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F. No.

Monday 5th July 1842. Mr. Court of the Fougdaree Udalut

Present,

HP — Henry Dickinson Esqre — 1st Puisne Judge

ML — Malcolm Lewin Esqre — Ag. 2nd Puisne Judge

FML — F. M. Lewin Esqre — Ag. 3rd Puisne Judge

Read letter dated the 21st Ultimo from the Acting 1st Judge Calicut Circuit in the Northern Division, requesting to be informed whether the 3rd Witness in Case No. 6 in the Calicut Summary Calendar for the 1st Session of 1842 may be released for the reasons recorded by the Acting 1st Judge in his return to the precept of the Fougdaree Udalut of the 4th March last. —

(Here enter F.M. No. 963.)

Under the circumstances represented in para: 5 of the Acting 1st Judge's return dated the 19th May last, the Court of Fougdaree Udalut resolve to direct, that the Witness detained to, be set at liberty. —

Ordered

Ordered, that copy of these proceedings be forwarded to the Acting 1st Judge late on Circuit in the Northern Division for his information and guidance.—

/Sentence No. 708./

Read letter dated the 23rd Ultimo from the First Judge on Circuit in the Southern Division, transmitting the record of the Trial in Case No. 9 of the Coimbatore Calendar for the 1st Sessions of 1842.—

/Here Enter No. 971./

Mr. Dickinson. and Mr. F. M. Lewin.

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 Pottamaroody

and

2nd Taundan

is sufficient to convict them of the crime of Sodomy, for which according to the Mahimmedan Law as declared in fatwas of their Law Officers, discretionary punishment is

awardable do Convict them thereof; and under the provisions of Clause Third Section II Regulation I of 1825 and Clause Third Section VII Regulation XV of 1803, sentence them to receive each, one hundred and ninety five lashes of a cat of nine tails, and to be imprisoned and kept to hard labor in irons on the public roads or other public works, for and during the period of ten years.—

/Sent following letter No. 709/

Read letter dated the 25th Ultimo from the Third Judge on Circuit in the Western Division, submitting with reference to the Proceedings of the Foujdaree Udalut of the 11th Ultimo, his Sentence on Case No. 5 of the Spirsee Calendar for the 1st Sessions of 1842.—

/Here Entr. No. 977./

Tuesday 5th July 1842.— At a Court of the Foujdaree Adalut.

Present,

Hon.ble Henry Dickinson Esq.re — 1st. Puisne Judge.

Mr. Malcolm Lewin Esq.re — Actg. 2d. Puisne Judge.

Mr. F. M. Lewin Esq.re — Actg. 3d. Puisne Judge.

Read the Criminal Reports for the month of May last forwarded by the Officiating Joint Criminal Judge at Tinnevelly under date the 1st. Instant.

/Here enter F. No. 916./

Suppl.l Report Case No. 18. 1. The Court of Foujdaree Adalut direct, that the Officiating Joint Criminal Judge be called upon to name the Prisoner in this Case, to whom he would wish the offer of pardon to be made.—

2. They further observe for the future guidance of the Officiating Joint Criminal Judge that his suggestion should have been communicated to this Court in a letter and at an earlier date.—

Report No. V Case No. 30. 3. If the 1st. and 2nd. Virtue pass in this case who apprehended the Prisoners

and

and who are stated by the Prisoners, to have forced the stolen property upon them, were Police Peons, the Court of Enquiree Udalut observe, that their conduct should be reported to the Magistrate of Tinnevelly in view to such notice being taken of it, as that Officer may consider necessary.—

Statement of Extra Peons.

4. From the Statement appended to these Reports, it appears that 2 Naiques were employed at Tinnevelly during the month of May 1842; as only 28 Jail Peons were employed during the month to guard 113 Prisoners worked outside the Jail, and as the authorized proportion of Naiques to Peons employed, is 1 to 20; the Officiating Joint Criminal Judge is required to explain the reason of 1 Naique in excess being employed.—

Ordered that copy of these proceedings be forwarded to the Officiating 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 711.)

Read

Read the Criminal Reports for the month of May last forwarded by the Joint Criminal Judge at Coimbatore under date the 31st May 1842.—

(Here enter No. 919.)

Report No V. Case No 444.

1. This case is one of forgery and does not appear to be without evidence. The Joint Criminal Judge therefore had no authority to release the Prisoner with an admonition;- the case ought to have been tried in a regular manner, the Government Vakeel being directed to conduct the prosecution the Joint Criminal Judge is directed to pursue this course.—

Statement of Extra Peons.

2. From the Statement appended to these Reports it appears that 18 Jail Peons were employed at Coimbatore during the month of May 1842; as only 71 Prisoners were worked outside the Jail, and the authorized guard for this number of Convicts is only 17 Peons, the Joint Criminal Judge is required to explain the reason of 1 Peon being employed in excess

excess of the prescribed complement.—

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

/Sent following precept No. 712./

Read letter dated the 18th Ultimo from the Head Assistant Magistrate in charge of Masulipatam, submitting for the special sanction of Government an Extract from the Retrenchment of the Civil Auditor on the Accounts of the Masulipatam Collectorate for Fusly 1250.—

/Here enter F. U. No. 950./

The Court of Foujdaree Udalut direct, that the Extract which accompanied the above letter be returned to the Head Assistant Magistrate in charge of Masulipatam, and that that Officer be instructed to inform the Civil Auditor, that as the charge objected to by him, was incurred under Foujdaree Udalut Circular Order of the 8th March 1839, special sanction

is not required for it.—

Ordered that copy of these proceedings be forwarded to the Head Assistant Magistrate in charge of Masulipatam for his information and guidance.—

/Sent in No. 713./

Read again letter dated the 22nd February 1842 from the Acting 3rd Judge on Circuit in the Western Division submitting for the consideration and orders instructions of the Foujdaree Udalut an abstract of Case No. 16 on the Malabar Calendar for the 1st Sessions of 1842.—

/Here enter F. U. No. 373./

Read also again return dated the 19th April 1842 from the 3rd Judge on Circuit in the Western Division to the precept of the Foujdaree Udalut of the 15th March last, and forwarding an English translation of the precis of the trial in the above case.—

/Here enter F. U. No. 705./

Read also return dated the 17th Ultimo from the 3rd Judge on Circuit in the

the Western Division to the precept of the Foujdaree Udalut of the 31st May 1842, regarding the same case.—

/Here enter F. Ub. No 954./

1. The Court of Foujdaree Udalut after having considered the record of the trial in the above case, recorded their opinion that the punishment which the Prisoners had already undergone, was commensurate with their offence, and suggested the propriety of ordering their immediate release - but in the event of the 3rd Judge being unable to concur in this opinion, he was directed to pass sentence on them according to his judgment, reporting the nature of the punishment awarded for the information and orders of the Foujdaree Udalut.—

2. Accordingly in his return of the 17th Ultimo the 3rd Judge reports that being of opinion that some punishment was urgently called for on the present occasion, he has issued his Warrant to the Criminal Judge of Malabar directing that

that the 1st Prisoner in the case be imprisoned and kept to hard labor in irons for one year, and the remaining Prisoners severally for six months from the date of the sentence.—

3. The Court of Foujdaree Udalut in consideration of what has been advanced by the 3rd Judge on Circuit resolve not to disturb this Sentence passed by that Officer on the Prisoners in Case No. 16 on the Malabar Calendar for the 1st Sessions of 1842.—

Ordered that Extract from these proceedings be forwarded to the 3rd Judge on Circuit in the Western Division for his information and guidance.—

/Sentence No. 714./

Read letter dated the 16th Ultimo from the Acting Agent to the Governor of Fort St George at Vizagapatam transmitting the Criminal Reports for the month of May 1842.—

/Here enter No 946./

Read letter dated the 1st Instant

5th July 1842.

Instant from the Chief Magistrate and Superintendent of Police at Madras forwarding the Report of Cases tried under Act XXII of 1837 in the month of May 1842.—

/Here enter No. 984./

Read letter dated the 1st Instant from the First Judge of the Court of Circuit in the Centre Division forwarding the Statement of Batta paid to the Prosecutors and Witnesses during the 1st Sessions of 1842.—

/Here Enter No. 985./

Read return dated the 30th Ultimo from the Acting First Judge late on Circuit in the Northern Division to the precept of the Foujdaree Udalut dated the 16th Ultimo conveying the observation and orders on the Rajahmundry Calendar for the 1st Sessions of 1842.—

/Here enter No. 992./

End 7th.

F. U.

Wednesday, 6th July 1842.

At a Court of the Foujdaree Udalut.

Present;

Henry Dickinson Esqre. ——— 1st Puisne Judge,
Malcolm Lewin Esqre. — Actg 2d Puisne Judge,
J. M. Lewin Esqre. ——— Actg 3d Puisne Judge,

Read letter dated the 14th Ultimo from the 3d Judge on Circuit in the Western Division transmitting the record of Trial in Case No. 1 on the Honore Calendar for the 1st Sessions of 1842.—

/Here enter F. U. No. 953 of 1842./

Mr. Dickinson and Mr. J. M. Lewin.

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,

Cunnea,

is not convicted on presumptive proof or on the evidence of credible witnesses, or on his own confession, of the crime of Murder and Robbery, do acquit him thereof; and, under the provisions of Clause sixth Section II Regulation XV of 1803, direct that he be set at liberty.—

6th July 1842

The Court of Sowdaree Adalut direct that the Magistrate of Canara be furnished with a copy of the Statement of the prisoner Guinea made in his defence and that he be called upon to make further investigation into the case above mentioned, and to report the result of his enquiries for the information of the Court of Sowdaree Adalut.—

Ordered that copy of these proceedings be forwarded to the 3d Judge on Circuit in the Western Division for his information and guidance.—

/Sent in No. 718/

Ordered also that copy of these proceedings be sent to the Magistrate of Canara for his information and guidance.—

/Sent in No. 719/

Read letter dated the 24th Ultimo, from the Provincial Court of Circuit in the Western Division, forwarding copy of a letter from the Magistrate of Canara, submitting copy of one from the Additional Joint Magistrate with reference to the remarks of the Sowdaree Adalut in their proceedings of the 3rd May last, on case No. 14 of the Sirsee Criminal Reports

6th July 1842

Reports for the month of April 1842.—

/Here enter J.U. No. 976 of 1842/

1 The Additional Joint Magistrate of Canara submits an explanation of Case No. 14 above alluded to, deeming it not improbable that from some defect in the entry of the case in the Sirsee Criminal Reports, the true circumstances connected with it have not been understood.—

2. He states that the prisoner Soobah was at the time of his escape, under examination before him as an incorrigible vagrant without ostensible means of honest livelihood—and moreover that he was a foreigner belonging to the Mysore country having no connexion or occupation in the District of Sirsee.—

3. He further remarks, that the custom of sending a foreigner of bad character to his native country, with a warning that in the event of his returning, he will be committed to jail unless he can find security for his good conduct, has hitherto prevailed to a considerable extent in the District of Canara, and begs to know distinctly whether the Court

of

6th July 1842.

"of Tongdaree Udalut in their proceedings of the 3d
"May last, intended to declare, that this system
"being illegal, must in future be abandoned, and
"the more stringent course of placing the foreign
"vagrant, after due examination in Jail alone be
"resorted to."

4 The Court of Tongdaree Udalut observe, for the future guidance of the Additional Joint Magistrate of Canara, that the foreign Vagrant is subject to the same laws within our territories as any other Vagrants, and must be required to furnish security for his good conduct, or be detained in custody, under the provisions of Clause first Section III Regulation II of 1822, and Clause first Section V Regulation VII of 1827 &c.

Ordered that Copy of these proceedings be forwarded to the Provincial Court of Circuit in the Western Division for their information and guidance, and for communication to the Magistrate and Additional Joint Magistrate of Canara for their information and future guidance.—

/Sent in No. 720./

Read the Criminal Reports for the month of May last forwarded by the Joint Criminal Judge

2/ J. U

6th July 1842

Judge at Tellicherry.

/Here enter J.U. No. 915 of 1842./

Suppl. Report Case No. 35

1 The Court of Tongdaree Udalut, are of opinion, that the sentence passed upon the prisoner in this case was illegal and they direct, that the Joint Criminal Judge be called upon to explain, for their information, the circumstances which brought the case within the provisions of Clause fourth Section III Regulation VII of 1822.

Report No. V Case No. 52.

2. It is observed that the prisoner in this case has been released without trial on insufficient grounds. The Court of Tongdaree Udalut direct, that the 1st Judge on Circuit in the Western Division be called upon to look into the case, and to pass such orders thereon as he may consider necessary, reporting the result for the information of the Court of Tongdaree Udalut.

Ordered that Copy of these proceedings be forwarded to the Joint Criminal Judge at Tellicherry for his information and guidance by precept returnable in 3 days from and after its receipt.—

/Sent following precept No. 721./

Ordered

Ordered also that Extract from para 2 of these proceedings be sent to the 1st Judge on Circuit in the Western Division for his information and guidance.—

/Sent in No. 722/

Read letter dated the 21st Ultimo from the Acting Criminal Judge at Calicut, bringing to the notice of the Tongdarie Adalut that no final orders have been received regarding the prisoners in No 9 and the 8th prisoner in No 4 on the Malabar Criminal Reports for the months of January last, who were charged with participating in exhuming the bodies of rioters in Shernaad, and in whose instances for the production of security were suspended by the Tongdarie Adalut in their proceedings of the 10th March last, until the receipt of further orders.—

/Here enter F.C. No 967 of 1842/

The Court of Tongdarie Adalut have under date the 31st May last confirmed the sentence passed by the 3d Judge late on Circuit in the Western Division, on the prisoners in Case No. 16 on the Malabar Calendar for the 1st Sessions of 1842, who were charged with exhuming the bodies of rioters

rioters in Shernaad; and they resolve to confirm the requisition of security, made by the Acting Criminal Judge at Calicut, from the two Prisoners referred to in the above letter on a charge of having participated in the same Acts.—

Ordered that copy of these proceedings be forwarded to the Acting Criminal Judge at Calicut for his information and guidance.

/Sent in No. 723./

Read letter dated the 2d Instant, from 3d Judge on Circuit in the Centre Division, reporting his intention to open the 1st Criminal Sessions of 1842 at Cuddalore on the 30th Instant.—

/Here enter F.C. No 990 of 1842/

Read letter dated the 30th Ultimo, from the 3d Judge on Circuit in the Western Division forwarding the half yearly Statement for the 1st Sessions of 1842 required by Circular Order No. 4.

/Here enter F.C. No 995 of 1842/

Read letter dated the 1st Instant, from the 2d Judge late on Circuit in the Southern Division, transmitting copy of a return from the Acting Criminal Judge of Madura regarding the

6th July 1842

the disposal of Case Nº 18 of the 2d Sessions of 1841.

/Here enter F.U. Nº 999 of 1842/

Read letter dated the 29th Ultimo,
from the 3d Judge of the Provincial Court of Circuit
in the Southern Division, forwarding 3d Supplemen-
tal Calendar of Prisoners for the 2d Quarter
Sessions of 1842 with translation of the Putwas.

/Here enter F.U. Nº 988 of 1842/

Read letter dated the 27th Ultimo,
from the 1st Judge of the Provincial Court of Circuit
in the Western Division, submitting the 7th and 8th
Additional Calendars for the /Malabar/ 2d
Quarterly Sessions of 1842, with the usual
remarks.

/Here enter F.U. Nº 989 of 1842/

End 7th

Friday
8th July 1842.

F. U.

At a Court of the Foujdaree Udalut.

Present:

Hy. Henry Dickinson, Esqre 1st Puisne Judge
Mc Malcolm Lewin Esqre Ag 2d Puisne Judge
Wmd. F. M. Lewin Esqre Ag 3d Puisne Judge

Read Extract from the Minutes
of Consultation under date the 3d August
1841. approving of the sentence passed by the
Foujdaree Udalut on the Prisoners Chuchra
and Riga in Case Nº 11 of 1841 on the file
of the Agent to the Governor of Fort St George
at Ganjam, but desiring that portion of it
which prescribes the infliction of stripes, may
be postponed until the arrival of Lieutenant
McPherson in that District.

(Here enter F. U. Nº 1042 of 1841).

Read also letter dated the 21st
Ultimo from the Agent to the Governor of Fort
St George at Ganjam, submitting copy of a
communication from Lieutenant McPherson
with reference to the orders of Government

abovementioned

8th July 1842

aforementioned, and soliciting further orders of the Court in respect to the Prisoners in Recd of 1841.

(Here enter F. No. 973.)

The Court of Foujdaree Udalut direct that a copy of the Government Agents letter dated the 21st Ultimo, and of its accompaniment, be submitted, with reference to the Minutes of Consultation under date the 3d August last, for the consideration and orders of the Right Honorable the Governor in Council.

2. From Lieutenant McPherson communication it appears, that the services of the two Prisoners Chuckra and Riga would afford him no assistance in his enquiries regarding the superstitions of the Khonds; and that the names of both of them are included in the list, compiled by him from various testimony, of persons habitually engaged in the traffic in human flesh.

3. In consequence of the long interval of time that has elapsed since sentence was passed upon these Prisoners Chuckra and Riga the Court of Foujdaree Udalut recommend that the corporal punishment be remitted, but that

orders

8th July 1842.

orders be issued for the execution of the remaining portion of the sentence passed upon them by the Foujdaree Udalut in their proceedings of the 5th July 1841.

Ordered that Extract from these Proceedings together with copy of the Agents letter dated the 21st Ultimo and its accompaniment be forwarded for the consideration and orders of Government.

(Sent in No. 725.)

Read letter dated the 28th Ultimo from the 1st Judge of the Provincial Court of Circuit in the Western Division submitting the record of a Trial in Case No. 1 on the Malabar 7th additional Calendar 2nd Quarterly Sessions of 1842.

(Here enter F. No. 991.)

The Court of Foujdaree

Udalut on a deliberate consideration of all the

Mr. Malcolm Lewis

circumstances of the Case in evidence before them, being of opinion that the proof against the Prisoner

Puddinhowa Vettil Vaunan Chatapen

is sufficient to convict him of the crime of culpable Homicide, for which the penalty

of

8th July 1842.

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 First Section V Regulation VIII of 1831, and Clause Second 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 fourteen years.

(Sent following letter No. 726.)

Read letter dated the 27th ultimo from the 1st Judge on Circuit in the Southern Division forwarding the Record of Proceedings in Case No. 4 on the Coimbatore Calendar for the 1st Sessions of 1842 for the final judgment of the Court of Foujdaree Udalut.

(Here enter F.U. No. 979)

1. It is observed that the Circuit Judge and the Law officer asserts that the Prisoner pleaded guilty, whereas the answer to the arraignment is "I am not guilty."

2. The Court of Foujdaree Udalut therefore direct, that this trial be returned to the 1st Judge on Circuit in the Southern Division

and

2/

F.U.

8th July 1842.

and that he be required to forward an explanation of this contradiction, for their information.

Ordered that copy of these Proceedings be forwarded to the 1st Judge on Circuit in the Southern Division for his information and guidance by precept returnable without delay.

(Sent following precept No. 727.)

Read the Criminal Reports submitted by the Acting Joint Criminal Judge of Masulipatam for the month of May 1842.

(Here enter No. 921)

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 Acting Joint Criminal Judge of Masulipatam for his information.

(Sent in No. 728.)

Read letter dated the 1st Instant from the Acting Agent to the Governor of Fort St. George at Vizagapatam forwarding the Calendar

of

8th July 1842

of Cases disposed of by him during the quarter ending on the 30th June 1842.-

(Here enter F.U. No. 1003).

Read Extract from the Minutes of Consultation dated the 4th Instant, conveying the observations of the Right Honorable the Governor in Council on the Half yearly Criminal Reports for the 1st Half of 1841.-

(Here enter F.U. No. 1004)

Read letter dated the 30th Ultimo from the 1st Judge of the Provincial Court of Circuit in the Western Division transmitting the half yearly Statement for the 1st and 2d Quarter Sessions of 1842 required by the Circular Order No. 14.-

(Here enter F.U. No. 1006)

Read Statement dated the 30th Ultimo from the Criminal Judge of Chingleput shewing the amount realized by the labour of the Prisoners in the Zillah of Chingleput for the 2d Quarter of 1842.-

(Here enter F.U. No. 1007).-

F.U.

Saturday 9th July 1842.-

At a Court of the Foujdaree Udalut

Present

Henry Dickinson Esqre 1st Puisne Judge
Malcolm Lewin Esqre Ag 2d Puisne Judge
F. M. Lewin Esqre Ag 3d & 4th Puisne Judge

Read letter dated the 23d Ultimo from the First Judge on Circuit in the Southern Division forwarding the record of the Trial in Case No. 2 of the Salem Supplemental Calendar for the 1st Sessions of 1842.-

(Here enter No. 972.)

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 Arukan
5th Samy Maratpatty Vencatramen
and
6th Tunny Dundul Ramen

is sufficient to convict them of the crime of

of Gang Robbery by open violence do convict them thereof; and under the provisions of Clause First Section V Regulation VIII of 1831, and Clause Third Section IV Regulation XV of 1803 sentence the Prisoner,

1st " Arachin

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 with reference to the provisions of Clause First Section V Regulation VIII of 1831- Clause Third Section IV Regulation XV of 1803- Clause Third Section II Regulation I of 1825, and Regulation VIII of 1828, the Prisoners;

5th Pany Maraitputty Kneathamen

and

6th Tunny Pundel Ramen

severally to receive 195 lashes with a cat o'nine tails, and to be transported to such place or places beyond Sea, as the Governor in

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 considering that the proof against the prisoners

7th Chinny

and

8th Takery alias Chinny

is sufficient to convict them 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 Gang robbery by open violence, the Court do convict them thereof, and under the provisions of Clause First Section V Regulation VIII of 1831, and Clause Second Section IV Regulation VI of 1822 sentence them to be imprisoned and kept to hard labor without irons for and during the period of two Years.—

Sent following letter No. 732 /

Read

9th July 1842.

Read the Criminal Reports submitted by the Criminal Judge of Salem for the month of May 1842.—

/Here enter No 918./

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 Criminal Judge of Salem for his information.—

/Sent in No 733./

F. C.

Monday 11th July 1842

At a Court of the Foujdaree Udalut

Present,

Henry Dickinson Esqr 1st Judge.

Malcolm Lewin Esqr 2d Judge.

F. M. Lewin Esqr 3d Judge.

Read the Criminal Reports for the month of May 1842 forwarded by the Acting Criminal Judge of Madura under date the 31st May 1842.

/Entered No 917./

From the Statement appended to these Reports it appears that 2 Duffadars, 2 Naigues, and 36 Jail Peons were employed at Madura during the Month of May 1842; as only 116 Prisoners were confined outside of the Jail, and the authorized Guard for this number of Convicts is only 36 Peons, 1 Duffadar, and 1 Naigue. the Acting Criminal Judge is required to explain the reason of 1 Duffadar, and

1

11th July 1842.

Naigue being employed in lieu of the prescribed complement.

Ordered, that Extract from these Proceedings be forwarded to the Acting Principal Judge of Madura for his information and guidance.-

/Sent in S:736./

Read petition presented by the Vakeel C. Venkata Soobbier on behalf of Konachan Mundy Moondayoden Ambao of Tellicherry, complaining of the sentence passed by the Court of Tongdared Adalut on the prisoner in Case No 2 of the Tellicherry 6th Additional Calendar for the 2nd Quarterly Sessions of 1842.-

/Vide entry M. P. No 48./

The Prisoner was convicted on a mature consideration of the evidence, and that conviction cannot be disturbed.

Ordered, that the above be communicated to the Petitioner, and that Extract from these Proceedings be furnished to him on his application.

Read

11th July 1842.

Read petition presented by Janeyachella Pillay and his wife Maroodunnal, complaining of the sentence passed by the Court of Tongdared Adalut on the prisoner in Case No 9 on the Criminal Calendar for the 1st Quarterly Sessions of 1842.

/Vide entry M. P. No 54./

The Court of Tongdared Adalut see no reason to disturb the sentence passed in this case; the prayer of this petition is accordingly rejected.

Extract from the Proceedings to be furnished to the Petitioners on their application.-

Koodoomy Chetty of Pychinopoly moves the Court to return the enclosure in his Misc. Honour Petition No 38 of 1842.

Ordered accordingly.-

Read letter dated the 20th June 1842 from the 3rd Judge of the Provincial Court of Coromandel in the Centre

Mr. Petitioner and Mr. M. Lewin.

Monday
18th July 1842

At a Court of the Foujdaree Udalut.

