840

The Provincial Court of Circuit in the Southern Division.-

/Sent in No. 1753/

Read letter dated the 2d Instant from the Second Judge on Circuit in the Northern Division submitting a Copy of the Stchapore Supplemental Calendar for the 2d Session of 1840.-

/Here enter No. 2424/

The above Calendar not requiring any remark from the Court of Sudder Adalut. Ordered, that it with these proceedings be forwarded for the information of the Second Judge on Circuit in the Northern Division.-

/Sent in No. 1754/

Read the Criminal Reports for the Month of October 1840 submitted by the Criminal Judge of Madura.-

/Here enter P. C. 2321/

Report No. V. 1. — The Court of Sudder Adalut
Case No. 76 direct that it be pointed out for the information of the Criminal Judge of Madura, that the charge of escape brought against the 1st prisoner in this case, should be separate from the other charge brought against him.

19th December 1840

The Court have noted, that the offence of escape is distinct from all others and that the punishment should be in addition to any other punishment which the prisoner may be undergoing. The Criminal Judge will accordingly modify the charge in the next Report.-

Case No. 80. 2. — In this case the prisoner is charged with having been found in possession of two of the five stolen buffaloes "of the Prosecutor," but the guilty knowledge which could alone render the prisoner obnoxious to a Criminal prosecution is not charged.-

Case No. 84. 3. — In this case the 1st prisoner is charged with having stolen a sheep of the Prosecutor's valued at 8 annas which had joined his herd of sheep, and the rest are charged with having in company with certain other individuals aided and abetted the 1st prisoner in the commission of the above theft.-

4. — The Court presume there must have been some circumstances of aggravation attending the commission of this theft which induced the Magistrate (to whom it had

had been referred by the Head of Police to direct its transmission to the Criminal Court instead of himself disposing of it under the provisions of Section III Regulation VII of 1827 and they resolve to call for an explanation on this point.—

Ordered that Extract from these Proceedings be sent to the Criminal Judge of Madura by precept returnable in 5 days from and after its receipt.—

/ Sent following precept No 1755 /

Read letter dated the 6th Instant No 1840 from the Criminal Judge of Canara, transmitting the Criminal Reports of that Court for the month of October last.

/ Stone enter P.C. No 2252 /

In this case the prisoner has been sentenced under the provisions of Section VII. Regulation X of 1816. The Court direct that the Moorstee Sudr Ameen be called on through the Criminal Judge to explain whether housebreaking i.e. the removal of the tatty door fastened in the usual manner was or was not established against the prisoner. If it was not the case has been correctly disposed of, but if breaking was effected the

the case would fall under the provisions of Clause Fifth Section II Regulation VII of 1822.

Case No 174. 2. The Criminal Judge will send a copy of this as it stands in the report and of this para to the Magistrate who will call for and transmit direct to the Foujdaree Adalut the explanation of the Assistant Magistrate of the detention of this case before him.—

Case No 176. 3. The prisoners in this case were charged with having in concert with the prisoners in Cases Nos 43 and 82 of 1837 and 50 of 1838 and 89 of 1839 and 150 of 1840 broken into the house of the Prosecutor ill treated him and the inmates of the house, and plundered therefrom property to the value of Rupees 62. 5. 8. It is stated in the abstract of the grounds of sentence that the evidence is to the alleged recognition of them all by the Prosecutor and two witnesses.— The evidence of one of the witnesses however is unsatisfactory in consequence of his not having been brought forward by the Prosecutor in the first instance. On the grounds however of the above evidence, the circumstance of all three having absented themselves from their

their usual places of residence added to alleged bad character creates strong suspicion against them and they are sentenced to find Security in different amounts for one years good behaviour and appearance.—

4. It appears to the Court of Foujdaree Udalut, that if the evidence of the Prosecutor and the other witness was satisfactory there were sufficient grounds to warrant their conviction, and they accordingly Resolve to direct the 3d Judge on Circuit in the Western Division to call for the proceedings held in the case and pass on them such orders as may appear to him proper with reference to the provision of Section XXIII. Regulation X of 1816 reporting the result for the information of the Court of Foujdaree Udalut.

Case No 4181 5 With reference to the remarks by the Criminal Judge in case No 185 the Court of Foujdaree Udalut Resolve to point out for the information and guidance of that Officer, that sentence should have been recorded by the Criminal Court in the case referred to but not carried into effect until the result of the commitment before the Court of Circuit is known.—

The

6. The Court observe that of the 59 prisoners confined in the Jail at Cawnpore 4 are reported to have died during the month of October last, and they desire that an explanation of the cause of this mortality may be submitted.—

7. With reference to the Circular Order of the 27th October 1830 and 5th June 1832 the Court of Foujdaree Udalut are desirous of being informed whether the bail allowed to the prisoner Fukeerdeen was granted on the requisition of the Medical Officer, since if it was, the Court are of opinion that the Judge was not authorized in stopping it under the provisions of Clause 3d Section VI Regulation X of 1832.—

Ordered that Extract from these Proceedings be sent to the Criminal Judge of Canara for his information by precept Returnable in 5 days from and after its receipt.—

/Sent following precept No 1756/

Ordered also that Extract from these Proceedings /paras 3 and 4/ be sent to the 3d Judge on Circuit in the Western Division for his information.—

/Sent in No 1757/

circumstances restored this inexpedient.

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

Joint following precpt No. 1814.

Read Return dated the 8th Instant from the officiating Joint Criminal Judge of Tinnevelly to the Precpt of the Tondaree Udalut of the 3d Instant conveying their observations on the Criminal Reports for the month of September last.

Here enter F. No. No. 2452

Read Return dated the 22d Instant from the Criminal Judge of Salem to the precpt of the Tondaree Udalut of the 18th Instant conveying their observations and orders on the Criminal Reports for the month of October last.

Here enter F. No. No. 2520

Read Return dated the 23rd Instant from the Criminal Judge of Canara to the precpt of the Tondaree Udalut under date the 18th Instant conveying their observations and orders on the Canara Criminal Reports for the month of November last.

Here enter F. No. No. 2528

Read

F. No.

31st December 1840

Read bill

Instant from the 2nd Judge

Southern Division transmitting

Batta'd to the Prosecutor

who acted before the Court

during 2d Sessions of 1840 at C

Here enter F. No. No.

Read Supplemental

dated 18th Instant from the 2d Judge

Circuit in the Southern Division to the

of the Tongaree Udalut of the 7th October

conveying observations and orders on Case

No. 2 Tinnevelly Calendar for the 2d Sessions of

1840.

Here enter F. No. No. 2536

Read Return dated the 9th

Instant, from the 2d Judge of the Provincial

Court of Circuit in the Southern Division, to

the precpt of the Tongaree Udalut of the 3d

Instant directing him to quash the proceedings

in Cases Nos. 92, 93 and 94 of the Tinnevelly

Criminal File for September last.

Here enter F. No. No. 2428.