Present

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

Malcolm Lewin Esqre — Actg 2d Puisne Judge

F. M. Lewin Esqre — Actg 3d Puisne Judge

Read petition presented on the 30th Ultimo by Lutchmee of the Zillah of Rajahmundry, praying for the release of her brothers the 1st and 2d Prisoners in Case No 4 on the Rajahmundry Calendar for the 1st Sessions of 1842, whom she states to have been sentenced unjustly to 14 years imprisonment by the Court of Circuit in the Northern Division

/Here enter F. U. M. P. No 52 of 1842/

Read also petition presented on the 30th Ultimo by Seetaramoodoo of the Zillah of Rajahmundry, praying for the release of his Brother the 3d prisoner in the Case above mentioned, who was also sentenced by the Court of Circuit in the Northern Division to 14 years imprisonment.

/Here enter F. U. M. P. No 53 of 1842/

Before finally disposing of the foregoing

11th July 1842

Centre Division, transmitting the record of trial in Case N:15 on the Chittoor Calendar for the 2nd Quarterly Sessions of 1842.

/Here enter N:970/

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, "Baladavados" 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 N:737/

F. Ud.

Wednesday 13th July 1842.

At a Court of the Foujdaree Udalut.

Present

Henry Dickinson Esqre 1st Puisne Judge

Malcolm Lewin Esqre Actg 2nd Puisne Judge

J. M. Lewin Esqre Actg 3rd Puisne Judge

Read again Extract from the Minutes of Consultation under date the 16th October 1841, N:786, accompanied by a Despatch from the Honorable the Court of Directors, and communicating the desire of Government to mitigate still further as many of the sentences passed on the prisoners concerned in the late insurrection in Canara as may be expedient, and to release such as have received punishment sufficient for example.

/Here enter N:1897 of 1841/

Also read Extract from the Minutes of Consultation under date the 9th December 1841, N:905, requiring the

the Court of Enquiry Ordered Ut shall to ascertain and report how many of the Prisoners connected with the Canard insurrection referred to in the above letter in each case, are still alive, exclusive of those who have been transported, and desiring that they will also enquire of the Magistrate of Canard whom amongst the Prisoners he would expect from mitigation or remission of punishment on account of their dangerous character or other causes.—

(Here enter No. 2158 of 1841)

Also read letters dated respectively the 22d, 23d and 28th December 1841 and 4th February 1842 from the Criminal Judges of Canard, Combacanau, and Bellary, and from the Sessions Criminal Judge of Coimbatore forwarding Lists of the Prisoners sentenced for having been connected with the late Canard Insurrection, at present in confinement in the Jails under their charge.

(Here enter Nos. 2263 and 2273 of 1841 and Nos. 23 and 268 of 1842)

Also

Also read letter from the Magistrate of Canard dated the 4th February 1842 forwarding two lists of the Prisoners concerned in the late Canard Insurrection, still living, (by exclusion of those transported) and communicating his decided opinion that any general act of clemency towards such Criminals is much to be deprecated.—

(Here enter No. 256 of 1842)

1. Of the two Lists furnished by the Magistrate of Canara, that marked No. 1 contains the names of those Prisoners who were guilty not only of acts of Rebellion against the State, but also of the most daring acts of violence and Robbery against the peaceable inhabitants of the Villages, and in favor of such Convicts any further mitigation of punishment might not in Mr. Blair's opinion, "to be for an instant thought of."

2. The List marked No. 2 contains the names of the remainder

of the Rebel prisoners, divided into 3
classes according to the degree of criminal-
ity attaching to each, but the Magistrate
submits that in his opinion any
further remission of punishment
passed on any of the prisoners convicted
of Rebellion in Canara would have
a mischievous effect, but if the Go-
vernment determine on extending its
clemency towards any of the prisoners
Mr. Blair suggests that it be confined
to those entered in the 3d Class.

3. The opinion of the Magistrate
as to the inexpediency of any further
remission of the Sentences passed upon
the persons concerned in the late Insur-
rection in Canara are so completely in
accordance with the sentiments of the
Court of Foujdaree Udalut that they
beg to request the particular attention
of Government to Mr Blair's letter
of the 14th of February 1842.

4. Mr Lavie the late Judge
of Canara has also recorded an opinion

on

on the subject of the proposed mitigation,
in concurrence with that expressed by
the Magistrate, Mr Blair, and Mr
Mr Lewin the 2d Judge of the Court
of Foujdaree Udalut, who at the period
to which the subject refers was in
charge of the District of Canara, has
likewise, at the request of his colleague
recorded his opinion in a separate
Minute, and a copy of the Minute is
appended for the consideration of
the Right Honorable the Governor
in Council.

5. Both Mr Lewin and
Mr Blair are of opinion that many
of the Rebels were in the first instance
even more leniently dealt with than
their Crimes deserved, and Mr Lewin
observes that leniency indeed was
exercised both by himself and the
Special Commission wherever it
could be done without infringing
some vital principle of Government or
where the interests of Society did not

call

could for a contrary course.

6. The Court of Foujdaree Udalut continued therefore of opinion that judicially the trials of the Canara Rebels are not open to further remark, but that political considerations alone should regulate any further prosecutions of the sentences in question.—

Ordered that Extract from these Proceedings together with copy of the Magistrates letter of the 4th February 1842 and the original of the lists received from that Officer and from the Criminal Judges of Canara and Bellary and the Joint Criminal Judge of Coimbatore be forwarded to the Acting Secretary to Government for the purpose of being laid before the Right Honorable the Governor in Council.—

Sent in No. 739.

Minute of the Acting 2nd Judge.

As the 1st and 3d Judges have desired that I should record my sentiments, I will do so briefly; tho' not with the

expectation that I shall be able to place any information on record which was not transmitted from my office at the period to which the subject refers, or which may not be gathered from the trials held before the Special Commission.— It will be within the recollection of the Court of Foujdaree Udalut, that the greatest desire was shewn by the Government, as well as in my own proceedings to diminish the quantum of suffering to bring the sittings of the Special Commission to a close at as early a period as was possible— to exercise lenitency whereever it could be done without infringing some vital principle of Government, or where the interests of Society did not call for a contrary course— (The question is not to be viewed in the light of a mere treasonous outbreak,— it brings into consideration the treatment of every crime of which man could be guilty against his fellow men.)

From Bannerman there refer to a letter addressed by me to the Chief Secretary dated 13th October 1837.

The

The Foujdaree Udalut will also recollect that the Government entrusted me with large discretionary powers in the treatment of offenders - these powers were exercised with the utmost liberality - Numbers who had forfeited their lives, under the law, or rendered themselves obnoxious to heavy penalties were discharged with impunity - The records of the Foujdaree Udalut will show that I experienced the greatest difficulty to select as well for punishment as for pardon - Of those who had suffered punishment the greatest number were public servants or influential pyots, and the majority were brought forward, at the instance of the Special Commission with the Senior Member of which, I was in hourly correspondence - the remainder were persons who in addition to treason, were guilty of personal violence deed of acts of plunder, of persons who taking advantage of a temporary anarchy, rose up as enemies to those around

See Register's letter to the Chief Secretary 2d August 1837. and the order thereon.

ditto 17th July 1837 and the order thereon.

There are many other letters which I cannot now refer to.

Letter of Register 21st October 1837 to the Chief Secretary and order thereon.

around them - I am not an advocate for extensive punishment in cases of a political character - treason lasts but an hour, it is a crime into which men are easily seduced, and into which they are often led by fear - little or either case reflecting on the consequences as regard themselves or others - When the number apprehended (I had at one time nearly 1300 prisoners in my custody) whom the character of those committed and premitted, are considered, I do not think the quantum of punishment awarded can be deemed large - In sending prisoners before the Special Commission, my chief object was to select such as had political influence either from station being in the public service, or from being in some way beholden to the Government - men of whom the Government had a right to expect something better, and in whom the people ought to have found an example of

of order instead of disorder - Men who should have supported the Government instead of standing forward to effect its subversion - I apprehend it is not a sound argument, in favor of any of the prisoners, that their sentences do not embrace a heavy term of imprisonment - Lenity was in some cases only justifiable on the ground that the punishment already inflicted had gone far enough; this principle is admitted in all punishments - It is difficult in political offences to decide on the just measure of punishment, but particularly so, where there are no extraneous circumstances to assist us a guide - that difficulty does not exist in the present case - I would refer to the 6th, 7th and last paragraphs of Mr Blair's letter particularly, tho' I concur in the sentiments expressed throughout it, there are other considerations to which Mr Blair has not so pointedly drawn attention - there will

will be found in the character of the insurrection itself which produced some extraordinary examples of atrocity - Many of the cases committed to the Special Commission, were cases of personal violence, and there were not many cases committed, in which there had not been crime, independent of the political offence - The want of the political offence was in absence of personal violence was in general a passport to impunity, and hundreds were released on that plea -

25th June 1842.

Read letters dated the 27th Ultimo from the Provincial Court of Circuit in the Northern Division transmitting for their consideration and orders, certain papers connected with cases Nos 17 and 47 of 1842 on the file of the Appellate Court at Trincomalee, as coming under the provisions of Circular Order of the Sunjdaree Adalut dated the 28th January 1838.

/Here enter F 14 Nos 982 and 983./

The

13th July 1842.

1. The Court of Foujdaree Udalut observe that according to the statement of the cases above enumerated the Prisoner is liable to punishment for fraud and embezzlement.

2 The punishments awardable for these crimes by the Mahomedan Law as declared in Futwas of the Law Officers of this Court, appear from Foujdaree Udalut Proceedings under date the 23d January and 8th May 1837, to be as follows;

Prisoners are liable to discretionary punishment under the Mahomedan Law according to the extent in which they are engaged in fraud charged and proved against them.—

A person who shall falsely pretend that a sum of money entrusted to him by another, has been stolen and shall fraudulently appropriate the same is liable to Tazeer.—

Ordered that a copy of these Proceedings be forwarded to the Northern Provincial

D. 41

13th July 1842

Provincial Court for communication to the Joint Criminal Judge at Vizagapatam and the Mahomedan Law Officer at Rajahmundry for their information and future guidance.—

(Sent in No. 740.)

Read the Sessions Criminal Reports submitted by the Provincial Court of Circuit in the Western Division for the Month of May 1842.

(Here enter No. 731.)

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 for the information of the Principal Sudr Ameen of Sircar.

(Sent in No. 741.)

Read

13th July 1842.

Read return dated the 30th Ultimo from the 1st Judge on Circuit in the Southern Division, reporting the result of his enquiry into Cases Nos. 63 and 65 of the Conclusions Criminal Report for the Month of April 1842.

/Here enter No. 998/

Read return dated the 8th Instant from the 2nd Judge of the Provincial Court of Circuit in the Centre Division, to the precept of the Foujdaree Udalut dated the 25th Ultimo, affording explanation of the delay in pending up the case No. 5 on the Chittoor Calendar for the 2nd Quarterly Sessions of 1842.

/Here enter No. 1036/s

EWL

13th July 1842.

F. Ud.

Thursday 14th July 1842.

At a Court of the Foujdaree Udalut

Present

Pd — Henry Dickinson Esqre. 1st Puisne Judge

Mc — Malcolm Lewin Esqre. Ag. 2nd Puisne Judge

rmd. — F. Mc. Lewin. Esqre. — Ag. 3rd Puisne Judge

Read letter dated the 6th Instant from the Magistrate of Chingleput requesting sanction for the offer of a conditional Pardon to two prisoners concerned in a daring case of Gang Robbery attended with aggravating circumstances.

/Here Enter No. 1011./

The Court of Foujdaree Udalut having maturely considered the circumstances represented in the above letter from the Magistrate of Chingleput, resolve, under the authority vested in them by Section XII Regulation XIII of 1832 to sanction the offer of a pardon to the prisoners "Immaygan" and "Chellen"

on

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 Chingleput for his information and guidance.—

/Sent in No. 743./

Read letter dated the 5th Instant from the Acting First Judge late on Circuit in the Northern Division transmitting the Original Death Warrant in Case No. 6 on the Nellore Calendar for the 1st Sessions of 1842.—

/Here Enter No. 1014./

Read letter dated the 4th Instant from the Provincial Court of Circuit in the Western Division conveying the remarks called for in the Proceedings of the Foujdaree Udalut of the 25th June 1842 regarding the 3 Peons employed by the Principal Sudr Ameen of Siroor in excess of the prescribed number during the months of March last.—

/Here Enter No. 1017./

Read

Read return dated the 4th Instant from the Third Judge late on Circuit in the Western Division to the precept of the Foujdaree Udalut dated the 29th Ultimo desiring to be informed of the result of the enquiry which the Magistrate of Malabar was directed to institute relative to the alleged ill-treatment of the Prisoners in Case No. 6 on the Malabar Calendar for the 1st Sessions of 1842 by the 3rd Police Gomastah.—

/Here Enter No. 1018./

Read letter dated the 9th Instant from the Acting Third Judge on Circuit in the Northern Division reporting the opening of the 2nd Sessions of 1842 at Nellore on the 9th Instant and the state of the Calendar.—

/Here Enter No. 1024./

F. U.

Friday.
15th July 1842. At a Court of the Foujdaree Udalut

Present,

Henry Dickinson Esqre — 1st Puisne judge
Malcolm Lewin Esqre Actg. 2d Puisne judge
F. M. Lewin Esqre Actg. 3d Puisne judge

Read letter dated the 5th Instant from the 3d Judge on Circuit in the Centre Division transmitting the Record of Trial in Case No. 2 on the Cuddalore Calendar for the 1st Sessions of 1842.

(Here enter F. U. No. 1013)

The Court of Foujdaree Udalut

Mr. Dickinson & Mr. F. M. Lewin

on a deliberate consideration of all the circumstances of the Case in evidence before them, being of opinion that the proof against the Prisoner Lutchoomanen is sufficient to convict him of the Crimes of Theft and Arson, do convict him 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 the crime of Theft, and to the provisions of Section XXI Regulation VII of 1802 Clause Second Section IV Regulation XV

of

of 1803, Clause Third Section II Regulation I of 1825, and Regulation VIII of 1828, do sentence him to receive 195 lashes with a cat o'nine tails, and to be imprisoned and kept to hard labor in irons on the public roads or other public works, for and during the period of fourteen years.-

(Sent following letter No 747.)

Read return dated the 8th ultimo from the Provincial Court of Circuit in the Western Division, submitting with reference to the precept of the Foujdaree Adalut of the 30th May last, a copy of the orders issued by them respecting Case No 39 on the Sircy Criminal Reports for the month of November 1841.

(Here enter F.Ms. No 907)

1 The Court of Foujdaree Adalut do not understand the application of the remarks contained in para: 2 of the above return.-

2 It was obviously not the intention of the Foujdaree Adalut in their Proceedings of the 30th May last, to desire the Provincial Court to take any steps towards enhancing the sentence passed upon the Prisoner in Case No 39 on the Sircy Criminal Reports for

for the month of November last.-

3 The object in referring the case to the Judge on Circuit was to ascertain if the evidence in the case justified the acquittal of the prisoner; if not, and the Collective Court of Circuit concurred in this view, that the conduct of the Principal Sudr Ameen should be noticed with animadversion.-

Ordered, that copy of these proceedings be forwarded to the Provincial Court in the Western Division for their information and guidance by precept returnable in 5 days, from and after its receipt.-

(Sent following precept No 748.)

Read the Criminal Reports for the month of May last, forwarded by the Joint Acting Criminal Judge at Trichinopoly.-

(Here enter F.M. No 933)

Suppl. Report Case No 28. 1 The Court observe, for the future guidance of the Acting Joint Criminal Judge at Trichinopoly, that this case ought also to have been included in the Calendar;

inasmuch

15th July 1842.

inasmuch as if the Court of Circuit acquitted the Prisoner of the graver offence with which he stands charged in Case No. 27, this case No. 28 would have been returned to the Criminal Court for disposal - and if the Prisoner were punished by the Court of Circuit for the offence in No. 27, the punishment would have included this case also -

Ordered, that copy of these Proceedings be forwarded to the Acting Joint Criminal Judge at Trichinopoly for his information and future guidance -

/ Sent in No. 749. /

Read letter dated the 30th May 1842, from the First Judge of Circuit in the Centre Division forwarding copies of the Bellary Primary and 1st and 2nd Additional Calendars for the 1st Sessions of 1842 -

(Here enter No. 864)

Case No. 1

1 The circumstances connected with the Robbery charged in Case No. 1 are shown in the margin, but in consideration of the trifling value of the property taken by the prisoner, who was a Talaree and bore a good character for 7 years

"The prisoner met the Prosecutrix on the road and asked her for some betel, after she produced her bag containing some articles of trifling value which the Prisoner snatched from

2/

F. No.

15th July 1842

"from her hand and ran off with -

years previously," the Judge of Circuit submits that the ends of justice will be satisfied by a sentence of 1 Year's imprisonment with labor in irons -

2. Considering that the Act was committed by a Talaar, the Court of Foujdaree Adalut do not deem it proper to sanction a mitigation of punishment to a less extent than 7 years imprisonment with hard labor in irons, and the 1st Judge late on Circuit will issue his warrant for such mitigated punishment accordingly -

Case No. 3. 3. The Court of Foujdaree Adalut are of opinion that the sentence of 6 Months imprisonment awarded for the fraud proved against the prisoner in Case No. 3 was injudiciously lenient.

Cases Nos. 4 and 5. 4. And this remark is equally applicable to the sentence awarded for the two distinct charges of wounding, proved against the prisoner concerned in the cases noted in the margin. The remarks of the presiding Judge shew clearly that the intention of the prisoner must have been to kill, and in fixing the

punishment

15

punishment the intent should have been con-
sidered.-

Case No. 7

5. As regards the 1st Prisoner in Case No. 7 (convicted of passing counterfeit money with intent to defraud) the circuit Judge records his opinion that the ends of justice would be satisfied by a sentence of 1 (One) years imprisonment with labor in irons.

6 The Court of Foujdaree Udalut observe that the punishment awardable in such a case, is, by Clause 1st Section VI Regulation XII of 1822, discretionary with the Circuit Judge; but inasmuch as the prisoner would appear to be a professed passer of counterfeit coin, the Foujdaree Udalut are of opinion that a sentence of less than 5 years imprisonment could not be awarded without compromising the ends of justice-

Case No. 12

7 The Court of Foujdaree Udalut are of opinion that the 1st Judge greatly erred in releasing the 2d prisoner in Case No. 12 on Security- According to the 1st Judges own shewing the evidence was sufficient for his conviction-

Considering the value of the

8.

property which the 1st Prisoner in Case No. 15 is charged with having stolen, the Court of Foujdaree Udalut are of opinion that a sentence of 4 years imprisonment was a very inadequate punishment.-

Case No. 22

The presiding Judge having

9

expressed his opinion in Case No. 22 "that there
"is no doubt as to the guilt of the prisoner
"in having fabricated the Document for the
"purpose of extorting money from the inhabitants,
"which he is proved, to have done in six Villages",
the Court of Foujdaree Udalut consider that sentence
of 4 years imprisonment was an insufficient
punishment.-

Case No. 30

Under the circumstance of the

10

1st Prisoner in Case No. 30 being an old offender
(having been formerly punished with 7 years
imprisonment) the Court of Foujdaree Udalut
do not deem it proper to sanction any mitigation
of the prescribed punishment for the offence
proved against him in the present case, and
the Law therefore must be allowed to take
its course-

The

15th July 1842

Case No 32

11 The Court of Foujdaree Udalut, under Clause 1st Section III Regulation I of 1825, sanction the mitigated sentence proposed by the 1st Judge for the Prisoner

"Sunjeevoo doo"

of five years imprisonment with hard labor in irons.-

Case No 34 12 The Court of Foujdaree Udalut consider that the 1st Judge erred in concurring with the Futwah of the Law Officer in Case No 34, so far at least as respects the acquittal of the 1st Prisoner.-

13 The evidence against this prisoner if correctly set forth, was abundantly sufficient for his conviction.-

14 The Prisoner however having been acquitted by the Court of Circuit, no good would result from calling up the entire record of the trial, but the Court of Foujdaree Udalut desire to have before them a translation of the confession of the 1st Prisoner before the Police, and of the deposition of the 5th Witness before the

F No.

15th July 1842 the Police Officer the Criminal Judge, and the Court of Circuit.-

Case No 39. 15 In order that the Court of Foujdaree Udalut may judge of the propriety of the acquittal and unconditional release of the 1st prisoner, and of the conditional release of the 2d and 3d prisoners, in Case No 39, the Court desire to have before them a translation of the record of the Trial in that Case, which the 1st Judge will accordingly cause to be prepared and submitted without delay.-

Case No 40 16 The Court of Foujdaree Udalut see reason also to doubt the propriety of the acquittal in Case No 40 of this Calendar, and the 1st Judge will accordingly cause a translation of the record of the Trial to be prepared for their consideration-

Case No 42 17 The Court of Foujdaree Udalut fear that in acquitting the prisoner concerned in Case No 42 there has been a failure of justice so far as the Court of Foujdaree Udalut can judge from the abstract of the evidence given

given in the Calendar, the prisoner had rendered himself liable to punishment.

18 The prisoner it is clear held property which did not belong to him, and the Court of Foujdaree Udalut have no doubt he knew it was stolen, if he did not steal it.

Case No 3. 19 And to enable the Court of Foujdaree Udalut to judge of the propriety of the acquittal in Case No 3 they desire to have before them translations of the declarations of the 1st Prosecutor and of the 6th Prosecutrix before all the Tribunals.

1st Add. Calendar. 20 Inasmuch as the prisoners in
Case No 1 Case No 1 were not charged in the indictment with the commission of any specific act of Robbery, the Circuit Judge should have abstained from putting the prisoners on their trial.

Case No 2. 21 In Case No 2 also no specific act is charged against the prisoners, and doubting therefore (the legality of the sentence passed against the 3d Prisoner) the Court of Foujdaree Udalut resolve to call for a translation of the record of the trial, and in the meantime to direct that the sentence

sentence passed on the 3d prisoner be suspended

Case No 4. 22 Referring to Case No 4 of this Calendar the Court of Foujdaree Udalut would desire to have before them a translation of the 2d Prisoner's deposition before the Criminal Court

Case No 5. 23. The Court of Foujdaree Udalut consider that the 1st Judge erred in putting the prisoners concerned in Case No 5 on their trial on the unsupported evidence of an approver.

Case No 6. 24 With respect to Case No 6 the Court of Foujdaree Udalut desire to have before them a translation of the 2d prisoner's depositions before the Joint Magistrate and the Criminal Court.

Cases Nos 7, 8, 9, 11, 13, 15, 16, 17 and 18. 25. In Cases Nos 7, 8, 9, 11, 13, 15, 16, 17 and 18 also the Prisoners would appear to have been placed on their trial on very insufficient evidence but before recording any decided opinion on the commitment in case No 8 the Court of Foujdaree Udalut desire to have before them a translation of the 2d prisoner's deposition before the Criminal Court.

Ordered that Extract from these

15th July 1842.

these proceedings be forwarded to the 1st 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 750.)

Read letter dated the 29th Ultimo from the Provincial Court of Circuit in the Western Division, forwarding copy of a letter from the Joint Criminal Judge of Malabar, requesting the opinion of the Court of Circuit whether a discretion is not allowed to the Criminal Judge to select witnesses for the Prosecution in committed cases or whether in all such cases the name of every witness who can depose to the commission of the crime is to be entered in the Calendar and the person bound over to attend the Circuit Court.-

(Here enter No 1005.)

The Circular Order of the 15th July 1830 shows clearly that no witness who speaks to material facts should be dispensed with.-

The

15th July 1842.

The committing Officer is not the authority to decide on what evidence a case should be tried, and no Judge would in ordinary cases be content to conclude a trial without having all material witnesses examined.-

Ordered, that Extract from these proceedings be forwarded to the Provincial Court of Circuit in the Western Division for communication to the Joint Criminal Judge at Tellicherry for his information and guidance.-

(Sent in No 751.)

Read the Criminal Reports submitted by the Criminal Judge of Canara for the month of June 1842.-

(Here enter No 1028)

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 Criminal

15th July 1842.

Criminal Judge of Canara for his information

(Sent in No 752.

Read the Criminal Reports sub-
=mitted by the Criminal Judge of Chingleput
for the month of June 1842.

(Here enter Rs 1000)

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 Criminal
Judge of Chingleput for his information.

(Sent in No 753.

Read the Criminal Reports for
the month of May last submitted by the Acting
Criminal Judge of Chittoor under date the 16th
ultimo.

(Here enter F.U. No 922)

Suppl Report
Case No 54.

From the statement of this case
in the above Report, it appears that the "Prison-
=ers are fully committed to take their trial before
the Sessions Judge" the Acting Criminal Judge
having omitted to show upon what evidence
the

15th July 1842.

the commitment in this case was ordered,
the Criminal Judge is required to supply
the omission.—

Statement of Extra Rons.

2.

From the Statement appended
to these Reports, it appears that 21 Jail Rons
were employed at Chittoor during the month
of May 1842; as only 80 Prisoners were worked
outside the Jail, and the authorized guard
for this number of Convicts is only 20 Rons,
the Acting Criminal Judge is required to
explain the reason of 1 Ron being employed
in excess of the prescribed complement.—

Ordered, that copy of these
Proceedings be forwarded to the Acting Crimi-
=nal Judge at Chittoor for his information
and guidance by precept returnable in
5 days, from and after its receipt.

(Sent following precept No 754.

Sd.

Monday
18th July 1842

At a Court of the Foujdaree Udalut.

Present

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

Malcolm Lewin Esqre — Actg 2d Puisne Judge

F. M. Lewin Esqre — Actg 3d Puisne Judge

Read petition presented on the 30th Ultimo by Lutchmee of the Zillah of Rajahmundry, praying for the release of her brothers the 1st and 2d Prisoners in Case No 4 on the Rajahmundry Calendar for the 1st Sessions of 1842, whom she states to have been sentenced unjustly to 14 years imprisonment by the Court of Circuit in the Northern Division

/Here enter F. U. M. P. No 52 of 1842/

Read also petition presented on the 30th Ultimo by Seetaramoodoo of the Zillah of Rajahmundry, praying for the release of his Brother the 3d prisoner in the Case above mentioned, who was also sentenced by the Court of Circuit in the Northern Division to 14 years imprisonment.

/Here enter F. U. M. P. No 53 of 1842/

Before finally disposing of the foregoing

foregoing petitions, the Court of Fouzdaree Udalut re-
=quire that the Record of the Trial in Case No. 4 on
the Rajahmundry Calendar for the 1st Sessions of 1842,
be submitted for their consideration by the Provincial
Court of Circuit in the Northern Division.—

Ordered that Extract from these
proceedings be forwarded to the Provincial Court
of Circuit in the Northern Division for their infor-
=mation and guidance, by precept returnable —
without delay.—

/Sent following precept No. 761./

Ordered also that copy of these
orders be furnished to the Petitioners on their application

Read petition presented on the 30th
Ultmo by Pungy of the Zillah of Chittoor.—

/Here enter F.U. M.P. No. 55 of 1842/

The Petitioner complains of the order
passed upon her former petition No. 23 of 1842, by the
Court of Fouzdaree Udalut under date the 15th April
last, and prays the Court to call for and examine
the depositions of the witnesses in Case No. 5 on the
Chittoor Calendar for the 1st Quarterly Sessions of 1842 and direct
the

the release of her brother, the 2d Prisoner in that Case

2 The Court of Fouzdaree Udalut see
no reason to disturb the Sentence passed by the 3d
Judge of the Provincial Court in the Centre Division
upon the Petitioner's Brother, and direct that this petition
be rejected.—

Ordered accordingly, and that a
copy of these Proceedings be furnished to the Petitioner
on her application.—

Read petition presented on the 11th
instant with two enclosures and Vakalutnamah
by C. Venkatasoobiah Vakeel in behalf of
Kanishen Pyrapen and Kanachantandy Coon-
=hambo of the Zillah of Malabar.—

/Here enter F.U. M.P. No. 57 of 1842/

The Petitioners are the Prisoners
in Cases Nos. 2 and 3 on the Malabar Additional
al Calendar for the 2d Quarter Sessions of 1842
in the Western Division, and were sentenced by
the 1st Judge presiding, to be exposed in the mode
commonly denominated Tasheer, to receive 70
lashes of a cat o' nine tails, and to be imprison-
=ed for 7 years on a charge of wilful and corrupt
perjury

perjury.—

2. The object of this petition is to induce the Court of Fouzdaree Udalut to reverse the Sentence passed upon the Petitioners and to order their release.—

3. The Court of Fouzdaree Udalut see no grounds whatever for disturbing the sentence passed upon the Petitioners by the 1st Judge presiding at the 2d Quarter Sessions of 1842 in the Western Division, and direct that this petition be rejected.—

Ordered accordingly and that a copy of these proceedings be furnished to the Petitioners on their application.—

Read return dated the 1st March last from the Provincial Court of Circuit in the Centre Division to the precept of the Fouzdaree Udalut of the 21st February 1842, directing them to furnish an English translation of the Magistrates Proceedings in the Case of Petitioner Mahommud Heyat under the order of the Fouzdaree.—

Udalut

Udalut dated the 29th March 1842.—

/Here enter F.U. No. 403 of 1842/

Read also petition presented on the 18th April last by Mahommud Heyat of the Zillah of Chittoor, praying that the Court of Fouzdaree Udalut will be pleased, after perusing and considering the translation of the Magistrates Proceedings in his case, submitted with the above return, to rectify that officer's error in placing his /Petitioner's/ house in Vellore in the possession of the widow of the late Soobadar Shaik Tippoo

/Here enter F.U. M.P. No. 36 of 1842/

The Court of Fouzdaree Udalut observe, that the house in question has been placed in the possession of Neyamut Kantoo Beebee, the party who was holding it previously to the violence complained of, having occurred—and direct, that the Petitioner be informed, that should he have any claim to the house, he must bring a Suit for it before a competent Court.—

Ordered that the petition be rejected and copy of these proceedings be furnished to the Petitioner on this application.—

Read

18th July 1862

Read the Criminal Reports for the month of May last, forwarded by the Criminal Judge of Bellary under date the 15th ultimo.

/Here enter F.H. No. 945 of 1862/

Insp. Report Case No. 82

The Court of Fouzdaree Adalut observe, that the period, for which the security is demanded from the Prisoner in this Case, for his good behaviour and appearance, is not specified in the above report, they direct therefore that the Criminal Judge be required to amend the sentence.

Report No. V Case No. 103.

2. The Court see no proper grounds for the requisition of security from the prisoner in this Case, and direct that if no other more sufficient reasons for the demand exist, the Prisoner be set at liberty.

Ordered that Copy of these proceedings be forwarded to the Criminal Judge of Bellary for his information and future guidance.

/Sent in No. 762./

Read the Criminal Reports submitted by the Joint Criminal Judge of Tellicherry

18th July 1862

Tellicherry for the month of June 1862.

/Here enter F.H. No. 1020 of 1862/

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

Ordered therefore that Extract from these proceedings be forwarded to the Criminal Judge of Tellicherry for his information.

/Sent in No. 763./

Read the Criminal Reports submitted by the Criminal Judge of Rajahmundry for the month of June 1862.

/Here enter F.H. No. 1023 of 1862/

Case No. 23.

The Court of Fouzdaree Adalut are of opinion that the Assistant Criminal Judge erred in not committing the prisoner concerned in case No. 23 to take his trial before the Court of Circuit as it is obvious the wound was inflicted with intent to kill.

Statement of Extra Peons

2 From the Statement appended to these reports it appears that 30 Sail peons were employed at Rajahmundry during the month

18th July 1842.

month of June 1842; as only 114 Prisoners were worked outside the Jail, and the authorized guard for this number of convicts is only 29 Peons, the Criminal Judge is required to explain the reason of 1 Peon being employed in excess of the prescribed complement.—

Ordered that Extract from these proceedings be forwarded to the Criminal Judge at Rajahmundry for his information and guidance.—

/Sent in No. 764./

Read the Criminal Reports submitted by the Joint Criminal Judge of Vizagapatam for the month of June 1842.—

/Here enter J.H. No. 1029 of 1842./

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 Joint Criminal Judge of Vizagapatam for his information.—

/Sent in No. 765./

Read return dated the 8th instant from

18th July 1842

from the Provincial Court of Circuit in the Southern Division in the precept of the Foujdaree Udalut of the 28th Ultimo calling for an explanation of the reason for an allowance of meat being granted once a week to the prisoners in the Jail at Trichinopoly.—

/Here enter J.H. No. 1035 of 1842./

Under the explanation herewith submitted, the Court of Foujdaree Udalut resolve not to interfere with the practice in the Jail at Trichinopoly.

Ordered that Copy of these proceedings be forwarded to the Provincial Court of Circuit in the Southern Division for their information and for communication to the Acting Assistant Criminal Judge at Trichinopoly.—

/Sent in No. 766./

Ent 7th

18th July 18

Tuesday
19th July 1842.

J.C.

At a Court of the Tongdaree Udalut.

Present

H.D. — Henry Dickinson Esqr. 1st Puisne Judge

M.L. — Malcolm Lewin Esqr. 2d Puisne Judge

J.M.L. — J. M. Lewin Esqr. 3rd Puisne Judge

Read Ittchapore Criminal Reports submitted by the Principal Sudr Ameen for the month of May 1842.

(Here enter No. 978.)

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 Principal Sudr. Ameen at Ittchapore for his information.

(Sent in No. 770.)

Read the Criminal Reports submitted by the Joint Criminal Judge of Cuddalore for the month of May 1842.

(Here inter No. 944)

The above Reports do not

appear

19th July 1842.-

appear to call for any remark from the Court of Tonjolaree Udalut-

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

(Sent in No. 771.)

Read the Criminal Reports for the month of May last forwarded by the Principal Sudr Ameen at Honore under date the 9th Ultimo-

(Here enter F.16. No. 930.)

It is observed for the future guidance of the Principal Sudr Ameen, that the evidence, in the early cases of his Report, is noticed too much in detail. the Calendar should contain a mere abstract of the cases.-

Ordered; that Extract from these proceedings be forwarded to the Principal Sudr Ameen at Honore for his information and future guidance-

(Sent in No. 772.)

Read return dated the 12th July 1842 from the Joint Criminal Judge of Coimbatore

19th July 1842.-

Coimbatore to the precept of the Tonjolaree Udalut of the 5th Instant, conveying their observations and orders on the Criminal Reports for the month of May last-

(Here enter F.16. No. 1052.)

Read letter dated the 9th Instant from the Acting Criminal Judge of Nellore, reporting that the reasons relative to the cause of delay on the part of the Head of Police in forwarding to the Criminal Court the case No. 32 on the Supplemental Report for May 1842, were written in the Report V for April 1842.-

(Here enter F.16. No. 1038.)

Read letter dated the 12th Instant from the Acting 2nd Judge on Circuit in the Northern Division, forwarding Statement of Batta paid to the Prosecutors &c. in cases No. 7 on the Supplemental Calendar, who attended before the Court of Circuit for the 2nd Quarterly Sessions of 1842.-

(Here enter F.16. No. 1050.)

Read letter dated the 1st Instant from the Joint Criminal Judge of

19th July 1842.

of the Auxiliary Court at Vizagapatam informing the Court of Foujdaree Udalut that the Quarterly Statement required by Circular Order No 88 respecting other than road labor performed by the Convicts under his charge has not been sent, there being no entry to be made in it.—

(Here enter Fl6. No 1034.)

Exd.

Wednesday
20th July 1842.

F. 16.

At a Court of the Foujdaree Udalut.

Present.

Henry Dickinson Esqre — 1st Puisne Judge.
At Malcolm Lewin Esqre. 1/2 2nd Puisne Judge.
and F. M. Lewin Esqre — 1/3 2nd Puisne Judge.

Read again Extracts from the Minutes of Consultation dated respectively the 8th February 1842 No 95 and 7th March 1842 No 154, transmitting copies of certain letters addressed to Government by the Magistrate of Malabar relative to an outbreak amongst the Mopla Inhabitants in the province of Malabar, and requesting the Foujdaree Udalut to give serious attention to the measures suggested by the Magistrate in view to put a stop to such atrocities, and requesting the Court to recommend the course best to be adopted in reference to the character and habits of the people.—

(Here enter No 269 and 426 of 1842.)

1. Shortly after receipt of the Extract from the Minutes of Consultation of the

the 8th February 1842 the Court of Foujdaree Udalut received a letter from the Acting 3rd Judge on Circuit in the Western Division, soliciting the instructions of this Court as to the disposal of the prisoners concerned in case No 16 of the Malabar Calendar for the 1st Sessions of 1842, charged with "having in "company with Valparambil Keyatreporatoo "Moideen Cootty and Eunakal Moideen Cootty "and others not yet apprehended gone in a "gang of about 2,000 persons to the spot where "the corpses of Nayanoor Moideen and 10 others "(who had murdered a public peon and another "person and had taken up arms against the "Government authorities, and after killing a "third and wounding 4 other persons, were shot) "were buried by public authorities, disinterred "them in defiance of the orders of Government "to the contrary, and having carried them to "a Mosque buried them there with a view to "pay respect to the corpses of the 11 Murderers."

2. As this Trial referred to the outbreak in Shernaad, alluded to in para: 2 of the Minutes of Consultation of the 8th February

February 1842, the Court of Foujdaree Udalut deemed it proper to call for the entire record of the Trial.-

3. The circumstances which led to this outbreak have been already fully detailed to Government by the Magistrate of Malabar, and moreover they have been briefly recited in the Minutes of Consultation of the 8th of February last, viz: as having been occasioned chiefly by "the manner in "which the Nair Peon, who was deputed with "the Summons to Nayanoor Moideen, and other "Moplas associated with him, executed his "duty."

4. It appeared from the Record of the Trial that on a complaint being preferred to the Tahsildar by a person named Paniker, against certain Moplas, a Nair Peon was sent to summon the Defendants before him.- This Peon, in a state of intoxication, proceeded to the Mosque in which the Moplas were engaged at their devotions, and although requested by the Moplas to wait until the service of the Mosque should

should be over, he violently forced himself into the Mosque, and dragged from it some of the Moplas that he found.—

5. That the Moplas should have avenged the insult thus wantonly offered to themselves and to their Religion was not perhaps to be wondered at; in the heat of passion they wounded 4 persons— killed the Peon who had outraged their feelings, also the individual who had preferred the charge against them, and a third person not named.—

6. It now became necessary to call in the aid of the Military, and in execution of their duty 11 of the Moplas were shot—

7. There was not however in the opinion of the Foujdaree Udalut the slightest reason to suppose that the Moplas had in contemplation <u>to take up arms against the Government</u>.—

8. To the wanton outrage to which they had been exposed, was alone to be attributed this ebullition of excited feeling.—

9. Taking into consideration the circumstances which threw the Moplas into

a state of phrenzy, the Court of Foujdaree Udalut questioned the propriety of the proceeding adopted by Mr Dalel of causing the bodies of the 11 Moplas, shot by the Military, to be thrown into holes, so shallow that they could not be covered by more than a span deep of earth, and not giving their caste people an opportunity of performing the rites of sepulture over them.—

10. As Mr Dalel had no authority (so far at least as the record shewed) for ordering the bodies of these Moplas to be treated with insult, and as neither Law nor reason would justify any such proceeding, the Court of Foujdaree Udalut recorded their opinion that the act of their Relations and Friends in disinterring them for the purpose of decent burial, according to the rites of their religion was divested of much of its criminality, the more especially since in performing those marks of respect to the remains of their friends and Relations, they were guilty of no act of violence to any one.—

11. Under all the circumstances

it

it appeared to the Court of Foujdaree Udalut that the lengthened imprisonment the prisoners had already undergone was commensurate with their offence; but they left it to the Judge of Circuit to dispose of the case according to his own judgment, requiring him to make an immediate report of any Sentence that might be passed by him.-

12. The 3rd Judge of the Provincial Court of Circuit reported in a return dated the 17th Ultimo that he had issued his warrant directing the 1st prisoner to be imprisoned and kept to hard labor in irons for one year, and the remaining prisoners to be severally imprisoned for six months.-

13. The Court of Foujdaree Udalut have seen no reason to interfere with this Sentence; but continuing of opinion that the cause of the outbreak may be traced to the conduct of the Government Officers, and that in fact there was no previous disposition on the part of the Moplas to take up arms against the Government, the Court of Foujdaree Udalut cannot give their support to the measure suggested by the Magistrate

Magistrate of Malabar of disarming the people, or restricting the keeping of arms- the chief and most important of the suggestions made in the letters addressed to Government by the Magistrate of Malabar in view to put a stop to future similar occurrences.-

14. The papers before the Court do not lead them to believe that any special measure of this nature is called for.-

15. Indeed the Court would be disposed to view any restriction in the use of arms in the Province of Malabar as improper, and calculated to lead to discontent, and to deprive the people of a means of protection as indispensible for their safety, in relation to the nature of the Country and its inhabitants, and the isolated situation of their houses.-

16 The only course that the Court of Foujdaree Udalut would have recommended in reference to the character and habits of the people, is, that a proper selection of Peons for particular duties should in future be carefully had in view by the Police authorities, and this it appears has already been ordered by Government

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Government in the Minutes of Consultation of the 8th February 1842.-

17 The 3rd Judge of the Court of Foujdaree Udalut differs however from his Colleagues in respect to the propriety of restricting the use of arms in the District of Malabar. The 3rd Judge concurs in opinion with the Magistrate Mr Conolly that arms should be taken from all those who may be likely to employ them for bad purposes, a power which the Court of Foujdaree Udalut observe already belongs to the Magistrate and Mr F. M. Lewin, in a Minute recorded by him on the 30th Ulto, has carefully arranged and collated the opinions which from time to time have been recorded on this subject, since the year 1817.-

18 Mr F. M. Lewin dissenting also from his Colleagues in the view taken of the Conduct of the Police on the occasion of the outbreak in Shernaad has recorded his opinion on this subject in separate Minutes dated respectively the 26th May and 27th June 1842.-

19 Referring however to the proposition that the Rules which were formerly in operation in

P. 16.

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in the District of Malabar by which no man was allowed to keep arms without permission, but reverted to the Court of Foujdaree Udalut would point out that it was not so much for the Moplas as for the Nair that former restrictions were called for. But the character of the people of Malabar has of late years much changed, and the Nair who was most prone to the use of the knife has lost much of his former fire, and is now for the most part supplanted by the industrious Mopla whose pride is not of the sensitive character of the Nair- tho' of course subject to temporary exhibition under provocation similar to that which gave occasion to the outbreak in Shernaad.-

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

(Sentence Ap)

Minute of the Acting 3rd Judge.-

I now proceed to consider the instructions

instructions of the above date which are found-
-ed it appears chiefly on the 1st Judge's Minute
of 6th May, entirely concurred in by the 2nd Judge-

As the 1st and 2nd Judges do not
call in question the propriety of the con-
-viction of the Prisoners of the crime laid
to their charge in the Indictment, it appears to
be unnecessary to go into the evidence as to
the fact of their having assembled and
disinterred the relevant bodies.-

But with reference to the
Record of the Trial and to the letters
forwarded to the Confidence Elected by the
Government (adverted to in Paras 4 of the
Proceedings) I cannot agree with the 1st
and 2nd Judges that the Prisoners ought
to be released immediately."

The Punishment they have
already undergone viz 6 Months imprison-
-ment, has happened to them in the ordinary
course of the administration of Justice,
and the delay in their Trial has been un-
-avoidable, and if they had been perfectly
innocent and had been acquitted they
would have suffered the same; and as
the

the Judge of Circuit in the 4th para. of his
letter has strongly advocated the necessity
of inflicting condign punishment on the
guilty parties, I am of opinion that exem-
-plary punishments should be inflicted
upon them, to deter others of their tribe
from the commission of similar Offences.-

With respect to the original
Murder which led to this Trial I can-
-not sufficiently express my surprise
at the language of apology for the act
which has been adopted in the 4th and
5th para. of these proceedings.-

Is it not to be wondered at
that People should rise from their
prayers and commit two murders im-
-mediately afterwards? Must the
shedding of blood be looked for because
a Person charged with a summons for the
attendance of a Party complained against by
executes his commission improperly
whilst in a state of intoxication; and
whatever disposition may be felt to
palliate this atrocity, is it possible
that the 1st and 2nd Judges can agree to

dismiss

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dismiss the second Murder of the Panikar ...
without a single expression, and then to pass
on to the subsequent resolution of the Murderers
"to sell their lives as dearly as they could
"rather than submit to an ignominious
"death," not as an aggravation of their conduct,
but as the natural and contemplated
course of it. "Killing a third and wounding
four other persons," is "an ebullition of
excited feeling," and they are "Martyrs in
"defence of their insulted Religion!"-

The 1st and 2d Judges go on to
observe that "the state of fury into which these
"Moplas had been worked, it became necessary
"that the Military should act, and in execution
"of their duty if the Moplas were shot"
Para: 7 "if the atrocities they had perpetrated
these 11 Moplas of whom 3 were actually Coolies
unconnected with the rest they added this
that they armed themselves and defied
the Civil Power openly from Saturday till
Wednesday or 5 days, during which time they
had ample time to reflect, and, if they
had chosen to escape. They added absolute
open Rebellion to their previous atrocities,

(and

(4).

S.16.

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and endangered the Peace of the whole Taluk
and after keeping the Tahsildar and the Civil
Power at bay defied, taunted and menaced
the Soldiery to their teeth. They published
a manifesto giving an account of the Murder
of the Peon "with the knife which they had
"in reserve for the Panikar on his return ..."
"from the Taluk Cutcherry" and regretting
"they had not succeeded in their design on
"the Tahsildar."

These are the men who have
apparently excited the sympathy of the 1st
and 2d Judges, and for whose, utter desperate
future after they were shot like rabid animals
whose capture was utterly impracticable, they
so strongly plead.-

It is distinctly stated by
Mr. Patel that the 11 Moplas were buried
by his direction in the spot. On the same
spot he also directed the bodies of the
murdered Kolkar and of the Panikar to
be interred. The interment of both was
similar. The same respect to dead bodies
was paid to both. They were buried in
separate graves. The graves were by the

evidence

evidence of some witnesses "waist deep" and by the evidence of others "Knee deep". All agree that there was a span of Earth on the surface of the ground above.-

If the 1st and 2nd Judges will consider this I think they will be at a loss to discover the propriety and accuracy of their description of this burial contained in the 8th Parn. "thrown like so many Dogs into "holes". Mr. Plated says "amongst the "Villagers assembled there was not a single "Mopilla, nor could the presence of the Moohiedeen "be procured" Under these circumstances how could "their caste People" perform "the rites of sepulture over them" what possible course more decent, more moderate could Mr. Plated have adopted than that which the 1st and 2d Judges have stigmatised as unjustifiable (Parn. 2 "I" end of)

These bodies were not treated with Insult" and the authority which Mr. Plated was invested with could not by any possibility have been exercised with greater propriety- could Mr. Plated have allowed the bodies to lay exposed in the

Sun:

Sun:

In the circumstances Mr. Plated was placed what other course could he have adopted: after having interred the 13 bodies (including the murdered 2) He states he went straight to the Talook Cutcherry and sent for the 2 Mopilla Moo= =kiestens to confer with them, and to induce them to prevail with the Moplas not to oppose the Government.- But that they were no where to be found.-

There were 11 dead bodies (and 2 more those of the murdered Kolkar and Panikker) lying in the sun; and not a single Mopla, not a single Moohiedeen to be found.-

The Moplas were doubtless dogged yet afraid. They knew their caste People had done wrong. They were still unwilling to acknowledge this and harbouring in their breasts resentment only smothered by the Soldiery still they resolved at night fall to oppose the Government, to render the Govern= =ment authorities odious as oppressors in the eyes of the People, and to

disinter=

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disinter the bodies in spite of them. They resolved to assemble in an overwhelming force after the Sepoys and the authorities should have retired, and canonize the remains of the Murderers, as "Syeds" by an impressive ceremony in the teeth of the Government authority.-

That the Orders of the Government authority viz: those of Lieutenant Shakespear, Mr. Plated, and the Tahsildar of the District, were to prevent the disinterment of the Bodies, by keeping a watch were given on the spot, were known to have been so given, and were utterly disregarded by the Moplas, no one who has read the Record of this Trial can doubt for a moment, if in the absence of the Magistrate and his Assistants the Tahsildar's Orders given to the Adikerry and his Rollkars to be communicated to the Mookiastens and others were not to be considered the "Orders of Government" — what Orders could be Styled Orders of Government?

Before I quit the subject of the

No

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the burial of the 11 Bodies by Mr. Plated and the Tahsildar, I must observe that no one has complained that the bodies were not properly buried. The 2nd Prisoner alone States in his Defence that the limbs of the bodies protruded, but it is not clear whether he means protruded from the Graves the Moplas digging after exhuming the bodies, or from those in which they were first interred by the Government authorities Mr. Plated and the Tahsildar.-

The 1st Prisoner distinctly States in his Defence, and as a reason why he was Party to building a wall round the 2d place of burial, that the bodies protruded and Jackhalls and Dogs were molesting them. Except the 2 therefore of which one (the 1st Prisoner) does not allude to the 1st place of Sepulture under the Jack tree, not a single complaint on the whole Record is found of the first burial being considered an objectionable or humiliating one. How then can the 1st and 2nd

Judges

Judges put into the mouths of the Moplas as it were, a complaint against the Government they themselves (the Moplas) with every disposition to find fault do not advance?

Now as to any Orders not to disturb the dead bodies the issue of which to the people the 1st and 2nd Judges appear to doubt.

The 16th witness the Adikerry says "after the 11 bodies were buried, the "Military Officer, and the Tahsildar ordered "me that no one should remove the bodies "and that I should set a watch &c. &c."

The 2nd witness Mookiastie's Kootlee paramba Kunnoo Nair states "when the Tahsildar was leaving the spot, "he ordered that the bodies should not be "moved and that a watch should be kept &c. &c."

The 11th witness a Kolkar states "when the Military Officer and the Tahsil- "dar quitted the spot, they told the Adi- "kerry not to suffer the bodies to be "removed but to set a watch. In conse- "quence, the 16th witness (the adikerry) "the Kolkar Kootlee 3rd paramba Ittey, Ramen Nair,

"Ramen Nair (the 12th witness) and Thanga- "-nen Nair the 13th witness remained on "watch."

12th witness corroborates the above in nearly the same words.

13th witness corroborates also, stating thus - "I heard the Tahsildar "say to the Adikerry at noon when he "was quitting the place, that a watch "should be kept to prevent the removal "of the bodies. Accordingly while 2nd, 16th, 11th, "17th and 12th witnesses were on watch &c. &c."

17th witness says the same thing. That he "called out to the Mop- "-lah mob to desist from disinterring the "bodies that he called this out at a "distance of 100 fathoms. That 11th, 12th, 13th "and 16th witnesses called out to them "much closer than he did from different "Quarters."

That these orders were not communicated or not known to the Mop- -las is utterly incredible. When all their attention was so rivetted to what was going on, is it to be supposed for an instant

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instant that the news of these orders and the watch set to enforce them were not known?

If the Moplas considered there was no harm in disinterring the bodies, why should they have waited till night fall, and then have assembled in such overwhelming numbers? If they were informed of the orders, was it for them at such a time to dispute their legality after such a flagrant outrage ending in so signal a manner by the fire of the Military, so much crime and vengeance in so short a space, was it not to be expected and hoped that the Moplas abashed and daunted should hang their Heads and quietly submit to any arrangements the Circar might make was it for them to come forward again at such a Juncture and act in defiance of the authorities, for the sake of honoring the remains of the murdered rebels.-

The 1st and 2nd Judges claim for the Moplas the need of praise that in disinterring the bodies they were not guilty

20th July 1842.- guilty of violence to any one.-

To this I would remark that if opposition had been made to them, can it be doubted that violence and bloodshed would have ensued? as to the supposition that they were ignorant of the orders, or that the orders to desist were not communicated to them, it is absolutely contrary to reason, and sense and experience to raise such a supposition.-

The Moplas acted in utter defiance of all constituted Authorities. They set aside the Tahsildar the Adjutancy and the Kolkars who in the absence of the Magistrate and the Assistant Magistrate, constituted the authorities in the District, they set them aside by sheer combination and numerical force and so triumphed and in so doing held up to the natives of the District an example pregnant with evil hereafter.-

Now with respect to the Defence of the Moplas in what does it

it consist.d Koya the 1st Prisoner States in his Defence that no prohibitory Orders were issued and that no body would have disinterred the bodies if they had been- That the Adikerry only says they were issued to prevent blame attaching to him. That he (Koya) was not present at the time the bodies were carried away. That he built a wall round them to preserve them from animals and that he was betrayed into writing the Olla Cudjan in the Sail by Prisoners who wished to make a merit of betraying him to obtain remission of their sentences. Vide Jea

Now the first part of this is opposed to the evidence and to the facts themselves- The orders were issued and were utterly disregarded. As to the Adikerry's evidence it is as clear as possible from the beginning to the end. Why should he be afraid of blame attaching to him? He was ordered to prevent the disinterment and to put a watch. He did put a watch but overpowering numbers prevented the execution of

of the rest of his orders-

Koya was proved to have been at the disinterment. It must have been notorious that he was so, or the Magistrate would not have apprehended him and sent him for trial.-

Whether he was betrayed into writing the "Olla" in the Sail cannot be ascertained. The Mahomedan Law Officer styles it "unintelligible" but I think it is a common sort of "Olla" such as are found in many Sails previous to Trial before the Courts of Circuit. It is a scheme for an alibi- Instructs witnesses what to say in support of it, and the most remarkable thing is that it teaches to describe the legs and arms of the bodies as protruding from the graves-

The 2nd Prisoner Kylotha awareu Coolly also denies the prohibition and states the legs and arms of the bodies protruded- but as I have before remarked no one else says so, nor is it certain which grave he means.-

The rest of the Prisoners who

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who deny having disinterred the bodies — merely set up alibis the witnesses called in the Defence throughout are to prove alibis and good character. They had in fact no Defence to make. Many of them absconded immediately after the transactions, and were only apprehended by degrees by the Magistrate, after Proclamations, attachment of their Property, and vigilant search, plain proofs that they knew that they had done wrong and had rendered themselves liable to punishment.

The Question seems to be whether the Magistrate and the Law or the Moplas and their Knives are to be uppermost, and as the Moplas appear to have advocates for their cause in the Judges of the Foujdaree Adalut I think the victory will be on their side—

I consider the instructions now about to be issued to the Judges of Circuit as pregnant with future evils and dangers. They are calculated to inspire the Moplas with

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with fresh courage to defy the Law and the authority of Government, and I feel the greatest grief and the greatest concern at finding that the 1st and 2nd Judges have completely set at naught the opinion and the recommendations of all the Local authorities. The Magistrate, the Criminal Judge, the Judge of Circuit, the Mahomedan Law Officer and all the Native authorities.—

These instructions are in my opinion illegal, because they overawe the Judge of Circuit in the exercise of his duty.—

They are in opposition to the expressed opinions and wishes of all the local authorities, and the promulgation of them will have a tendency to throw the Magistrate into despair.—

The Magistrate of Malabar has at this crisis a most arduous responsible duty to perform viz: the preservation of the Peace amidst a bigotted turbulent and vindictive Population

Population, and these instructions will render this duty more arduous than ever.

These instructions are opposed to the expressed opinions of the Government. The Government have approved of the measure of interring the bodies of murderers slain fighting with the Officers of Justice under the Gallows.

These instructions deny the right of the Government authorities to take possession of such Bodies, and when they are promulgated at Calicut they will have a direct tendency to sanction and absolutely absolve from all responsibility the assemblage of an adequate number of Moplahs, capable of overpowering all resistance, for the purpose of disinterring and removing to another place of Sepulture the bodies which have been buried under the Gallows by the Magistrate, with the approval of the Government.

I heartily wish the 1st and 2nd Judges would consent to alter their opinions.

opinions on this matter and suffer the Law to take its course.

No complaint has been preferred to them by any one of any injustice having been done, and they are putting complaints into the Peoples mouths.

It is not too late to alter the instructions if the 1st and 2d Judges should think fit, and how they have been already altered since they were sent to me by the other Judges who had seen them.

Signed J. H. Lewin

26th May 1842.

In his Return to the Precept of the Joujdaree Adalut of 31st May with Extract of Proceedings of the same date the 3d Judge on Circuit enters fully into the reasons which have led him to take a view of this case different from that of the 1st and 2d Judges, and I think they are very forcible and entitled to the fullest consideration.

I trust the 1st and 2d Judges will take a favorable view of the 3d Judges Return and not disturb the sentence he has passed on the Prisoners because it is a lenient one and no Appeal has been preferred against it.

Neg of the 2d Judge with reference to

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to his minute of 25th Instant to take into consideration how impossible it is to disconnect this case with other Outbreaks and Murders in Malabar When Riots occur in Districts in England Circuit Judges pass sentences on the Rioters for example sake. If the Rioters in the Malabar case do not perceive that any punishment follow these Outbreaks, their a "repetition of them must naturally be expected. "Unless put down by the strong arm of the "Law in time (the Circuit Judges) fears they "will so far gain strength as to be hereafter "difficult to check."

The Circuit Judge "is of opinion that "some Punishment is urgently called for on the "present occasion". In this opinion the Magistrate and the Criminal Judge had previously concurred and the Mahomedan Law Officer has added his conviction, and as the sentence of the Circuit Judge as I have before stated, is not marked by the least shade of severity, I beg again earnestly to represent to my Colleagues the inexpediency of disturbing it particularly at the very time we are called upon by the Government to recommend measures to be adopted for preventing a recurrence of these Outbreaks.

I think it would be better to dispose of this case before I record my opinion on the subject of the reference of Government of 8th February last.

(Signed) F. Mr Leslie

24th June 1842.

The

P.C.

20th July 1842.

The turbulent and vindictive character of the Moplas of Malabar has from time to time been brought to the notice of the Government from the year 1817. about that time "numbers severely cut off in the Wallovenand Eranad and Shenaad Talooks in Mr Hardens" "and Mr James Vaughan's time" in the act of rebellion against the Government.

The Criminal records of the Magistrate of Malabar "shew that "hardly a year has passed since we "took the country without some instances

Mr Conolly 22nd November 1841 Para 6 "of the operation of the belief that they "(the Moplas) are secure of Paradise "if they die fighting against an Infidel "Power".

The Magistrate Mr Vaughan describes an attempt to seize a Tangul or Priest a ringleader in a Mob as likely to lead to an affray which would be "attended with the most dreadful conse- "quences, nothing less than a general rise of "the Mopla Populace, every one of whom

x Letter to Government April 18th 1817 Para 8

"has

"has for common use a long and dangerous
"knife."- xx

"Should it be deemed proper to
"resort to compulsory measures I cannot
"answer for the consequences yet on the
same letter Para 2. "other hand the example set of an open
"attack on the Government Property and
"a further contempt of its authority
"holds out an Encouragement and Exam-
"-ple for others to adopt the same line
"of conduct."-

In a Draft of a Regulation
submitted by the same Magistrate Mr.
James Vaughan for the approval and -
1817 sanction of Government A. D. 1817 he recites
in the Preamble "adverting to the character
"of certain of the Natives of the Province
"of Malabar who are men both by birth
"and Education of a warlike and Turbu-
"-lent disposition"-

Mr. Stevens 1st Judge of
Para 3. Minute of 1st Judge 1817 Circuit commenting on the above Draft
and in favor of the Provisions of it says
(1817) "when it is recollected in what a

"State of confusion and anarchy the Province
"of Malabar was when every Inhabitant
"carried arms without restriction, and
"that the tranquillity it has enjoyed
"of late years is in a great measure
"to be ascribed to their having been
"deprived of them."- &c &c-

In an amended Draft
submitted by the same 1st Judge
Mr. Stevens of a Regulation for restrict-
-ing the use of arms he recites in the
Preamble "whereas it has been deemed
"expedient for the preservation of -
"Public tranquillity to prohibit the
"free and general possession of Arms
"and offensive weapons by the Inha-
"-bitants of the District of Malabar &c-

Thus we find so far back
as 1817 the most experienced and In-
-telligent Public Servants expressing
their sentiments regarding the Turbu-
-lent and vindictive character of the
Moplas of Malabar and the necessity
of imposing restrictions upon them.-

From

20th July 1842.

From that time till 1836 no marked discussion appears upon the Records regarding the Moplas, but in consequence of the great increase of heinous offences of Stabbing and wounding with the knives worn by the Inhabitants of Malabar, the Sentiments of the authorities in Malabar were called for by the

1836 Foujdaree Udalut with a view to devise some Law for the prevention of this crime and great discussions took place.

The great prevalence of the crime attributed to the universal custom of wearing knives was admitted and some were of opinion that the evil was increasing. None of the authorities however were of opinion that a restriction in the use and wearing or an alteration of the shape of the Peshan Kuttee knife was politic

1836 or even practicable, and the discussions ended in the issue of orders to the Judges of Circuit in Malabar to visit with Severe punishment awarded by the

D16

20th July 1842. the Regulations the commission of these crimes (Foujdaree Udalut 15th August 1836)

The Court Serishadar of Tellicherry an intelligent observer says "Muskets, Swords or other weapons used "to be carried for the Protection of the "Person and for the sake of appearance." "This practice was of long "standing but was put a stop to by "the Government. However, knives were "not prohibited and the People have "ever since been in the habit of using "them for self defence and for orna="ment." This Officer recommended severer punishments and a confiscation of Turwaad property for the crime of Stabbing with the knife.

The Magistrate of Malabar 7th April 1836 described the evil com="plained of as "increasing," and mainte="ons that the lowest castes of People who were formerly prohibited from wearing knives by the Native Rajahs now wear them commonly.

In

In none of the foregoing opinions however is the great distinction sufficiently pointed out between the "Pishan Kuttee" or common knife resembling a Table knife and used for every description of domestic purpose, and the more formidable warlike weapon called "Ayudha Kuttee" or "Vettu Kuttee."

It is of importance in discussing this question that this great and obvious distinction should be borne in mind as well as the remarkable fact that not a single opinion in defence of the permission to wear arms refers to the "Ayudha Kuttee."

The wearing or carrying in the hand in ordinary occasions in the Public ways of the "Ayudha Kuttee" should be absolutely prohibited. Such a prohibition is neither calculated to infringe upon the Privileges of the people, nor to deprive them (as it would do in the case of the "Pishan Kuttee") of a useful and indispensible

article.

"Malabar". Mr Conolly (Letter to Government Dec.r 17th 1841) says (Para.7) "Malabar "is an exception to every other part of "Southern India and I may say indeed of "India generally. I doubt whether the "unlimited use of Arms can be allowed "with safety to a Population which is "composed of such a desperate and "fanatic People as the Moplas a Race "which know little of the Religion they "profess except its vices, and whose from "the earliest days have been notorious "for turbulence and lawlessness."

"Since the time that the "use of arms was allowed indiscriminately "by the profession of them among "this class has much increased, and "I can hardly doubt that the knowledge "that weapons are procurable without "much difficulty is one of the causes "which may tend if it has not yet "tended to lead to combinations such "as have been shewn in the two last "outbreaks

20th July 1842.

"outbreaks which have occurred among
"the Moplas."

Para: 8. The Magistrate then pro-
-poses "that the Country generally be
"warned that after a fixed period any
"person will be liable to Punishment
"who is found to be possessed of weapons
"without the stamp and Registry of
"the authorities."

The former Magistrate
Mr Clementson adverting to the precau-
-tions of registering and numbering Fire
Arms which he says had existed for a
long time and was sanctioned by Mr
Secretary Mills letter of Government
Paras 5 26th Decem-ber 1834 letter to Government. 8th November 1819, says "adverting to the
"turbulent and vindictive character of
"the lower classes of the Inhabitants
"of this District particularly the Moplas
"I beg to state that in my opinion this
"precautionary measure appears highly
"necessary for the well being of Society"

"I think" says Mr Stevens
"the Magistrate should be empowered
"to

J.16.

20th July 1842. 1817. "to limit the number of arms and the
"persons to whom they should be confid-
"-ed in each District and to inflict
"penalties in those who have them
"without license."

Minute 1817. "It may be said that a
"Magistrate as a general measure of
"Police might prohibit persons of a
"bad character from possessing arms,
"but I doubt whether under the Regula-
"-tions he would be authorized to pun-
"-ish any persons for breach of this
"Order."

The Foujdaree Udalut
commenting on Mr Stevens's observa-
-tions and Draft of Regulation re-
remarks (Foujdaree Udalut 30th September
1817.) "conceive that it is fully compe-
"-tent to the Magistrate under the
"Regulations in force to exercise his
"authority in any particular case
"where it shall be found that an
"individual has accumulated arms
"greatly exceeding the number required
for

"for the purposes of self defence."-

Mr. J. L. Strange for many years in Office in Malabar offers the following valuable observations (Letter to the Magistrate 27th May 1842.-) "The People (Moplas) have "Muskets, Swords and Shields. Bows and "Arrows and Battle axes in great and "increasing abundance. The Population "is in parts a turbulent one, and not "to be depended upon when an apparent "opening for their acting against ca- "might occur- I do not distrust the "disposition of the Hindu part of it "but most of the lower order of Moplas "and particularly those of the inland "Talooks are to be watched continually."

"I am quite sure that "Hordes of these would rise whether for "plunder or Dominion whenever they "imagined that Success was certain."-

"With all this they are a "Cowardly race easily kept down with "a firm hand." The People have no "right ground for this extensive arming "and

"and the Government seem to me called "upon to interfere and remove so threaten- "-ing a source of evil."-

"The Moplas of the Interior "of Malabar have always been a trouble- "-some and dubious description of subjects.

Mr Conolly Letter to Government 30th April 1841. Paras. "My records shew that from the time "we took possession of the Country, they "have been noted as men of dangerous "habits."-

"For many years they "were the Gang Robbers and general "Disturbers of the District and there "are still many who retain more "or less the habits of their Forefathers- "and whose conduct requires to be watch- "-ed with much caution. Great Atten- "-tion must be shewn to the State "of the Police in the Talooks where "they reside."-

The Government proceed to state "the repeated scenes of outrage "however in Malabar attended with "the most unhappy results and with

"the

20th July 1812.

Minutes of Consultation 8th February 1812 Para. 6.-

"the ends of Justice completely defeat-
"-ed render it of the utmost importance
"that some measures calculated to put
"a stop to such atrocities and of remov-
"-ing the erroneous impressions which
"these Fanatics entertain should be
"adopted."-

"It is accordingly resolved
"to transmit the correspondence relative
"to these outrages to the Judges of the
"Foujdaree Adalut, and to request that
"they will give serious attention to the
"various suggestions of the Magistrate
"of Malabar and recommend the
"course best to be adopted, with refer-
"-ence to the Character and habits of this
"People."-

The most important of the
suggestions of the Magistrate to
which the serious attention of the
Judges of the Foujdaree Adalut has
been called is the restriction of
keeping arms Vide Ibid.-

I agree with the Magistrate
that

P16

20th July 1812.-

that such measures of precaution as
they have from time to time recommended
ever since the year 1809 are absolutely neces-
-sary for the preservation of the Peace and the
welfare of the community in Malabar.-

The Magistrates have all
along entirely disclaimed all intention
of restricting the peaceable well disposed
People from the free use and possession
of arms for the defence of their persons
houses and Property and Crops.-

The Magistrate Mr James
Vaughan in his letter to Government 8th
October 1809 specially applied for instructions
to put into the hands of the Inhabitants
for this purpose.-

Mr Clementson the Magis-
-trate in his return to a Precept issued
to him by the Judge of Circuit states.-
"with a view of encouraging the respecta-
"-ble Inhabitants of the District to keep
"fire arms for their defence against the
"attacks of thieves and Robbers Vide."-

"This Order for restricting the

use

20th July 1842.

"use of arms) was never intended to be
"opposed to that part of Section XLIX
"Regulation XI of 1816 which declares
"that People shall keep arms for their
"defence but was on the contrary meant
"to encourage all respectable Individuals
"to possess themselves of weapons for the
"defence of themselves and Property.—
"(Letter to Government 26th December 1834 Paras.
"3) Vide Vide.—

x x

"A Circular Order had
"been issued by me proclaiming immunity
"from Criminal Prosecution for such
"persons as committed homicide in resist-
"-ing the attacks of Robbers Vide Vide."—

Para. 6. ox x

"It was far from my inten-
"-tion to prohibit the Inhabitants from
"keeping weapons for their defence Vide Vide"—

Mr Conolly the Magistrate

x Letter to Government 17th December 1841 Paras 5. says "I would take care to explain
"fully to the Rajahs and other respect-
"-able Persons that so far from checking
"the Possession of arms among the res-
"-pectable classes I would encourage their
"holding

4th August 1842

and Robbery, do convict him thereof, and, under the pro-
-visions 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 811/

Read the Criminal Reports for
the months of June 1842 forwarded by the Acting
Criminal Judge of Cuddapah under date the 16th
Ultimo.—

/Here enter S.C. No 1068 of 1842/

Report No V
Case No 100

The Court of Tonjadare Adalut
observe for the future guidance of the Acting Criminal
Judge of Cuddapah, that the assault in this case was of
so gross a nature, and the evidence in proof of it so satis-
-factory, that the Prisoner ought to have been committed
for trial before the Court of Circuit in the Centre Division.—

Ordered that Extract from these
proceedings be forwarded to the Acting Criminal
Judge of Cuddapah for his information and future guidance.—

/Sent in No 812./

Read letter dated the 13th Ultimo,
from the Provincial Court for the Northern Division sub-
-mitting for the consideration and orders of the Tonjadare
Adalut, certain papers connected with cases Nos 11, 12,
and 13 of 1842 on the file of the Criminal Court of
Rajahmundry

J. U.

Thursday, 4th August 1842. At a Court of the Foujdaree Udalut.

Present;

Henry Dickinson Esqre — 1st Puisne Judge,

Malcolm Lewin Esqre — Actg 2d Puisne Judge,

F. M. Lewin Esqre — Actg 3d Puisne Judge,

Read again letter dated the 27th June 1842 from the 1st Judge on Circuit in the Southern Division, transmitting the Record of the Trial in Case No. 4 on the Coimbatore Calendar for the 1st Sessions of 1842.—

/Here enter J. U. No. 979 of 1842./

Read also return dated the 25th Ultimo from the 1st Judge late on Circuit in the Southern Division, to the precept of the Foujdaree Udalut of the 8th July 1842 returning the Trial in Case No. 4 on the Coimbatore Calendar for the 1st Sessions of 1842 with an explanation thereon.—

/Here enter J. U. No. 1144 of 1842./

Mr. M. Lewin and Mr. F. M. Lewin

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,

Vencatan,

is sufficient to convict him of the crime of Murder — and

3rd August 1842.—

reports will invariably cause an explanation to be inserted in the return itself, whenever the Statement of Extra Peons may exhibit an infraction of the Rules as to the number of Guards.—

Ordered, that copy of these proceedings be forwarded to the Principal Sudr. Ameen at Itchapoor for his information and future guidance by precept returnable in 5 days from and after its receipt.—

(Sent following precept No. 809.)

Read letter dated the 21st July 1842 from the Acting 3rd Judge on Circuit in the Northern Division, reporting the issue of a proclamation for opening the 2d Sessions of 1842 on the 22d August at Guntoor.—

(Here enter J. U. No. 1100.)

Read Statement dated the 19th July 1842 from the Acting Criminal Judge of Combaconum, of the amount realized by the labor of the Prisoners in the 2d Quarter of 1842.—

(Here enter J. U. No. 1107.)

observe for the future guidance of the Princi=pal Sudr Ameen at Ichapoor, that the Prisoner in this case ought to have been tried for wounding with intent to kill— considering the weapon and the manner in which it was used, it is evident the Prisoner could have had no other object in view than murder, and the Court regret, that so slight a punishment has been awarded to him.—

Statement of Extra Peons.

2. From the Statements appended to these reports it appears, that 6 Jail Peons were employed at Ichapoor from the 25th to the 30th June 1842; as only 17 Prisoners were worked outside the Jail, and the authorized guard for this number of Convicts is only 4 Peons; and only 1 additional Peon was employed to accompany the Prisoners under sentence of Transportation transferred to Chinglepute— the Principal Sudr Ameen is required to explain the reason of 1 Peon being employed in excess of the prescribed complement— and in order to avoid future similar references, the Principal Sudr Ameen in submitting the monthly Criminal reports

"the whole of the persons committed were at "different times and places members of the Gang) "to allow them all to take their trial as it would "be prejudicial to the interests of the community "at large to release any of the persons connected "with this notorious Gang."

2. The Court of Foujdaree Udalut accordingly intimated to the 1st Judge their sanction for proceeding with the trial of the cases without making a previous reference to the Collective Court of Circuit, but these orders of course left it open to the 1st Judge to deal with the cases as he might find to be proper.—

Ordered, that copy of these proceedings be forwarded to the 1st Judge late on Circuit in the Centre Division for his information and future guidance.—

(Sent in No 808.)

Read the Criminal Reports for the month of June last transmitted by the Principal Sudr Ameen at Ichapoor under date the 9th Ultimo.—

(Here enter Fb. No 1090.)

Supplemental Report Case et 5.— 1. The Court of Foujdaree Udalut observe

Wednesday,
3rd. August 1842.-

J. Ms.

At a Court of the Foujdaree Udalut.

Present.

Hy — Henry Dickinson Esqre. 1st Puisne Judge.
Ml — Malcolm Lewin Esqre. Ag. 2nd Puisne Judge.
J. M. L. — J. M. Lewin Esqre. Ag. 3rd Puisne Judge.

Read return dated the 18th. Ultimo from the 1st Judge late on Circuit in the Centre Division, to the precept of the Foujdaree Udalut of the 15th Ultimo on the Pillary Calendar for the 1st Sessions of 1842.-

(Hereunto J. Ms. No 1091.)

1. With reference to the remarks in para: 3 of the above return, the Court of Foujdaree Udalut observe that their orders of the 6th April last were issued in consequence of a representation made by the 1st Judge himself in a letter under date the 28th March 1842- that he considered "there was sufficient "grounds for the committal of the whole of "the cases enumerated, and that it would be "preferable, (as there was collateral evidence "besides that of the approver to prove that

the

2nd August 1842.-

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. 804.)

Copy sent to the Crim. Judge of Cuttack and Commissioner for his information - (Sent in No 805)

Read letter dated the 22nd Ultimo from the Acting Joint Criminal Judge of Trichinopoly, transmitting the Statement of the actual produce of the labour of the Prisoners in the Jail at that Station for the 2nd Quarter of 1842.-

(Here enter No. 1160.)

Entd.

Wednesday,
3rd. August 1842.

J. 116.

At a Court of the Toujdaree Udalut.

Present.

Hy — Henry Dickinson Esqre. 1st Puisne Judge.
ML — Malcolm Lewin Esqre. Ag. 2nd Puisne Judge.
JML. — J. M. Lewin Esqre. Ag. 3rd Puisne Judge.

Read return dated the 18th. Ultimo from the 1st Judge late on Circuit in the Centre Division, to the precept of the Toujdaree Udalut of the 15th Ultimo on the Bellary Calendar for the 1st Sessions of 1842.

(Here enter J. 116. N. 709.)

1. With reference to the remarks in para: 3 of the above return, the Court of Toujdaree Udalut observe that their orders of the 6th April last were issued in consequence of a representation made by the 1st Judge himself in a letter under date the 28th March 1842 - that he considered "there was sufficient "grounds for the committal of the whole of "the cases enumerated, and that it would be "preferable, (as there was collateral evidence "besides that of the approver to prove that

The

2nd August 1842.

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. 804.)

Read letter dated the 22nd Ultimo from the Acting Joint Criminal Judge of Trichinopoly, transmitting the Statement of the actual produce of the labour of the Prisoners in the Jail at that Station for the 2nd Quarter of 1842.

(Here enter No. 1169.)

4 Encl.

(By Sub to the Civil Judge (Cuddapah for his opinion - (Sent in 805)

Wednesday,
3d August 1842.

F. Ct.

At a Court of the Foujdaree Udalut.

Present,

HK — Henry Dickinson Esqre 1st Puisne Judge.
ML — Malcolm Lewin Esqre Actg 2nd Puisne Judge.
FML. — F. M. Lewin Esqre Actg 3rd Puisne Judge.

Read return dated the 18th Ultimo from the 1st Judge late on Circuit in the Centre Division, to the precept of the Foujdaree Udalut of the 15th Ultimo on the Bellary Calendar for the 1st Sessions of 1842.

(Here enter F. Ct. No 1091.)

1. With reference to the remarks in para: 3 of the above return, the Court of Foujdaree Udalut observe that their orders of the 6th April last were issued in consequence of a representation made by the 1st Judge himself in a letter under date the 28th March 1842 - that he considered "there was sufficient "grounds for the committal of the whole of "the cases enumerated, and that it would be "preferable, (as there was collateral evidence "besides that of the approver to prove that

the

F. Ct.

Friday,
29th July, 1842.

At a Court of the Foujdaree Udalut.

Present,

HK — Henry Dickinson Esqre — 1st Puisne Judge,
ML — Malcolm Lewin Esqre Actg 2d Puisne Judge,
FML. — F. M. Lewin Esqre — Actg 3d Puisne Judge,

Read letter dated the 15th Instant, from the Acting Agent to the Governor of Fort St. George at Vizagapatam, submitting for the consideration and final sentence of the Foujdaree Udalut an English translation of the record of the trial in case No 8 of 1842 of his file.

(Here enter F. Ct. No 1110 of 1842)

Mr Dickinson and Mr F. M. Lewin

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 Narain Naik,
2d Byah alias Jagannand,
3d Hudoor Junnoo,
4th Ghanasai Reggha,

is sufficient to convict them of the crime of Murder,

do.

Wednesday
3rd August 1842.

F. Ills.

At a Court of the Foujdaree Udalut.

Present.

Henry Dickinson Esqre 1st Puisne Judge.
Malcolm Lewin Esqre Ag. 2nd Puisne Judge.
J. M. Lewin Esqre Ag. 3rd Puisne Judge.

Read return dated the 18th Ultimo from the 1st Judge late on Circuit in the Centre Division, to the precept of the Foujdaree Udalut of the 15th Ultimo on the Pillary Calendar for the 1st Sessions of 1842.

(Here enter F. Ills. N° 1091.)

1. With reference to the remarks in para: 3 of the above return, the Court of Foujdaree Udalut observe that their orders of the 6th April last were issued in consequence of a representation made by the 1st Judge himself in a letter under date the 28th March 1842 - that he considered "there was sufficient "grounds for the committal of the whole of "the cases enumerated, and that it would be "preferable, (as there was collateral evidence "besides that of the approver to prove that the

F. Ills
20th July 1842.

Nair Knives 2 Bill Hooks 2 Shields 2 Slings besides those concealed and carried away.

It is quite manifest from the details of the recent outbreaks that we have now to guard not only against the atrocities first committed by these fanatic Moplas but against their subsequent armed resistance to the Government authorities employed to apprehend them. One party of 9 maintained themselves in a house for 9 days. another party for 5 days. The Police are intimidated by the knowledge of their being in possession of Arms and this fear also pervades the minds of the Tahsildars and those of the Inhabitants he summons to his aid.

Mr Conolly's Letter to Government December 1841.

But what is more important than all is the ascertained fact of the belief pervading their minds that "those who fall in battle "combatting an Infidel become Saints "(Shyds)

"(Lyuds) and obtain Paradise," and there-
=fore the Government have to guard
against this desperate delusion in addi-
=tion to the other dangers presented
to the State by the turbulent vindic-
=tive Moplas.-

I am of opinion that it
is quite impossible to provide against
this array of evils without enforcing
the measures of precaution suggested
by the Magistrate regarding arms
and weapons and I think that any
such measures will be as the Magis-
=trate declares they will be "hailed
"with satisfaction by all the respect-
"able well disposed classes of Ma-
"labar."

Mr. Conolly's Letter

Another measure of pre-
=caution suggested by the Magistrate
is the Stationing of a small Mili-
tary Force at Mangerry in the im-
=mediate neighbourhood of the interior
Talooks inhabited by the more tur-
=bulent Moplas.-

This

This suggestion the Govern-
=ment inform they have already
attended to, and I am of opinion that
if the Magistrate is well supported
in the exercise of his arduous res-
=ponsible duty, and if the Criminal
Courts are steadily applied to the
purpose of convicting and punishing
every disturber of the Public Peace,
and thus the local authorities are
suffered to have the full scope and
exercise of their Power vested in them
by the Regulations and enjoying the
support of the higher authorities, no
further measures will be at present
necessary to enable the Magistrate
to preserve Order and Peace.-

(Signed) J. M. Lewin.-

30th June 1842.

Read return dated the
15th April 1842 from the Acting Crimi-
=nal Judge of Malabar to the precept
of the Foujdaree Udalut of the 2nd April
last calling for an English translation

of

20th July 1842.

of the Proceedings of the Criminal Court with reference to the 3d Prisoner in Case No. 4 of the Criminal Reports for January last.—

(Here enter Fl. No. 680.)

Eg. d.

A.D.C.

Agt. Govt.

F. No.

Thursday 21st July 1842.

At a Court of the Toujdaree Udalut

Present,

Henry Dickinson Esqre. 1st Puisne Judge

Malcolm Lewin Esqre. Ag. 2nd Puisne Judge

F. M. Lewin Esqre. Ag. 3rd Puisne Judge

Read the Criminal Reports for the month of May last forwarded by the Acting Criminal Judge at Cuddapah under date the 22nd Ultimo.—

(Here enter Fl. No. 968.)

Suppl. Report Case No. 77.

1. The crime charged in Case No. 77 amounts to Homicide by misadventure and does not, as the Acting Criminal Judge of Cuddapah supposes, come under the head of justifiable Homicide, which forming no crime in Law, parties accused thereof are entitled to their release.—

2. The Court of Foujdaree Udalut observe that the case should have been laid before the Court of Circuit for disposal as explained in the Circular Ord. 9th April 1834.—

Do.

Report No. V.
Cases Nos. 86 and 87.

3. The Prisoner in these Cases is charged with having on two occasions viz on the 30th January and 1st February 1842, effected his escape from custody, while detained for the crime of entering a dwelling by night with intent to commit theft; and is sentenced for each separate escape, to 3 months imprisonment, by the Acting Extra Sudr Ameen.—

4. The Court of Faujdaree Udalut consider that a sentence of 3 months imprisonment would have been sufficient for the two escapes with which the Prisoner is charged in Cases Nos. 86 and 87, more particularly as the offence on which he was apprehended was not proved against him.—

5. They accordingly direct that the period of imprisonment awarded to the Prisoner be reduced to 3 months in the aggregate.—

Statement of Extra Doms.

6. From the Statement appended to these Reports it appears, that 2 Extra Duffadars were employed at Cuddapah "from the 18th to 31st May 1842, until the arrival

"arrival of the Duffadars from the Nundy "Jail"- as only 20 Extra Doms were employed during that time, and the authorized proportion of Duffadars to Doms employed is 1 to 20, the Acting Criminal Judge is required to explain the reason of 1 Duffadar being employed in Excess.—

Ordered, that copy of these proceedings be forwarded 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. 775. 1-

Ord.

Friday,
22nd July 1842.

Ft 16.

At a Court of the Foujdaree Udalut

Present

HC — Henry Dickinson Esqre — 1st Puisne Judge
Mk — Malcolm Lewin Esqre — Ag 2d Puisne Judge
JMLewin — J. M. Lewin Esqre — Ag 3rd Puisne Judge

Read letter dated the 4th Instant from the 3rd Judge on Circuit in the Centre Division, requesting, with reference to case No 12 on the Cuddalore Calendar for the 1st Sessions of 1842, the instructions of the Court of Foujdaree Udalut on a difference of opinion between himself and the Law Officer—

(Here enter Ft 16. f. 7016.)

1. The question at issue is whether fresh evidence, to prove the falsehood of a Prisoner's defence, may be admitted, after the whole evidence and the Prisoner's defence in the case has been taken, but before the Futwah of the Law Officer has been given.—

2. The Court of Foujdaree Udalut are of opinion that after the prosecution has been

been closed, it would be wholly illegal to admit any fresh evidence except in support of the defence or for the benefit of a Prisoner.-

Ordered, that Extract from these proceedings be forwarded to the 3rd Judge on Circuit in the Centre Division for his information and future guidance.-

(Sent in No. 777.)

Read Extract dated the 12th Instant from the Provincial Court of Circuit in the Centre Division, submitting opinions of the 3rd and 2nd Judges on case No. 20 of the Cuddapah Criminal Report for March 1842.-

(Here enter J.C. No. 1064.)

Read Extract dated the 12th Instant from the Provincial Court of Circuit in the Centre Division, submitting opinions of the 3rd and 2nd Judges on case No. 26 of the Cuddapah Criminal Report for March 1842.-

(Here enter J.C. No. 1065.)

Read Extract dated the 12th Instant from the Provincial Court of Circuit in the Centre Division, submitting opinions of the 3rd and 2nd Judges on case No. 30 of the Cuddapah Criminal

Criminal Report for March 1842.-

(Here enter J.C. No. 1066.)

Read communication dated the 16th Instant from the 1st Judge late on Circuit in the Southern Division, transmitting an Extract from the proceedings of the Court of Circuit held on case No. 65 of 1842 on the Combaconum Criminal File.-

(Here enter J.C. No. 1075.)

Read Letter dated the 15th Instant from the Magistrate of North Arcot reporting that the complaint preferred by the 1st Prisoner Lutchmy in case No. 35 of the Criminal Report of Chittoor for April 1842 of severe Torture having been inflicted on her, has been examined as directed and dismissed.-

(Here enter J.C. No. 1077.)

Read Letter dated the 9th Instant from the Agent to the Governor of Fort Saint George at Ganjam, transmitting the Original death warrant in case No. 18 of 1842 of this file.-

(Here enter J.C. No. 1056.)

Saturday
23rd July 1842

P. M.

At a Court of the Poojdaree Adalut.

Present:

Henry Dickinson Esqre — 1st Puisne Judge
Malcolm Lewin Esqre. Actg. 2nd Puisne Judge.
J. M. Lewin Esqre. Actg. 3rd Puisne Judge.

Read letter dated the 12th Instant from the Acting 2nd Judge of the Provincial Court in the Northern Division submitting the Masulipatam Calendar of cases disposed of by him during the 2nd Quarterly Sessions of 1842.

(Here enter No. 7051.)

The above Calendar not requiring any remark from the Court of Poojdaree Adalut.

Ordered, that Extract from these proceedings be forwarded to the Acting 2nd Judge of the Provincial Court in the Northern Division for his information.

(Sent in No. 782.)

Read return dated the 13th Instant from the Acting Joint Criminal Judge

of

23rd July 1842.-

of Tellicherry to the precept of the Fouzdaree Adalut dated the 6th Instant, forwarding an explanation connected with Criminal Case N°35 on the supplemental Report.-

(Here enter F.R. N°1079.)

Read return dated the 19th Instant from the Criminal Judge of Chittoor, to the precept of the Fouzdaree Adalut dated the 15th Instant, affording explanation to the remarks on the Criminal Reports for the month of May 1842.-

(Here enter F.R. N°1093.)

Read letter dated the 16th Instant from the Acting 1st Judge Sadr on Circuit in the Northern Division transmitting the Statement of the Trials called for as required by Circular Order N°4.-

(Here enter F.R. N°1095.)-

Sd/-

F. R.

Monday.
25th July 1842.-

F. R.

At a Court of the Fouzdaree Adalut.-

Present

H. Dickinson Esqre ——— 1st Puisne Judge.-
Mr. Malcolm Lewin Esqre ——— 2d Puisne Judge.-
Mr. Fred. Mortimer Lewin Esqre ——— 3d Puisne Judge.-

Read letter dated the 16th Instant from the 3d Judge on Circuit in the Centre Division, transmitting the record of Trial in Case N°5 on the Coimbatore Calendar for the 1st Sessions of 1842.-

(Here enter F.R. N°1067.)

Mr. F. M. Lewin.

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.-

2d Tilavarchan alias Narainen.-

is sufficient to convict him of the crime of receiving stolen property, knowing at the time that such property had been stolen, do convict him thereof; and under the provisions of Section V. Regulation VIII of 1831, and Clause Third Section IV Regulation VI of 1832 sentence him to be imprisoned and kept to hard labor in irons on the public roads

of

or other public works, for, and during the period of 5 years.-

1. The Court of Tongaree Uddalut observe for the future guidance of the 3d Judge on Circuit in the Centre Division, that the above Trial ought to have been referred to them as regards both the Prisoners therein concerned.-

2. The Court of Tongaree Uddalut have ruled in their proceedings of the 28th July 1824. that under the provisions of Clause 2nd Section VI Regulation XV of 1803 the disposal of all prisoners in trials under reference is to be left to the judgment of the Tongaree Uddalut with the exception only of those who may be fully acquitted and unconditionally discharged.-

Ordered, that Extract from these proceedings be forwarded to the 3d Judge on Circuit in the Centre Division for his information and future guidance.-

(Sent following Letter No. 786.)

Read petition presented on the 30th Ultimo by C. Vencata Soobbien Vakeel in behalf of Sultygabhama of the Zillah of Camara.-

(Here enter Petn. D. 42.)

1. The Petitioner complains that her husband the 1st Prisoner in Case No. 11 on the Camara Calendar for the 1st Sessions of 1842, was unjustly sentenced, by the 3d Judge on Circuit in the Western Division, to six years imprisonment, on a charge falsely prefered against him, of having burnt the fingers of the Prosecutrix in the Case; and she prays, that the Court of Tongaree Uddalut will be pleased to take into consideration, all the Proceedings held in the Case, and direct the release of her husband.-

2. The Court of Tongaree Uddalut are of opinion that the evidence against the Prisoners in the Case abovementioned is most clear and satisfactory, and the only opinion which the Court recorded upon the Case, on considering the Calendar of the Circuit Judge was, that the sentence passed appeared to them to be far too lenient.-

3. The Court refuse to interfere further in the matter, and accordingly direct that the foregoing petition be rejected.-

Ordered accordingly, and that Copy of these Proceedings be furnished to Petitioner on her application.-

25th July 1842.-

Read petition presented on the 30th Ultimo by V. Appasawmy Naidoo of the Zillah of Chittoor.-

(Here enter F.H. M. P. No 50.)

1. The Petitioner asserts the illegality of the sentence passed by the Foujdaree Adalut upon his son Monthal Naik, and demands the release of his son as an act of justice.-

2. The Petitioners son Monthal Naick, as well as Govindoo Naick, were both pronounced guilty of the charges preferred against them, after mature consideration of their case; and the Court of Foujdaree Adalut see no reason whatever for disturbing the sentence passed upon them.-

Ordered, that Petition be rejected and copy of these Proceedings be furnished to Petitioner on his application, and that he be informed that this order of the Court of Foujdaree Adalut is final.-

Read petition presented on the 30th Ultimo by Venkannah of Masulipatam, praying for the release of his brother in law the Prisoner in Case No 2 on the Rajahmundry Calendar

2/ F. H.

25th July 1842.-

Calendar for the 2d Sessions of 1841, who was convicted by this Court of the Crime of Forgery, and sentenced under date the 16th February last, to seven years imprisonment.-

(Here enter F. H. M. P. No 51.)

1. The Court of Foujdaree Adalut observe that there never was a clearer case of conviction than that of the Prisoner referred to in this Petition - They therefore refuse to disturb the sentence passed upon him.-

2. The Petitioner is warned against presenting insolent Petitions to this Court.-

Ordered, that petition be rejected and copy of these Proceedings be furnished to Petitioner on his application.-

Read petition presented on the 4th Instant by Swagamy of the Zillah of Combaconum.

(Here enter F. H. M. P. No. 58)

1. The Petitioner again prays the Court in behalf of her husband a Prisoner in Case No 8 on the Combaconum Calendar for the 2d Sessions of 1841.-

The

25th July 1842.

2. The Petitioner is informed, that the Court of Tinjdaree Udalut having called for and considered the Trial, were of opinion that the sentence passed on the Prisoners was just.-

3. The Court can therefore not interfere with that sentence.-

Ordered, that the petition be reported, and copy of these Proceedings be furnished on her application, to the Petitioner. who is instructed that this order of the Court is final.-

F. U.

Tuesday, 26th July 1842.

At a Court of the Tinjdaree Udalut.-

Present:

Henry Dickinson Esqre —— 1st Puisne Judge.

Malcolm Lewin Esqre —— Act. 2d Puisne Judge.

Fred. Mortimer Lewis Esqre —— Act. 3d Puisne Judge.

Read return dated the 13th instant from the Officiating Joint Criminal Judge at Tinnevelly, to the precept of the Tinjdaree Udalut of the 5th instant on a review of the Criminal Reports for the Month of May last.-

(Hereunder F. U. No. 10 of 3.)

With reference to case No. 18, the Court of Tinjdaree Udalut observe, that they cannot admit any of the Prisoners to a conditional pardon without having their examinations before them.-

1.

The Court are of opinion that the Officiating Joint Criminal Judge at Tinnevelly will, upon consideration, see the obvious impropriety of acting, in a matter where life is at stake, in the very indefinite manner proposed by him in the above return. It has been repeatedly ordered that

2.

26th July 1842.

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 they require that a distinct proposition which shall regard the statements of some one particular individual, bearing on the offence, be submitted by that Officer for the consideration of the Judges of the Sovidarce Udalut.-

Ordered that Extract from these Proceedings be forwarded to the Officiating Joint Criminal Judge at Tinnevelly for his information and guidance.-

(Sent in No. 788.)

Read letter dated the 11th Ultimo from the Acting 2d Judge of the Provincial Court of Circuit in the Northern Division submitting the Report prescribed by Section XXXV Regulation VII of 1802 for the 2d Sessions of 1841.-

(Here enter No. 911.)

1. The circumstances connected with the escape of a working party of Convicts from Vizagapatam have passed under the review of the Court of Sovidarce Udalut and the Guard employed with the Gang (with the exception of those Peons who returned

Sd. Us.

Friday, 29th July, 1842.

At a Court of the Sovidarce Udalut.

Present,

Sd. Henry Dickinson Esqre — 1st Puisne Judge,
Sd. Malcolm Lewin Esqre — Act. 2d Puisne Judge,
Sd. T. M. Lewin Esqre — Act. 3d Puisne Judge,

Read letter dated the 15th Instant, from the Acting Agent to the Governor of Fort St. George at Vizagapatam, submitting for the consideration and final sentence of the Sovidarce Udalut an English translation of the record of the trial in case No. 8 of 1842 of his file.-

(Here enter S. U. No. 1110 of 1842.)

Mr. Dickinson
and
Mr. T. M. Lewin

The Court of Sovidarce 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 Narain Naik,
2d Bayah alias Jaganand,
3d Hudoloo Jumoo,
4th Ghanasai Geggay,

is sufficient to convict them of the crime of Murder,

do.

29th July 1812.

to severally convict them thereof; and, under the provisions of Section X. Regulation VIII of 1802, — 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 Governor's Agent in the Low Country. —

Sent following letter No. 794 p.r

End. 7th

F. 46

Saturday
30th July 1842.

At a Court of the Foujdaree Udalut.

Present,

HT — Henry Dickinson Esqre — 1st Puisne Judge
ML — Malcolm Lewin Esqre — Ag. 2d Puisne Judge
FML — F. M. Lewin Esqre — Ag. 3d Puisne Judge

Read the Criminal Reports submitted by the Acting Joint Criminal Judge at Masulipatam for the month of June 1842.—

(Here enter No. 1042.)

From the Statement appended to these Reports it appears, that 42 Jail Peons were employed at Masulipatam during the month of June 1842; as only 16 Prisoners were worked outside the Jail, and the authorized guard for this number of Convicts is only 41 Peons, the Acting Joint Criminal Judge is required to explain the reason of 1 Peon being employed in excess of the prescribed complement.—

Ordered, that Extract from these proceedings be forwarded to the

Acting

Acting Joint Criminal Judge at Mashulipatam for his information and guidance.—

/Sent in No. 796./

Read communication dated the 4th Instant from the Provincial Court of Circuit in the Northern Division, submitting with reference to the Proceedings of the Tonjdaree Udalut of the 4th June 1841, copy of the Provincial Courts Proceedings held in Case No. 12 of 1841 on the file of the Joint Criminal Court at Vizagapatam.—

/Here enter F. Co. No. 1013./

1. As there appears, from the Proceedings of the Provincial Court herewith submitted, to be complete evidence in proof of the charge against the Prisoners in Case No. 12 abovementioned, the Court of Tonjdaree Udalut direct, that the said Prisoners be re-apprehended and committed for trial before the Court of Circuit in the Northern Division.—

2. This course of proceeding ought at once to have been adopted by the Provincial Court of Circuit in the Northern Division without

without reference to the Court of Tonjdaree Udalut for instructions how to proceed in the matter.—

3. The Provincial Court are required to show satisfactory cause, why the great delay in the disposal of the Case No. 12 according to the Tonjdaree Udalut Orders of the 4th June 1841 should not be made the subject of a representation to Government.—

Ordered, that copy of these Proceedings be forwarded 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. 797./

Read the Criminal Reports submitted by the Joint Criminal Judge of Coimbatore for the month of June 1842.—

/Here Enter No. 1054./

The above Reports do not appear to call for any remark from the Court

30th July 1842.

Court of Foujdaree Udalut.

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

/ Short in No. 798. /

Monday, 1st August 1842.

No. 70.

At a Court of the Foujdaree Udalut.

Present

Hy Henry Dickinson Esqre 1st Puisne Judge

Mal Malcolm Lewin Esqre 2d Puisne Judge

FML Fredk M. Lewin Esqre 3d Puisne Judge

Read petition presented on the 30th ultimo by C. Vencata Soobbier Vakeel in behalf of Chinna Coondan of the Zillah of Salem.

/ Here enter F. G. M. P. No. 149. /

1. The Petitioner is the Prisoner in Case No. 86 on the Salem Criminal Reports for the month of June last, and has been committed to take his trial before the Court of Circuit in the Southern Division for having preferred a false complaint against Mr. G. Fischer.

2. He complains of having been beaten and ill treated by Mr. Fischer for demanding the rent of a house on the Shevaroy Hills in the District of Salem, and prays that the Court of Foujdaree Udalut will issue an order to prevent him (Petitioner) from any ill usage in future.

3. The merits of Petitioner's Case will of course be duly sifted by the Judge on Circuit in

in the Southern Division. The interference of the Court of Foujdaree Udalut is therefore unnecessary.

Ordered, that petition be rejected, and Extract of these Proceedings be furnished to Petitioner on his application.

Read petition presented on the 11th ultimo by Odaskala Sashannah Mookteyar Vakeel in behalf of Alavala Chinnaruppa of the Zillah of Cuddapah.

(Here enter F.U. No. 62)

1. The prayer of this Petition is merely a repetition of that contained in Petitioner's former petition No. 25 of 1842, the circumstances of which have been stated in this Court's Proceedings under date the 18th April last.

2. The Petitioner is referred to the orders of the Court of Foujdaree Udalut passed on his former petition, and is warned that he will render himself liable to be fined, if he continues to trouble the Court with any more Petitions.

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

Read petition presented on the 18th ultimo by Mahomed Saik late Jail Peon in the Zillah

Zillah of Cuddapah, complaining that he has without reason been dismissed from his situation by the Register while in charge of the Zillah Court at that Station, and praying the Court of Foujdaree Udalut to order his restoration.

(Here enter F.U. No. 65)

The Court of Foujdaree Udalut resolve not to interfere with the orders passed regarding the Petitioner by the Zillah Court of Cuddapah.

The petition is rejected.

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

Mohomed Saik late Jail Peon in the Zillah of Cuddapah, moves the Court to return the Enclosure in his Miscellaneous Petition No. 65 of 1842.

Ordered accordingly.

Read the Criminal Reports submitted by the Acting Criminal Judge of Vellore for the month of June 1842.

(Here enter No. 106)

From the Statement appended to these Reports, it appears that 42 Jail Peons were

were Employed at Nellore during the month of June 1842, as only 153 prisoners were worked outside the Jail, and the authorized guard for this number of Convicts is only 39. the Acting Criminal Judge is required to Explain the reason of 3 Peons being Employed in Excess of the prescribed complement.

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

/ Sent in No. 800 /

Read the Criminal Reports Submitted by the Criminal Judge of Chittoor for the month of June 1842.

/ Here enter No. 1048. /

From the Statement appended to these Reports it appears that 24 Jail Peons were Employed at Chittoor during the month of June 1842; of only 56 Prisoners were worked outside the Jail, and the authorized guard for this number of Convicts is only 16. the Criminal Judge is required to explain the reason of 10 Peons being Employed in Excess of the prescribed complement.

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

/ Sent in No. 801. /

Tuesday 2d August 1842.

5 U.

At a Court of the Foujdaree Udalut

Present,

Henry Dickinson Esqre. 1st Puisne Judge
Malcolm Lewin Esqre. Ag. 2d Puisne Judge
F. M. Lewin Esqre. Ag. 3d Puisne Judge

Read the Criminal Reports for the month of June 1842 forwarded by the Acting Joint Criminal Judge at Cochin under date the 6th Ultimo.

/ Here Enter F. No. 1030. /

Report No. V. 1. The Acting Joint Criminal

Case No. 19. Judge in his remarks on this case, states as the grounds of the sentence passed upon the Prisoner, that he "appears to "have been punished before, and to be a "person of bad character."

2. The Court of Foujdaree Udalut desire to observe for the future guidance of the Acting Joint Criminal Judge, that when a prisoner is sentenced on account of character - the fact of his being a person of bad character, should be clearly ascertained,

and

2nd August 1842.-

and should not be set forth in the Report, as a matter of doubt and uncertainty.—

3. Again when it is proposed to enhance punishment in a case, on the ground that this Prisoner has been punished on a former occasion, the offence for which the former punishment was awarded to the Prisoner, should be distinctly recorded in the remarks on the latter case.—

4. The Provincial Court in the Western Division will be pleased to call for the Proceedings held in this case, and to satisfy themselves of the correctness of the sentence passed upon the Prisoner by the Acting Joint Criminal Judge at Cochin.—

Ordered, that copy of these Proceedings be forwarded to the Acting Joint Criminal Judge at Cochin for his information and future guidance.—

/Sent in No. 802/

Ordered also, that copy of these Proceedings be forwarded to the Provincial Court in the Western Division for their information and guidance.—

/Sent in No. 803/

Read

Read letter dated the 26th Ultimo from the Third Judge on Circuit in the Centre Division, transmitting the record of the Trial in Case No. 11 of the Cuddalore Calendar for the 1st Session of 1842.—

/Here enter No. 1143./

Mr. Dickinson.
Mr. M. Lewin.
and
Mr. F. M. Lewin.

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,

Kistnapah Naik
alias
Tumboo Naik

is sufficient to convict him of the crime of Gang Robbery, do convict him thereof, and under the provisions of Clause Third Section IV Regulation XV of 1803, Clause Third Section II Regulation I of 1825, and Regulation VIII of 1828, sentence him to receive 195 lashes with a Cat o'nine tails, and to be transported to such place or places beyond Sea as the Governor in

Council

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. 804.

Copy sent to the Civil Judge of Cuddapah for his information - (Sent in No. 805)

Read letter dated the 22nd Ultimo from the Acting Joint Criminal Judge of Tinchinopoly, transmitting the Statement of the actual produce of the labour of the Prisoners in the Jail at that Station for the 2nd Quarter of 1842.-

Statement entered No. 1160.

Ordered

returned in charge of 13 of the recaptured Prisoners to the Jail) were put upon their trial for gross neglect of duty.- The result of the trial was that 10 Peons were punished by imprisonment for 4 Months.- 3 more were sentenced to 3 Months imprisonment, and two others to two Months imprisonment.-

2. Six more of the Convicts who escaped were subsequently recaptured in the Rajahmundry District.-

3. The suggestion offered in para 10 of Mr. Glass' Report in respect to the transfer of Convicts from Ichapore to Vizagapatam when the number in confinement at that Station may exceed 50, will be attended to, but at present there are only 21 Convicts in the Jail at Ichapore &c.-

4. Under the contemplated changes in the Judicial Department the Court of Sudder Adalut do not deem it proper to recommend the appointment of an Officer to officiate as Register of the Provincial Court in the Northern Division as suggested in para 13 of Mr. Glass' letter.-

5. The Report not appearing to call for further remarks from the Court of Sudder Adalut It is ordered that a copy of the said

Report

2d. 7bt.

2d.th July 1842.-

Report together with an Extract from these proceedings be forwarded to the Acting Secretary to Government for the purpose of being laid before the Right Honorable the Governor in Council.-

(Sent in A°789)

for Mr. Douglas

Thursday 28th July 1842.-

P.M.

Mr. Court of the Foujdaree Udalut

Present,

Hy. Dickinson Esqre. 1st. Puisne Judge

Malcolm Lewin Esqre. Ag. 2d. Puisne Judge

F. Mc. Lewin Esqre. Ag. 3d. Puisne Judge

Read letter dated the 11th Instant from the Provincial Court of Circuit in the Centre Division, transmitting copy of a letter from the Criminal Judge of Chittoor, together with copies of papers relative thereto, in which Mr. Angelo proposes for the consideration of the Court of Foujdaree Udalut whether a Criminal Judge can take cognizance without the intervention of the Magistracy of a case of fraud, incidentally brought to his notice by the Sudr. Ameen.—

(Here Enter F.M. A° 1046.)

Re Pundit Sudr Ameen of the Zillah Court of Chittoor proceeded to believe that the Defendants in a suit then under his investigation had fraudulently mortgaged

28th July 1842.-

mortgaged a house valued at Rupees 30 to which they had no claim whatever, to the Plaintiff, who seeks the recovery of the amount of mortgage - The Spr. Ameen placed the 2nd Defendant in custody and referred the matter to the Criminal Judge in view to the punishment of the party guilty of fraud.—

2. The Provincial Court submit their opinion that the party should be forwarded to the Criminal Court in the manner prescribed in Clause 4th Section III Regulation VIII of 1829.—

3. The Regulation quoted by the Provincial Court in the Centre Division is in no way applicable to this case.—

4. The Court of Foujdaree Udalut are of opinion, that the parties should be sent to the Criminal Court direct, and that the Criminal Judge should put a question to the Law Officer, as to whether the act be punishable under the Mahomedan Law, or not, and proceed accordingly.—

Ordered, that copy of these Proceedings

28th July 1842.-

Proceedings be forwarded to the Provincial Court in the Centre Division for their information and guidance and for communication to the Zillah Judge of Chittoor.—

/Entrd No. 792/

Read Statement, dated the 4th Instant from the Criminal Judge of Salem, of Amount realized by the labor of the Prisoners in the second Quarter of 1842.—

/Here entr No. 1117./

Read letter dated the 18th Instant from the First Judge of the Provincial Court of Circuit in the Western Division, transmitting the Statement of batta paid to the Prosecutors and Witnesses during the 2nd Quarterly Sessions of 1842.—

/Here Entr No. 1118./

Fwd.

"holding them and thereby take them out
"of the hands of those who are likely
to employ them for bad purposes" &c. &c.

I think it is absolutely
necessary that the suggestions of these
Magistrates should be attended to.-

The measures of restriction
alluded to by the Circuit Judge —
Mr. John Vaughan had always been
in force in Malabar, and it is not
easy to imagine for what purpose
he called upon the Magistrate as
he did to explain them as if they were
innovations. His doing so led to the
public agitation of the Question of
the legality of these measures.-

But that their legality
had been recognised by the Govern-
-ment clearly appears by Mr. Secretary
Hill's letter of 8th November 1819, and
although it has been said that the
measures of precaution laid down
in that letter applied only to Fire
arms and those too supplied by the
Government

Government from the Military stores, yet it is quite clear that the policy and the necessity of such measures with reference to the District of Malabar and the vindictive and turbulent character of the Inhabitants was implied by them.-

There is reason to suppose at the present time that the Moplas accumulate arms beyond what is required for their defence, and that the profession of them is found as well among the lawless turbulent characters ill disposed and bigotted, as among the respectable and well disposed subjects in the Province.-

There were in the hands of the Moplas nine in number who fell in the first outbreak in April 1841 as shewn in Mr. Silver's letter to the Magistrate (10th April 1841) 3 Guns, 3 Hatchets, 3 Swords, 1 Spear and 3 Knives.-

In the hands of those who were shot at the Morgue in November 1841 were 1 Musket, 1 Bayonet, 1 Spear, 2 Large

hair

4th August 1842

Rajahmundry.-

/Here enter J. No. Nos 1088 of 1842./

In an Extract from the Proceedings of the Provincial Court of Circuit for the Northern Division which accompanied the above letter, it is recorded as the opinion of the Collective Court, that the ends of justice require, that the charges against the prisoners in the cases above-mentioned should be fully and regularly investigated.-

2 The Court of Sunjdaree Udalut observe that their order of the 17th May last directing the release of the Prisoner in case No. 12 was grounded on the representation made by the Criminal Judge of Rajahmundry in his letter under date the 2d May 1842.- and they did not anticipate the counter view taken by the Provincial Court of Circuit.-

3. It is not the wish of the Court of Sunjdaree Udalut to restrain the Provincial Court in the exercise of the power they hold under the regulations to revise the decisions of the Criminal Courts and they accordingly direct that the Collective Court will adopt such measures as may appear to them just and proper.-

Ordered that copy of these proceedings

4th August 1842

proceedings be forwarded to the Provincial Court of Circuit in the Northern Division for their information and guidance.-

/Sent in No. 813./

Read the Criminal Reports for the month of June 1842. submitted by the Acting Criminal Judge of Combaconum under date the 13th Ultimo:-

/Here enter J. C. No. 1058 of 1842./

Statement of Extra Peons.

From the statement appended to these Reports it appears, that 36 Peons, 1 Duffadar and 2 Naigues were employed at Combaconum during the months of June 1842; as only 147 Prisoners were worked outside the Jail, and the authorized guard for this number of Convicts is only 36 Peons, 1 Duffadar and 1 Naigue- the Acting Criminal Judge is required to explain the reason of 1 Naigue being employed in excess of the prescribed complement and in order to avoid future similar references, the Acting Criminal Judge in submitting the monthly Criminal Reports will invariably cause an explanation to be inserted in the return itself whenever the Statement of Extra Peons may exhibit an infraction of the Rules as to the number of Guards.-

Ordered

2/

J. C.

4th August 1842

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

/Sent following precept No. 814./

Read letter dated the 23d Ultimo from the 3d Judge late on Circuit in the Western Division submitting copy of a communication from the Principal Sudr Ameen of Honore requesting instructions as to the disposal of the 2 approvers in case No. 1 on the Honore Calendar for the 1st Sessions of 1842.-

/Here enter J. C. No. 1148 of 1842./

The Court of Foujdaree Udalut are of opinion that under the circumstances represented by the Judge on Circuit, they are not called upon to confirm the pardon tendered to the approvers these individuals appear to have been mere tools of the prosecutor, suborned to the relation of facts of which they had no knowledge, and in which it is doubtful, if they had any participation.-

Ordered that copy of these proceedings

proceedings be forwarded to the 3d Judge late on Circuit in the Western Division, for his information and guidance and for communication to the Principal Sudr Ameen of Honore.—

/Sent in No. 815./

Read the Criminal Reports submitted by the Criminal Judge of Bellary for the month of June 1842.—

/Here enter F. Ul. No. 1111 of 1842./

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 Criminal Judge of Bellary for his information.—

/Sent in No. 816./

Read the Criminal Reports submitted by the Acting Joint Criminal Judge of Trichinopoly for the month of June 1842.—

/Here enter F. Ul. No. 1098 of 1842./

From the Statement appended to these reports it appears that 43 Jail prons were employed at Trichinopoly during the month of June 1842

as

as only 166 prisoners were worked outside the Jail,— and the authorized guard for this number of Convicts is only 42 prons, the Acting Joint Criminal Judge is required to explain the reason of 1 Pon being employed in excess of the prescribed complement— and in order to avoid future similar references, the Acting Joint Criminal Judge in submitting the monthly Criminal Reports will invariably cause an explanation to be inserted in the returns itself, whenever the Statement of Extra Pons may exhibit an infraction of the Rules as to the number of Guards.—

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

/Sent in No. 817./

Ea 7/4

Read letter dated the 22d Ultimo from the Criminal Judge of Tellicherry, submitting measures for checking atrocities such as those recently committed in South Malabar.

/Here enter F. Ul. No. 1146 of 1842./

opinion that there are no grounds for further proceedings in the case of Rungnadien versus Timmapien.—

Ordered, that copy of these Proceedings be forwarded together with copy of Tongdaree Udalut Proceedings of the 26th February last, to the Provincial Court of Circuit in the Southern Division for their information and guidance.—

/Sent in Ps. 822./

Read letter dated the 27th Ultimo from the Third Judge on Circuit in the Centre Division, transmitting the original death warrant in Case No. 15 on the Chittoor 2d. Quarterly Sessions of 1842.—

/Here enter No. 1152./

Read letter dated the 28th Ultimo from the Third Judge on Circuit in the Centre Division, reporting his intention to open the 2d. Sessions of 1842 at Cuddapah on the 30th Instant.—

/Here Enter No. 1156./

Eq. 4/1.

S. Ud.

Monday, 8th August 1842.

At a Court of the Tongdaree Udalut.

Present,

Hy. — Henry Dickinson Esqre. — 1st Puisne Judge,

Mk. — Malcolm Lewin Esqre. Actg. 2d. Puisne Judge,

FML. — F. M. Lewin Esqre. — Actg. 3d. Puisne Judge,

Read petition presented on the 11th Ultimo by Shree Davy Amah of the Zillah of Malabar, praying for the release of her Son Chatanalah Ookandah Menon Prisoner in Case No. 3 on the Cochin Calendar for the 1st. Sessions of 1842.—

/Here enter S. Ud. M. C. No. 63 of 1842./

The Court of Tongdaree Udalut resolve to call for the record of the Trial in the case above mentioned.—

Ordered that Extract from these proceedings be forwarded to the 3d. Judge late 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. 529./

Ordered also that copy of these proceedings be furnished to the Petitioner on her application

application.—

Read petition presented on the 13th Ultimo by Tamyachella Pillay and Maydunnaul, containing a repetition of the complaint set forth in their former petition No. 54 of 1842.—

/Here enter F.C. M.P. No. 64 of 1842/

The Court of Foujdaree Udalut direct that the Petitioners be referred to the former orders of the Foujdaree Udalut under date the 11th July 1842 which are final.—

Ordered that this petition be rejected and copy of these proceedings be furnished to the Petitioners on their application.—

V. Nanjummah of the Zillah of Cuddapah, moves the Court to return the enclosure in her Miscellaneous Petition No. 103 of 1841.—

Ordered accordingly

Read letter dated the 15th Ultimo from the Provincial Court of Circuit in the Western Division transmitting translations of the Sessee Criminal Reports for June 1842.—

/Here enter F.C. No. 1089 of 1842/

Read letter dated the 23d Ultimo from

from the Criminal Judge of Rajahmundry relative to the number of Peons to guard the Convicts.—

/Here enter F.C. No. 1138 of 1842/

Read letter dated the 2d Instant from the Acting Joint Criminal Judge of Masulipatam, forwarding the explanation called for in the proceedings of the Foujdaree Udalut under date the 30th Ultimo regarding a Peon in arrears for the Months of June last.—

/Here enter F.C. No. 1190 of 1842/

Ea 7/8

F.U.

Tuesday 9th August 1842.— At a Court of the Foujdaree Udalut

Present

Hy — Henry Dickinson Esqre — 1st Puisne Judge

M — Malcolm Lewin Esqre — Ag 2d Puisne Judge

F M L — F. M. Lewin Esqre — Ag 3rd Puisne Judge

Read the Criminal Reports submitted by the Acting Joint Criminal Judge of Guntoor for the month of June 1842.—

/Here enter F.U. No 1057./

From the Statement appended to these Reports it appears that 2 Duffadars 3 Naiques and 50 Jail Peons were employed at Guntoor during the month of June 1842; as only 192 Prisoners were worked outside the Jail, and the authorized guard for this number of Convicts is only 2 Duffadars 2 Naiques and 40 Peons, the Acting Joint Criminal Judge is directed to explain the reason of 1 Peon and 1 Naique being employed in excess to the prescribed complement— and in order to avoid future similar

reference

preferences the Acting Joint Criminal Judge in submitting the monthly Criminal Reports will invariably cause an explanation to be inserted in the return itself whenever the Statement of extraneous may exhibit an infraction of the Rules as to the number of guards.—

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

/Sent in No. 834/

Read the Criminal Reports submitted by the Principal Sudr Ameen at Honore for the month of June 1842.—

/Here enter No. 1099/

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 Principal Sudr Ameen at Honore for his information.—

/Sent in No. 835/

Read

Read letter dated the 18th Ultimo from the Joint Criminal Judge of Cuddalore forwarding the Criminal Reports for the month of June 1842.—

/Here enter No. 1132./

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 at Cuddalore for his information.—

/Sent in No. 836./

Read the Criminal Reports for the month of June 1842 submitted by the Criminal Judge of Malabar under date the 18th Ultimo.—

/Here Enter No. 1123./

These Reports exhibit many cases of wounding with a knife, and in every instance the punishment awarded is very light.—

Adverting to the prevalence of the crime of wounding in the Province of

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 Udalut resolve to point out for the information and future guidance of the Criminal Judge of Malabar, that offences of this nature, committed in Malabar, should always be visited with a severe penalty.—

From the Statement appended to these Reports it appears that 25 Peons 1 Duffadar and 2 Naiques were employed at Malabar during the months of June 1842; as only 94 Prisoners were worked outside the Jail, and the authorized guard for this number of Convicts is only 23 Peons 1 Duffadar, and 1 Naique the Criminal Judge is required to explain the reason of 2 Peons and 1 Naique being employed in excess of the prescribed complement, and in order to avoid future similar references, the Criminal Judge in submitting the monthly Criminal Reports will invariably cause an explanation to be inserted

inserted in the return itself, whenever the Statement of Extra Peons may exhibit an infraction of the Rules as to the number of Guards.—

Ordered, that Extract from these proceedings be forwarded to the Criminal Judge of Malabar for his information and guidance.—

(Entered No. 837)

Read letter dated the 27th Ultimo from the Officiating Joint Criminal Judge of the Auxiliary Court at Tinnevelly, submitting the explanation called for by the Court of Foujdaree Udalut under date the 23rd ult. last regarding work done by Prisoners in the Jail under his charge on private property.—

(Here Enter F.U. No. 1168.)

1. The Officiating Joint Criminal Judge states, that in view to make the Prisoners contribute in some measure to their own support, he has been in the habit, for some time past, of allowing them to work for private individuals at the

the rate of hire of 1 Anna per man per diem.—

2. He however lately declined an application for Convict Labor, and regrets that he has hitherto been acting, uncon=scionably, in opposition to the Spirit of Fouzdaree Adalut Circular Order of the 1st August 1827.—

3. The Court of Fouzdaree Adalut observe, that the Officiating Joint Criminal Judge at Tinnevelly erred in allowing Convicts to be employed on any other than strictly public works.— but as he has dis=continued the objectionable system hitherto adopted by him, they consider any further notice of the matter unnecessary.—

Ordered that a copy of these proceedings be forwarded to the Officiating Joint Criminal Judge at Tinnevelly for his information and guidance.—

/Sentin No. 838./

Read letter dated the 1st Ultimo from the Chief Magistrate and Superintendent of Police at Madras, transmitting the Report of Cases tried under Act No. XXII of 1837 in the

the month of June 1842.—

/Here enter No. 1135./—

Ed'rd

P.M.

Saturday 13th August 1842.

At a Court of the Foujdaree Udalut.

Present,

H.M. — Henry Dickinson Esqre — 1st Puisne Judge

M.L. — Malcolm Lewin Esqre — Ag 2d Puisne Judge

F.M.L. — F. M. Lewin Esqre — Ag 3d Puisne Judge

Read letter dated the 25th Ultimo from the 1st Judge of the Provincial Court of Circuit in the Centre Division, transmitting copy of the Chittoor Calendar for the 3rd Quarterly Sessions of 1842.— Here enter No. 1142.

Case No. 3. 1. The Court of Foujdaree Udalut do not deem it proper to sanction a mitigation of punishment in Case No. 3 to the extent recommended by the presiding Judge, but under the provisions of Clause 4th Section III Regulation I of 1825, the Court of Foujdaree Udalut resolve to authorize the 1st Judge on Circuit to sentence the prisoner "Vencatroya Pillay" to the mitigated punishment of two years imprisonment with hard labor in irons.—

Case No. 13. 2. The Court of Foujdaree Udalut

Seringa

13th August 1842.

having reason to doubt the propriety of the conviction in Case No. 13, resolve to direct the 1st Judge of the Provincial Court of Circuit in the Centre Division to cause an English translation of the Record of the Trial to be prepared for their consideration.—

Case No. 18. 3. The Court of Foujdaree Udalut having reason to doubt the propriety of the acquittal in Case No. 18, and they resolve therefore to direct the 1st Judge of the Provincial Court of Circuit in the Centre Division to cause an English translation of the record of the trial to be prepared and submitted for their consideration.—

Ordered, that Extract from these proceedings be forwarded to the 1st Judge of the Provincial Court of Circuit in the Centre Division for his information and guidance by precept returnable in 5 days from and after its receipt.—

(Vide following precept at 816.)

WM.

F. 16.

Monday,
15th August 1842. At a Court of the Foujdaree Udalut.—

Present:—

Henry Dickinson Espre. 1st Puisne Judge.
Malcolm Lewin Espre. Ag. 2nd Puisne Judge.
F. M. Lewin Espre. Ag. 3rd Puisne Judge.

Read the Criminal Reports submitted by the Criminal Judge of Salem for the month of June 1842.—

(Here enter No. 1055.)

Before confirming the sentence

Case No. 71. 1. passed in Case No. 71, the Court of Foujdaree Udalut desire to be informed whether the false complaint was persevered in before the Police Officer.—

Case No. 72. 2. The Court of Foujdaree Udalut will not disturb the acquittal recorded in Case No. 72 of this Calendar, but for the future guidance of the Criminal Judge the Court of Foujdaree Udalut resolve to point out that accidental Homicide is cognizable only by the Court of Circuit, and the prisoner should therefore have been committed to take his trial at the ensuing

Sessions

15th August 1842.

Sessions Vide Circular Order 9th April 1834.

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

(Sent in No. 818.)

Read petition presented on the 18th Ultimo with 9 enclosures by Mootedata Damodaren Numboody of the zillah of Malabar.

(Here enter T. Tr. M. P. No. 67.)

1. The Petitioner who was the 1st Prisoner in Case No. 174 of 1838 on the file of the zillah Criminal Court of Malabar; refers to a former petition No. 181 of 1839 in which he complained of an order of the then Acting Criminal Judge of Malabar requiring him, on a charge of Forgery, to produce security in the sum of Rupees 1000 for future good conduct and appearance - and against which decision of the Acting Criminal Judge he was directed, by the Court of Foujdaree Udalut in their proceedings dated the 9th September 1839, to appeal to the Court of Circuit in the Western Division.

The

15th August 1842.

2. The Petitioner states, that he has appealed to the Court of Circuit in the Western Division, but that they have refussed to disturb the Acting Criminal Judge's order. He therefore again petitions the Court of Foujdaree Udalut to cancel the requisition of security as prayed for in his former petitions.

3. The Court of Foujdaree Udalut observe, that the Court of Circuit in the Western Division upon mature deliberation of the whole of the proceedings connected with Petitioner's case confirmed the decision appealed from, in all respects. Such being the case, they refuse to interfere in the matter.

4. The Petition is dismissed.

Ordered accordingly and that copy of these proceedings be furnished to Petitioner on his application.

Read Miscellaneous Petition of Venkatalutchmee presented on 30th June 1842 by her Vakeel Moorteyan Soobbaroya Pillay.

(Here enter M. P. No. 356 of 1842.)

1. Petitioner alleges that she has

15th August 1842.-

has come to terms with her opponents and now desires that Documents may be called for, with the view to reverse a Summud passed by the Magistrate in favor of her opponent: Petitioner seems to have applied to the Court of Circuit when her petition was rejected.-

2. The Petitioner must procure the order of the Circuit Court before this Court can proceed; and as the object for which the Petitions is not apparent, it would be desirable she should employ some one to set forth her case in an intelligible form.-

Ordered that information of the above proceedings be given, with a copy if required, to Petitioner's Vakeel.-

Read petition presented on the 11th Ultimo by Locambaul of the zillah of Combaconum.-

(Here enter F.No. M.D. N°59.)

The Petitioner prays the Court of Foujdaree Udalut to reverse the sentence of 14 years imprisonment, which she asserts to have been unjustly passed upon her Husband the 2nd Prisoner in Case N°8 on the Combaconum Primary

2

F.No.

15th August 1842.- Primary Calendar for the 2nd Sessions of 1841 by the Acting 2nd Judge then on Circuit in the Southern Division.-

2. The Court of Foujdaree Udalut observe, that the trial in the case above mention=ed was called up, and the proceedings of the Acting 2nd Judge then on Circuit in the Southern Division found to be correct.-

3. They therefore decline to inter=fere as prayed for by the Petitioner, and direct that her petition be rejected.-

Ordered accordingly, and that copy of these proceedings be furnished to Petitioner on her application.-

Read communication dated the 21st Ultimo from the Provincial Court of Circuit in the Southern Division forward=ing copy of an Order passed by them on Case N°30 of 1842 on the Salem Criminal file.-

(Here enter F.No. N°1113.)

Read communication dated the 21st Ultimo from the 1st Judge Late on Circuit in the Southern Division forwarding an

Extract

15th August 1842.-

Extract from the proceedings of the Court of Circuit on Case N.30 of 1842 on the Salem Criminal file.-

(Here enter F.16. N.1114.)

Read letter dated the 18th Ultimo from the 1st Judge on Circuit in the Western Division reporting the opening of the 2nd Sessions 1842 at Calicut, the state of the Calendar and number of Prisoners committed for trial.-

(Here enter F.16. N.1119.)

Read letter dated the 22nd ult.o Ultimo from the 3rd Judge on Circuit in the Southern Division reporting the arrival of the Court of Circuit as well as the number of Cases on the Primary Calendar and stating that there is a prospect of a Supplemental Calendar being laid before the Court of Circuit.-

(Here enter F.16. N.1127.)

Read communication dated the 23rd Ultimo from the Provincial Court of Circuit in the Southern Division forwarding copy of the Order passed by them in Case N.173 of 1841 on the Salem Criminal file forwarded for their disposal by the 1st Judge late on

15th August 1842.-

on Circuit.-

(Here enter F.16. N.1128.)

Read return dated the 22nd Ultimo from the Provincial Court of Circuit in the Western Division to the precept of the Fouzdaree Udalut dated 15th Ultimo conveying their remarks on the orders issued by the Provincial Court of Circuit respecting case N.39 on the Sirsee Criminal Report for November 1841 and requiring explanation regarding para:2 of the said order.-

(Here enter F.16. N.1130.)

Read communication dated the 22nd Ultimo from the Criminal Judge of Bellary replying to the proceedings of the Fouzdaree Udalut of the 18th Ultimo on the Criminal Reports for the month of May 1842.-

(Here enter F.16. N.1136.)

Read return dated the 25th Ultimo from the Acting Criminal Judge of Cuddapah to the precept of the Fouzdaree Udalut of the 21st July last conveying the observations and orders on the Criminal Reports for the month of May last.-

(Here enter F.16. N.1137.)

Read

15th August 1842

Read letter dated the 25th Ultimo from the Acting First Judge of the Provincial Court of Circuit in the Northern Division forwarding copy of the Masulipatam Primary Calendar for the 3rd Quarterly Sessions of 1842.

(Here enter F.C. No 1145.)

Read letter dated the 12th Ultimo from the Acting Agent to the Governor of Fort Saint George at Vizagapatam forwarding the Criminal Reports for the month of June 1842.

(Here enter F.C. No 1072.)

F.C.

Thursday 18th August 1842. At a Court of the Foujdaree Udalut

Present,

Hon. Henry Dickinson Esqre. 1st Puisne Judge

Malcolm Lewin Esqre. Ag 2d Puisne Judge

F. M. Lewin Esqre. Ag 3d Puisne Judge

Read letter dated the 8th Instant from the Acting 3d Judge on Circuit in the Northern Division, transmitting the record of the Trial in Case No 4 on the Nellore Primary Calendar for the 2nd Sessions of 1842.—

(Here enter No 1208.)

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 Yankasery Uchoologaudoo

and

2nd Taloopoola Condadoo

are not convicted on presumptive proof, or on the evidence of credible witnesses, or on their own confession of the crime of Robbery. do acquit them thereof; and do

order

under the provisions of Clause First Section V Regulation VIII of 1831 and Clause Sixth Section II Regulation XV of 1803, direct that they be set at liberty.-

1. The Court of Foujdaree Adalut are of opinion that the Futwa of the Law Officer in this case was correct- Considering the gross contradictions in the evidence, he could not possibly have convicted the Prisoners, and the Court are surprized that the Judge Presiding at the Trial should not have concurred in declaring the evidence unworthy of belief.-

2. As the Judge Presiding concurred with the Law Officer in his Futwa of not guilty, although he differed as to the grounds of the verdict, it was his duty according to Clause Second Section XV Regulation VII of 1802, to pass an immediate sentence of acquittal, and order the Prisoners to be discharged. He will be pleased now to see that no time is lost in causing the Prisoners to be set at liberty.—

The

3. The Court observe for the future guidance of the Acting 3d Judge on Circuit in the Northern Division, the great impropriety of putting questions to the Prisoners at some length either on their arraignment or defence.—

4. The question on the arraignment should be simply "are you guilty or not guilty" and that on the Defence "What have you to say on your Defence."-

Ordered, that copy of these Proceedings be forwarded to the Acting 3d Judge on Circuit in the Northern Division for his information and future guidance.—

Read following letter No 852

Read return dated the 2nd Instant from the Officiating Joint Criminal judge of Tinnevelly, soliciting with reference to this Court Proceedings of the 26th Ultimo, the authority of the Judges of the Foujdaree Adalut for the offer of a conditional pardon to the 8th Prisoner in Case No 18 of 1842 on the

Criminal

18th August 1842.-

Criminal Sides.—

/Here Entr F.H. No. 1203/

1. It does not appear from the above return whether the 8th Prisoner was a principal in the crime of Murder with which the Prisoners in the Case above alluded to were charged, or merely an accessary to it. Until the Court of Foujdaree Udalut are informed of the nature of his crime, they cannot sanction the offer of a pardon to the said Prisoner.—

2. The Officiating Joint Criminal Judge of Tinnevelly is therefore enstructed to submit a full Explanation on the points of evidence which may be expected from the 8th Prisoner.—

Ordered, that copy of these Proceedings be forwarded to the Officiating Joint Criminal Judge of Tinnevelly for his information and guidance.—

/Sent in No. 853./

Read letter dated the 1st Instant from the Acting Agent to the Governor of Fort St. George in the Vizagapatam District

F.H.
18th August 1842.-

District, submitting with reference to Clause 5th Rule I of the Rules framed by Government for his guidance, a Summary of the evidence against two prisoners charged with Housebreaking, and stealing property to the amount of Rupees 653, and the two other prisoners with receiving portion of the said property knowing it to have been stolen, and communicating his opinion as to the punishment to be passed upon the Prisoners.—

/Here Entr No. 1204./

1. As regards the 1st and 2nd prisoners, proved guilty of the crime, the Acting Agent proposes a sentence of 5 years imprisonment with hard labor in irons under Clause 4th Section II Regulation VI of 1832.—

2. These prisoners being liable to Hud under the Mahomedan Law, the Court of Foujdaree Udalut resolve to sentence the said prisoners viz.

"Narrainapoorapoo Lingadoo"

and

"Moorugada Rittadoo"

to

to imprisonment for 7 Years, with hard labor in irons, under Section XXI Regulation VII of 1802.—

3. The 3rd prisoner who is the wife of the 1st prisoner and entitled to the plea of coercion and is not therefore liable to punishment; the Court of Sanjavaram Udalut therefore direct the 3rd prisoner to be discharged from confinement.—

4. The sentence of 12 Months imprisonment with hard labor in irons proposed for the 4th prisoner "Desa Gavveregadoo" is confirmed, and directed to be carried into Execution accordingly.—

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

/Sent in No. 854./

Read letter dated the 8th Instant from the Acting Third Judge on Circuit in the Northern Division, transmitting a

a Statement of Batta paid to the Prosecutor and witnesses before the Court of Circuit at Nellore for the 2nd Sessions of 1842.—

/Here enter No. 1209./

Read letter dated the 6th Instant from the Second Judge of the Provincial Court of Circuit in the Southern Division, transmitting copy of the Trichinopoly Calendar for the 3rd quarterly Sessions of 1842.—

/Here enter No. 1210./

Read return dated the 13th Instant from the Acting Criminal Judge of Combaconum, to the precept of the Sanjavaram Udalut dated the 4th Instant, directing him to explain the reason of one Peishcar being employed in excess of the prescribed complement.—

/Here enter No. 1232./

P.M.

Friday
19th August 1842.

At a Court of the Equity Side at
Present

Henry Dickinson Esq.re ——— 1st Puisne Judge,

Mal Malachias Leahy Esq.re ——— Acting 2d Puisne Judge,

T.M.L. T. M. Leahy Esq.re ——— Acting 3d Puisne Judge

Read communication dated the 15th

Instant from the Acting 1st Judge sitting on Circuit in
the Northern Division transmitting with reference
to the Proceedings of the Equity Court of the 6th
July last, an English translation of the record of the
Trial in Case No. 9 on the Yellow Primary Calendar
for the 1st Session of 1842.—

(Here enter Coll. No. 1087)

1. Upon mature deliberation of all the
Papers connected with the case aforementioned, the
Court of Equity Side are of opinion, that considering
the highly conflicting evidence which the Acting 1st Judge
on Circuit had before him, it was not possible that
he should arrive at any other conclusion, than that
the Prisoners were not convicted of the crime laid to
their charge, and that they ought in justice to be
set at liberty.—

Whether

19th August 1842.

2.

Whether the deceased was murdered atally, or whether he did not meet his death from the accidental bite of a Snake, are questions involved in much mystery, which the evidence altogether fails to solve. It seems however highly probable that the deceased did die from the bite of a Snake, and that his sudden death suggested to the minds of some of the parties connected with the case, to trump up a charge of Murder to gratify their private feelings of animosity against the Prisoners.—

3.

The Court of Enquiry do not entirely concur in the view of the case taken by the Acting Jr. Judge, and desire to record their opinion, that Mr. Horsley is entitled to much credit for the labor and care bestowed by him, in the investigation and conduct of the Trial.—

Ordered, that copy of these Proceedings be forwarded to the Jr. Judge late on Circuit in the Northern Division for his information.—

(Sent in No. 857)

Saturday
20th August 1842.

At a Court of the Enquiries Adalat.

Present,

Henry Dickinson Esqre. ——— 1st Puisne Judge,

Malcolm Lewin Esqre. ——— Acting 2d Puisne Judge,

E. M. Lewin Esqre. ——— Acting 3d Puisne Judge,

Read letter dated the 8th instant from the Jr. Judge on Circuit in the Western Division, submitting the record of a Murder Case No. 2 on the Calendar of Jillah Midnapur for the 2d Session of 1842, and recommending for reasons assigned that a sentence of death be passed upon the Prisoner—

(Here enter No. 1221 of 1842.)

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

Poowa Kat Lunahyl Sheary Munoo

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. 860.

Mr. M. Lewin
and
Mr. E. M. Lewin

Read

Read letter dated the 27th ultimo from the 1st Judge on Circuit in the Western Division, submitting the record of a Murder Case No. 1 of the Calendar for Malabar for the 2nd Sessions of 1842, and recommending for reasons assigned that a sentence of 10 years imprisonment may be passed upon the Prisoner.—

(Here enter No. 116 of 1842.)

Mr. Dickinson,
and
Mr. Levin,

The Court of Sujdaree 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

Mr. Prendergast

is sufficient to convict him of the crime of Murder, do convict him thereof; but considering that there are circumstances in the case which justify them in passing a less severe sentence than that to which the Prisoner is liable under the provisions of Section X Regulation VIII of 1802 the Court of Sujdaree Adaulut under the provisions of Clause second Section VI Regulation I of 1825, do sentence the Prisoner to be transported to such place or places beyond sea as the Governor in Council shall appoint, there to be imprisoned and kept to hard labor in irons on the public roads, or other public works, for and during the period of his natural life.—

(Sent following letter No. 801.)

29th August 1842.

Read letter dated the 3d instant from the Principal Sudr Ameen at Hetapoor, transmitting the Statement required by the Sujdaree Adaulut under date the 10th December 1840.—

(Here enter No. A. 1227.)

From the above statement it appears

1. that the Prisoners in the Gaol at Hetapoor are not taken out to labor before 8 O'clock A.M. and only continue to work until 4 P.M.—

2. The Court of Sujdaree Adaulut direct, that such indulgence shall not be shown in future towards the Prisoners, and that their hours of labor be regulated strictly according to Rule No. 36 of those circulated by the Sujdaree Adaulut under date the 8th October 1821 for the management of Public Gaols.—

Ordered, that copy of these Proceedings be forwarded to the Principal Sudr Ameen at Hetapoor for his information and future guidance.—

(Sent in No. 862.)

Read letter dated the 9th instant from the 1st Judge Cuttack on Circuit in the Southern Division, accounting for the delay in dispatching referrible cases to the Sujdaree Adaulut.—

(Here enter No. 1220 of 1842.)

Read

20th August 1842.

Read letter dated the 16th instant from the Third Judge on Circuit in the Southern Division, reporting that notice has been given to open the 2d Sessions of 1842 at Limmerly on Monday the 12th Proximo.—

(Secretary's No. 1257 of 1842.)—

Read.

E. 16.

Monday 22d August 1842.

At a Court of the Royal Grace Adalat

Present—

Henry Dickinson Esqre ——— 1st Puisne Judge

Malcolm Lewin Esqre ——— Acting 2d Puisne Judge

Wm. F. M. Lewin Esqre ——— Acting 3d Puisne Judge

Read petition presented on the 18th Instant by Ameeroonnissa of the Village of Chittoor—

(Secretary's Petns. No. 8. No. 60.)

1. The Petitioner complains that the sentence passed by the 1st Judge of the Provincial Court in the Centre Division upon her husband the Prisoner in Case No. 9 on the Chittoor Calendar for the 2d Quarterly Sessions of 1842 was unjust, and prays that the Court of Royal Grace Adalat will reverse the said sentence and order her husband's release.

2. The Court of Royal Grace Adalat observe, that the Prisoner in Case No. 9 above mentioned was convicted by the Mahommedan Law Officer of the crime of Perjury with which he stood charged, and that the 1st Judge Presiding at the Sessions concurred in the conviction, and sentenced him to undergo the punishment of Cashcer, to receive 50 Lashes and to seven years imprisonment. With this sentence the Judges of the Court of Royal Grace Adalat on a review of the Calendar did not consider themselves

to

to be called upon to interfere; nor do they form any thing which is set forth in the Petition now before them sufficient cause for doubting that Justice was done in the case.—

3. The Petition is therefore rejected.—

Ordered accordingly and that copy of these Proceedings be furnished to Petitioner on her application.—

Read Petition presented on the 18th instant by Cottaroya Goundy an inhabitant of Pondicherry in Durbar.—

(Here enter C. M. Jn. P. No. 66.)

1. The Petitioner represents himself to be a contractor of Ganjah in the Collectorate of Durbar, and complains of an order of the late Acting Sitting Magistrate Tomasoondara Goundy, fining him (Petitioner) in the Sum of Rupees 100, on a charge falsely preferred against him, of being in possession of smuggled Ganjah — and in view to appeal therefrom, to the Court of Sudder Adalut he prays that orders may be issued to the Chief Magistrate to furnish him (Petitioner) with a copy of the late Acting Sitting Magistrates decision in the case and with copies of the whole Proceedings thereunto connected.—

2. The Court of Sudders Adalut see no reason to disturb the sentence passed upon Petitioner by the late Acting Sitting Magistrate, and therefore decline to

to interfere in the matter.—

3. Petition is rejected.—

Ordered accordingly and that copy of these Proceedings be furnished to Petitioner on his application.—

Read petition presented on the 1st instant by Ammany Ammal of the Zillah of Combaconum requesting the prayer urged in several former petitions, for the release of her son the 5th Prisoner in Case No. 20 on the Combaconum Calendar for the 2d Sessions of 1838.—

(Here enter C. M. Jn. P. No. 71.)

The Court of Sudders Adalut have referred, declared that they will not interfere with the sentence of the Circuit Judge. So that resolution the Court adhere.—

Ordered, that this petition be rejected, and copy of these proceedings be furnished to the Petitioner who is informed that no more Petitions will be received from her.—

Read petition presented on the 12th instant by Arumugah Mootiyar Vakeel in behalf of Cuttayahamma of the Zillah of Canara.—

(Here enter C. M. Jn. P. No. 72.)

1. This petition purposes to set forth some further circumstances, connected with the subject of petition No. 47 of 1842, presented to this Court on the 30th June last, by C. Vencata Soobier Vakeel, in behalf of Cuttayahamma, wife

wife of the 1st Prisoner in Case No. 4 on the Canara Calendar for the 1st Sessions of 1842.—

2. The Court of Sudder Adalut observe, that, as this petition has been presented, neither by the party in person, nor by a constituted Pleader of the Court, it cannot be taken into consideration.—

3. The Court have however already recorded their opinion, that they cannot interfere with the sentence of which the Petitioner complains.—

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

Read petition presented on the 8th instant by Radapullai Nauappa of the Zillah of Chittoor.—

(Here enter S. A. dr. 8. No. 78.)

1. The Petitioner complains of the order passed by the Court of Circuit in the Centre Division upon the Prisoners in Case No. 18 on the Chittoor Calendar for the 2d Quarterly Sessions of 1842, and prays the Court of Sudder Adalut, to call for and peruse the whole record of the trial and award to the Prisoners, the punishment authorized by the Regulations for the crime of Murder.—

2. The Court of Sudder Adalut observe, that the Trial in question has already been called up by them

them, and orders will be passed hereafter relative to the sentence of the Prisoners therein concerned.—

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

Read return from the Provincial Court in the Northern Division dated 8th August 1842 to the precept of the Sudder Adalut dated 30th July 1842 conveying their observations on the proceedings held by the Provincial Court in Case No. 12 of 1841 on the file of the Criminal Court at Vizagapatam.—

(Here enter No. 1223.)

1. In the 3d Para of the return the Judges of the Sudder Adalut are surprised to find that Civil business is considered a sufficient reason for postponement in Criminal matters; it has been the universal practice for the latter to take precedence of the former and the neglect to observe that rule in the present instance has entailed an unprecedented delay and would, but for the many changes amongst the Judges of the Provincial Court, have rendered it necessary to transmit these proceedings to Government.—

2. The Judges of the Sudder Adalut are at a loss to conjecture what prevented Lt. Walker, the Acting 3d Judge, from passing an opinion, as did the

case

case was in his possession from May until 1st of June.-

3. Unsatisfactory as the explanation now offered appear to the Judges of the Cuddapah Sudder, yet, for the reason mentioned in the 1st para, they abstain from forwarding these proceedings for the consideration of Government. The Judges however venture to express a hope that no similar case will again attract the notice or solicit the remarks of the Cuddapah Sudder.-

Ordered, that Extract from these proceedings be forwarded to the Judges of the Provincial Court in the Northern Division for their guidance and instruction.-

(Sent in No. 865.)

Read letter dated the 16th instant from the Acting Joint Criminal Judge of Trichinopoly explaining in reply to communication of 4th instant the reason of one Item having been employed in excess of the prescribed complement during the month of June 1842.-

(Here enter No. 1254 of 1842)

Read letter dated the 18th instant from the Criminal Judge of Salem submitting explanation relative to Cases Nos. 71 and 72 of the Criminal reports for June 1842.-

(Here enter No. 1256 of 1842)

Read letter dated the 17th instant from

the Governor's Agent at Vizagapatam reporting the execution of 4 Prisoners convicted of Wilful Murder.-

(Here enter No. 1262 of 1842)

Read letter dated the 30th April last from the Provincial Court of Circuit in the Western Division forwarding statements received from the Criminal Judge of Canara and the Acting Criminal Judge of Malabar shewing the amount realized by the Labor of the Prisoners for the 1st Quarter 1842.-

(Here enter No. 736 of 1842)

Ex Pol.

M.

Tuesday
23rd August, 1842.

At a Court of the Conjdare Adalats.

Present,

JP — Henry Dickinson Esq^re _____ 1st Puisne Judge

ML — Malcolm Lewin Esq^r _____ Acting 2nd Puisne Judge

WML — T. M. Lewin Esq^re _____ Acting 3d Puisne Judge

Read letters dated respectively the 9th and 12th Instant from the Criminal Judge of Chittoor, reporting the escape of 7 Convicts from the Gang employed on the Western Road viz: 5 Convicts from the Cherry gang and two Convicts from the gang at Roadpotlah.

(Here enter Nos 1215 and 1226.)

1. With reference to the above letters the Judges of the Court of Conjeeveram direct that it be pointed out for 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 488 of the Official Gazette, Captain Foster is required to furnish the Criminal Judge with a list shewing the name, sentence &c &c of the escaped Convicts as extracted from the detailed list furnished to him on the transfer of the Convicts under Section VII, and under Section XIX of the same Rules a copy thereof must

must be forwarded by the Criminal Judge to the Court of Sudder Adawlut.— But on the present occasion no such List has been submitted to the Court of Sudder Adawlut.—

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. The Court of Sudder Adawlut however deem it their duty to lay a copy of Lieutenant Robertson's report on these escapes before Government for the information of the Right Honorable the Governor in Council.—

Ordered, that Extract from these proceedings, together with copies of Lieutenant Robertson's letters dated respectively the 2d July and 6th August 1842 be forwarded to the Acting Secretary to Government for the purpose of being laid before the Right Honorable the Governor in Council.—

(Sent in No. 867)

Ordered also, that Extract from these proceedings be forwarded to the Criminal Judge of Chittoor for his information and future guidance.—

(Sent in No. 868)

Read

Read the Criminal Reports submitted by the Acting Joint Criminal Judge of Guntoor for the Month of July 1842.—

(Here enter No. 1237.)

The above Reports do not appear to call for any remark from the Court of Sudder Adawlut.—

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

(Sent in No. 869.)

Read letter dated the 1st instant from the Joint Criminal Judge of the Ancillary Court at Vizagapatam, submitting the monthly Criminal Reports of this Court for the Month of July 1842 as prescribed by Section XXXV Regulation X of 1816, and stating that the Reports No. VII, VIII and IX and the Statement required by Circular Order No. 83 have not been sent, there being no entry to be made in them.—

(Here enter No. 1214 of 1842)

Read letter dated the 8th instant from the Magistrate of Mangalore, reporting on the result of an enquiry into the statement of the Prisoner Cumma, as directed

23rd August 1842.

directed in the Proceedings of the Court of Enquiry dated the 6th July 1842.—

(Here enter No 1225 of 1842.)

Ent'd

Thursday 25th August 1842

At a Court of the Enquiries Adelaide.

Present,

Henry Dickinson Esqre ——— Police Judge,

Malcolm Lewin Esqre ——— Acting 2d Police Judge,

T. Mc Leuin Esqre ——— Acting 3d Police Judge,

Read letter dated the 8th Instant together with the correspondence which accompanied it from the Magistrate of Yuntoon, requesting state instructions of the Court of Enquiries Adelaide whether in the event of the apprehension of certain persons in the Cudgel or Moorundie Districts supposed to have been concerned in Gang Robberies committed in the Nyadne Territories, it is proper that such persons should be brought before him the Magistrate of Yuntoon, or delivered to the Magistrate in whose District they may be seized.—

1. The Magistrate submits that the former course would be the most expedient, as a portion of the same Gang have been previously forwarded to the Joint Criminal Judge at Yuntoon for trial.—

(Here enter No 1212.)

2. The suspected persons in question have not yet been apprehended.— The reference made by the Magistrate to Government under date the 18th July 1842

was

was therefore premature.—

3. If the apprehension of the remaining part of the Gang is eventually effected by the Police of the District of Guntoor in either the Masulipatam or the Cuddapah District, under warrants backed by the Magistrates of those Districts, it will be competent to the Magistrate of Guntoor to receive the prisoners, and, if he consider the charge well founded against the accused, to proceed as directed in Clause 2d Section III Regulation II of 1829, reporting his proceedings to the Governor in Council.

4. And under Section IV of the same Regulation it is competent to the Governor in Council to direct the accused to be tried by any of the Established Criminal Courts.—

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

(Sent in No. 871.)

Saturday,
27th August 1842.

P.C.

A Court of the Foujdaree Adalut.

Present:—

Henry Dickenson Esqre — 1st Puisne Judge.
Malcolm Lewin Esqre — Ag. 2nd Puisne Judge.
F. M. Lewin Esqre — Ag. 3rd Puisne Judge.

Read letter dated the 15th instant from the 1st Judge on Circuit in the Western Division submitting the record of a murder case No. 3 on the Calendar Zillah Malabar for the 2nd Sessions of 1842, and recommending for reasons assigned that a sentence of death be passed on the Prisoner.—

(Here enter F.C. No. 1255)

Mr. Dickinson and Mr. M. Lewin. 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

Kundanatoo Koya.

is sufficient to convict him of the crime of Murder, do convict him thereof, and under the provisions of Section X Regulation VIII of

of 1802, sentence him to suffer death, by being hanged at the usual time and place of execution

(Sent following letter N.873.)

Read the Criminal Reports for the month of July 1842 forwarded by the Criminal Judge of Chingleput under date the 5th instant.-

(Here enter F.16. N.1197.)

Supplemental Report Case N.23.

1. The Court of Foujdaree Udalut observe that the sentence passed upon the Prisoners in this case was far too lenient- Extorting a confession to a robbery, from persons who had not committed the offence, is a very grave act of criminality, and the guilty parties should have been committed for trial.-

Report N.V Case N.27.

2. The Court of Foujdaree Udalut observe, that the opposition made by the Sudr Ameen Moofty, of the Mahomedan Law relative to the charge in this case was erroneous; and they direct, that the accompanying opinion of the Mahomedan Law Officers of the Court of Foujdaree Udalut be communicated to him for his future guidance.-

Ordered

Ordered that copy of these proceedings be forwarded to the Criminal Judge of Chingleput for his information and guidance.-

(Sent in N.874.)

Read letter dated the 8th Instant from the Acting 3rd Judge on Circuit in the Northern Division forwarding copies of the Nellore Primary and Supplemental Calendars for the 2nd Sessions of 1842.-

(Here enter N.1207.)

Case N.1

1. The Court of Foujdaree Udalut consider that the Acting 3rd Judge on Circuit acted injudiciously in putting the prisoner Boggoola Tauttereddy on his Trial for the murder charged against him in Case N.1 of this Calendar.-

2. The evidence was altogether insufficient for the conviction of the prisoner and the case therefore should have been sent back to the Criminal Judge with instructions to hold the prisoner to security (if he deemed there were adequate grounds for adopting the measure) when he might have been tried hereafter

27th August 1842.-

hereafter if the Murder came to light; at present there is no proof of the commission of a Murder.-

3. Under the circumstance of there being no proof of a murder having been committed the Court of Foujdaree Udalut consider the demand of security by the Court of Circuit illegal and they resolve to direct the unconditional release of the prisoner from confinement, if detained in Jail in default of furnishing security, or that the security Bonds be cancelled if any have been entered into.-

Case N.4. 4. The prisoner in this case is a Convict and he stands charged with having assaulted the Peons who were guarding himself and other Convicts employed at labor on the public roads.-

5. The Acting 3rd Judge states that he would sentence the prisoner to the additional imprisonment of 4 years, but lest the rule in Clause 2nd and Section V Regulation VII of 1822 was intended to be absolute, and to apply even to cases when the offence has been frequently repeated, he resolves to refer the trial to

Dlo.

27th August 1842.- to the Court of Foujdaree Udalut.-

6. The Court of Foujdaree Udalut see no necessity for the proposed reference of the Trial in Case N.4 for their judgment.-

7. The Acting 3rd Judge is directed to pass sentence upon the prisoner under Clause 7th Section II Regulation XV of 1803.-

Case N.5 8. The record of the Trial in Case N.5 has been set down for reference to the Court of Foujdaree Udalut the Judges therefore will abstain from recording any remarks on this case until they have considered the record of the Trial.-

Case N.6. 9. In Case N.6 the Law Officer convicts the Prisoner of the crime laid to his charge (though not on full legal evidence) and declares him to be liable to Dokoobut.-

10. The Presiding Judge concurs in this Futwa, subsequently to which he points out the instances in which 3 witnesses for the Prosecution prevaricated in their evidence, for which he sentenced them each to pay a fine of 50 Rupees or to be imprisoned

27th August 1812.-

imprisoned for one month and then states that "he conceives that there is not the slightest ground" for believing that the Prosecutor was robbed by the "Prisoner" and he then proceeds to sentence him to six months imprisonment for a common assault.-

11. The Court of Foujdaree Udalut observe that the above statement of the Judge on Circuit contains a contradiction in terms- He in the first place declares his concurrence with the Futwa, which states the Prisoner not to be "free from this crime;" and in the second he states that there is no reason for believing that the Prisoner committed the crime-

12. If the Circuit Judge concurred with the Law Officer in the conviction of the Prisoner he was bound to record the sentence prescribed by Clause Section IV Regulation XV of 1803, recommending a mitigation of the sentence under Clause 2nd Section III Regulation I of 1825 if he considered it to be too severe.-

13. If on the other hand the Circuit Judge did not concur in the Futwa of the Law

27th August 1812.- Law Officer he was bound to refer the Trial to the Foujdaree Udalut under Clause first Section VI Regulation XV of 1803.-

14. The Court of Foujdaree Udalut direct that the Acting 3rd Judge on Circuit will now adopt the course above pointed out to him.-

Case No 7

15. Previous to submitting the record of the Trial in this case to the Court of Foujdaree Udalut the Acting 3rd Judge will explain the grounds on which the trial is to be referred for their judgment.-

16 For the information and future guidance of Mr. Walker the Court of Foujdaree Udalut resolve to point out that, whether the trial be referred or not, the Futwahs in all cases must accompany the Calendar.-

Ordered, that Extract from these proceedings be forwarded to the Acting 3rd Judge on Circuit in the Northern Division for his information and guidance by precept returnable in 10 days from and after its receipt.-

(Sent following precept No 870.)

Read

27th August 1842.-

Read letter dated the 24th Instant from the Provincial Court in the Southern Division transmitting the original death warrant in Case N.4 on the Coimbatore Calendar for the 1st Sessions of 1842.-

(Here enter F.W. N.1279.)

Ex F.W.

Monday.-

29th August 1842.-

F.W.

At a Court of the Foujdaree Udalut.-

Present:-

Henry Dickinson Esqre — 1st Puisne Judge.-

Malcolm Lewin Esqre. Ag. 2nd Puisne Judge.-

F. M. Lewin Esqre. Ag. 3rd Puisne Judge.-

Read the Criminal Reports submitted by the Acting Joint Criminal Judge of Masulipatam for the month of July 1842.-

(Here enter N.1234.)

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

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

(Sent in N.876.)

Read the Sirsee Criminal Reports submitted by the Provincial Court of Circuit in the Western Division for the month of July 1842.-

(Here enter N.1269.)

The

29th August 1842.

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, for the information of the Principal Sudr Ameen at Tirsee.-

(Sent in No. 877.)

Read letter dated the 22d Instant from the Acting 3rd Judge on Circuit in the Northern Division, reporting the opening of the 2nd Sessions of 1842 at Guntoor on that Date.-

(Here enter F.Ud. No. 1268.)

Read letter dated the 24th Instant from the 2nd Judge of the Provincial Court in the Southern Division, transmitting copy of the Trichinopoly First Supplemental Calendar for the 3rd Quarterly Sessions of 1842.-

(Here enter F.Ud. No. 1278.)

F.W.L.

F.Ud.

Tuesday,
30th August 1842.

At a Court of the Foujdaree Udalut.

Present

Henry Dickinson Esqre — 1st Puisne Judge.
Malcolm Lewin Esqre Jg. 2d Puisne Judge.
F. M. Lewin Esqre Jg 3d Puisne Judge.

Read the Criminal Reports submitted by the Joint Criminal Judge of Cochin for the month of July 1842.-

(Here enter No. 1231.)

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 Cochin for his information.-

(Sent in No. 883.)

Read the Criminal Reports submitted by the Joint Criminal Judge of Coimbatore for the month of July 1842.-

(Here enter No. 1247.)

The above Reports do not appear

30th August 1842.

appear to call for any remark from the Court of Zoujdaree Udalut.-

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

(Sent in No. 884.)

Read again petition presented on the 30th June last by Lutchmee of the zillah of Rajahmundry praying for the release of her brothers the 1st and 2nd Prisoners in Case No. 4 on the Rajahmundry Calendar for the 1st Sessions of 1842.-

(Here enter Fl. No. M.P. No. 52.)

Read again also petition presented on the 30th June 1842 by Seetaramoo-doo of the zillah of Rajahmundry, praying for the release of his Brother, the 3rd Prisoner in the case above mentioned.-

(Here enter Fl. M.P. No. 53.)

Read also return dated the 10th Instant from the Provincial Court of Circuit in the Northern Division, submitting, with reference to the precept of the Zoujdaree Udalut of

30th August 1842.

of the 18th July last, the record of the Trial in Case No. 4 of the Rajahmundry Calendar for the 1st Sessions of 1842.-

(Here enter Fl. No. M.P. No. 239.)

1. The Court of Zoujdaree Udalut on a deliberate consideration of the whole record of the trial, are of opinion that the guilt of all three prisoners is clearly proved, and refuse to interfere in the manner prayed for by the Petitioners Lutchmee and Seeta-ramoodoo-

2. The petitions are rejected.-

Ordered accordingly and that a copy of these proceedings be furnished to Petitioners on their application.-

Ordered also, that a copy of these Proceedings be forwarded to the Provincial Court of Circuit in the Northern Division for their information and guidance.-

(Sent in No. 885.)

Read petition presented on the 22nd instant by Krishna Cutkoorie of the zillah of Canara urging the prayer set forth in four former petitions, on all of which orders have

30th August 1842.

have been passed by the Court of Foujdaree Udalut:-

(Here enter F.H.C. M. P. N°79)

1. The Court of Foujdaree Udalut direct that the Petitioner be referred to the orders passed by them upon his former petitions.-

2. The petition is dismissed.-

Ordered accordingly, and that copy of these proceedings be furnished to Petitioner on his application.-

Read petition presented on the 8th instant by Pauparmmaul and several others inhabitants of Cuddalore, complaining of the sentence of 5 years imprisonment awarded, by the 3rd Judge on Circuit in the Centre Division, to their relations the first fifteen Prisoners in Case N°9 on the Cuddalore Calendar for the 1st Sessions of 1842, on a charge of having formed part of an armed mob that assembled in the town of Cuddalore on the 18th January 1842, committed violent breach of the Peace, and refused to disperse when ordered to do so, by the local authorities, and praying the Court of Foujdaree Udalut to remit the said punishment, or to order that the Prisoners be held under security.-

(Here enter F.H.C. M. P. N°76)

The

2.

F.H.C.

30th August 1842.

The Court of Foujdaree Udalut see no reason to question the correctness of the Circuit Judge's decision, and direct that this petition be rejected.-

Ordered accordingly, and that copy of these proceedings be furnished to Petitioners on their application.-

Moolaveddata Damodaren Numboodry of the Zillah of Malabar moves the Court to return the enclosures in his Miscellaneous Petition N°67 of 1842.-

Ordered accordingly.-

Read Miscellaneous petition presented on the 8th instant by Chinnien and several others inhabitants of Cuddalore.-

(Here enter F.H.C. M. P. N°74)

The object of this petition is to induce the Court of Foujdaree Udalut to remit the punishment awarded by the 3rd Judge on Circuit in the Centre Division, to the Prisoners in Case N°12 on the Cuddalore Calendar for the 1st Sessions of 1842 charged with having formed part of an armed mob assembled on the 18th January 1842 in the

town

town of Cuddalore for riotous purposes, forcibly released certain prisoners from the custody of the Police Aumeen, and refused to disperse when ordered so to do by the local authorities.-

2 The Court of Foujdaree Udalut see no reason to question the correctness of the Circuit Judge's proceedings in the case referred to by the Petitioners, and direct that the foregoing petition be dismissed.-

Ordered accordingly and that copy of these proceedings be furnished to Petitioners on their applications.-

Read petition presented on 25th of July 1842 by Raghavrw an inhabitant of Cuddalore and son of Talaverchan Narrainen Pilly, 2nd Prisoner in Case No. 5 on the Cuddalore Calendar for 1st Sessions of 1842.-

(Here enter M. P. No. 69 of 1842.)

In the above petition it is set forth that the punishment awarded to Petitioner's Father by the 3rd Judge of Circuit is unjust and effected by the intrigues of some designing enemies; that the evidence of 1st Prisoner as well as that of his Witnesses most fully acquits

acquits 2nd Prisoner of having been accessary to the theft or a receiver of the stolen goods. Petitioner prays that the Court of Foujdaree Udalut will call for the proceedings and release his Father from his present confinement.-

2. By the proceedings of July 25th the sentence awarded by the 3rd Judge on Circuit has been confirmed by the Court of Foujdaree Udalut and as no new light is thrown upon the case in this present petition it is dismissed.-

Ordered that Petitioner be informed of the above determination.-

Read the following return from the Magistrate of Chingleput dated the 14th of February 1842 having reference to para 43 of the Proceedings of the Foujdaree Udalut of the 20th December 1841 on the Criminal Reports for the 2nd half year of 1840 and para 12 of the Minutes of Consultation thereon dated the 21st March 1842.-

(Here enter No. 356)

"The Magistrate of Chingleput has

30th August 1842.-

has the honor to acknowledge the receipt of the foregoing precept transmitted with copies of Extracts from the proceedings of the Provincial Court of Circuit and Foujdaree Adalat under dates the 20th December 1841 and 31st January 1842 respectively, and with reference to the orders of the latter Court calling upon him to state the reasons why so few of the perpetrators of offences ascertained to have occurred during the 2nd half year of 1840 have been detected; to offer for their consideration a few circumstances which naturally tend to swell the number of crimes perpetrated within the Jaghere, and which at the same time add to the difficulties of apprehending the Criminals."

"The number of Pagodas in this District at which periodical festivals take place and to which vast numbers resort from all parts of the country afford frequent opportunities for the assemblage of bad characters, whilst the temporary nature of their sojourn, with the facilities of disposing of the pilfered property at or in

PC

30th August 1842

the vicinity of the Presidency and their being strangers renders it almost impossible in many instances to trace the offenders, or if apprehended on suspicion to bring the charges home to them. To these classes of persons also may be added the great number of Lumbadies, Coravars and other wandering tribes who resort to the Coast for the expressed purpose of purchasing salt, but which, and especially with the latter mentioned description of persons is often but a cloak of their evil purposes."-

"None of the cases included in the Calendar during the half year under review were attended with aggravated circumstances, and in respect to those entered under the Head of "Gang Robbery" 3 might have been viewed in the light of petty thefts had not the number of persons concerned rendered it necessary to include them as above. The aggregate of the property stolen in the three cases was below 7 Rupees; the perpetrators were supposed to be Coravars, who were passing through the District. In the other

30th August 1842.-

2 cases no clue whatever could be afforded by the persons robbed."

"No efforts were spared by the Magistrate and his Assistants to stimulate the Native Police to trace the perpetrators of these and the other crimes detected, and though these efforts may not have been so successful as could be desired, it can be confidently stated that the non success has not arisen from carelessness or want of exertion- a comparison of the extent of crimes ascertained to have been committed of late years with former ones shews an improvement which would not be the case were the Police negligent and inactive."-

The Court of Forfeitures Madras consider this return from the Magistrate of Chingleput to be satisfactory-

Also read return dated the 13th July 1842 from the Provincial Court of Circuit in the Northern Division, forwarding copy of a return dated the 28th June 1842 from the Acting Magistrate of Vizagapatam, having reference to para: 1 of the Extract from the Minutes of Consultation

30th August 1842.-

Consultation dated 21st March 1842, in which the Agent was required to submit a report of the origin of the erroneous idea which prevails among the Village functionaries that they are the Proprietors servants, also of their actual condition as regards emolu=ments of office, and the measures required to render them efficient public Officers.-

(Here enter No. 1078.)

The Acting Agent submits that the subject shall have his best atten=tion, and that he trusts he will be enabled to offer some mature suggestions thereon in the next yearly report on the state of the Police generally in the Province- But consider=ing his present want of experience in those matters and the absence of local knowledge, consequent on the Acting Magistrate's recent appointment to the District it is not at present in his power to supply any authentic information on the subject or at present to furnish a well digested plan by which their services could be made available for the public benefit.-

The

30th August 1842.

The Court will await the Report on this subject promised by the Acting Agent; in the mean time they resolve to submit a copy of these proceedings to the Acting Secretary to Government for the information of the Right Honorable the Governor in Council.—

(Sentence N.o 880.)

Read petition presented on the 21st instant by Moottoosawmy Gorookul of the zillah of Chittoor, containing a similar prayer to that set forth in a former petition N.o 42 of 1842, an abstract of which has already been given in this Court's proceedings of the 30th June last.—

(Here enter F.R.C. M.P. N.o 73.)

1. The Court of Foujdaree Udalut direct that the Petitioner be referred to their orders of the 30th June 1842, and instructed that he must apply to the local authorities.—

2. The Petitioner is warned that he will render himself liable to a fine, if he persists in preferring such vague complaints to the Court of Foujdaree Udalut.—

Ordered, that petition be rejected and copy of these proceedings be furnished to Petitioner on his application.—

Wednesday,
31st August 1842.

F.R.C.

At a Court of the Foujdaree Udalut

Present:

Henry Dickinson Esqre — 1st Puisne Judge
Malcolm Lewin Esqre 2nd Puisne Judge
F. Mc. Lewin Esqre 3rd Puisne Judge

Read letter dated the 3rd Instant from the Provincial Court of Circuit in the Western Division, submitting copy of a letter from the Criminal Judge of Calicut dated the 29th July 1842, in which Mr. Thomas suggests, in view to the reform and easier management of every Jail, that the prospect of a remission of a portion of their sentences be held out to Convicts who may have followed a long and consistent course of good conduct.—

(Here enter N.o 1211.)

1. On the recommendation of the Court of Foujdaree Udalut the Government were pleased on the 11th of February last to remit a portion of the sentences passed on two prisoners who had each, at distinct periods, afforded information of an intended mutiny

in

31st August 1842.-

in the Calicut Jail, and in reference to this remission Mr. Thomas suggests that a general rule of the same tenor be established in regard to all Convicts who may conduct themselves well during their period of confinement.-

2. In peculiar and special cases of the nature referred to in the order of the 11th February last, the Court of Foujdaree Udalut will ever be willing to recommend a remission, either in part or in whole, of the sentence originally passed on a Convict; but the Judges are of opinion that the establishing of any general rule having for its object an indiscriminate reward for good behaviour, would be not only out of character with the condition of a convict, but open to much objection.-

3. Good behaviour should be enforced in every Jail - where it is not met with, the Law holds out the remedy.-

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

(Sent in No. 889.)

Read

2.

31st August 1842.-

Read the Criminal Reports submitted by the Principal Sudr Ameen at Ishapore for the month of July 1842.-

(Here enter No. 1261)

From the Statement appended to these Reports, it appears that 5 Jail Peons were employed at Ishapore during the month of July 1842 - as only 15 Prisoners were worked outside the Jail, and the authorized guard for this number of Convicts is only 3. Peons; the Principal Sudr Ameen is desired to explain the reason of 2 Peons being employed in excess of the prescribed complement - and in order to avoid future similar references the Principal Sudr Ameen in submitting the monthly Criminal Reports will invariably cause an explanation to be inserted in the returns itself whenever the Statement of Extra Peons may exhibit an infraction of the Rules as to the number of guards.-

Ordered, that Extract from these proceedings be forwarded to the Principal Sudr Ameen at Ishapore for his information and guidance.-

(Sent in No. 890.)

Read

31st August 1842.-

Read the Criminal Reports submitted by the Joint Criminal Judge of Cuddalore for the month of July 1842.-

(Here enter P.C. N° 1238)

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 sent to the Joint Criminal Judge at Cuddalore for his information.-

(Sent in N° 891)

Read the Criminal Reports submitted by the Acting Joint Criminal Judge of Trichinopoly for the month of July 1842.-

(Here Enter P.C. N° 1253)

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 sent to the Acting Joint Criminal Judge at Trichinopoly for his information.-

(Sent in N° 892)

Read

2)

P.C.

31st August 1842.-

Read the Criminal Reports submitted by the Criminal Judge of Canara for the month of July 1842.-

(Here enter P.C. N° 1238)

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 Criminal Judge of Canara for his information.-

(Sent in N° 893.)

Read the Criminal Reports submitted by the Acting Joint Criminal Judge at Tellicherry for the month of July 1842.-

(Here enter N° 1217)

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 Acting Joint Criminal Judge at Tellicherry for his information.-

(Sent in N° 894)

Read the Criminal Reports submitted

31st August 1842.-

submitted by the Acting Criminal Judge of Cuddapah for the month of July 1842.-

(Here enter N° 1260.)

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 Acting Criminal Judge of Cuddapah for his information.-

(Sent in N° 895.)

Read the Criminal Reports submitted by the Principal Sudr Ameen at Honore for the month of July 1842.-

(Here enter N° 1252)

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 Principal Sudr Ameen at Honore for his information.-

(Sent in N° 896.)

Read the Tinnevelly Criminal Reports

31st August 1842.-

Reports for the month of July 1842 forwarded by the Officiating Joint Criminal Judge under date the 1st instant.-

(Here enter Vol. N° 1245.)

Supplemental Report 1. Cases N°s 33 and 34.

The Court of Foujdaree Udalut observe that case N° 33 is clearly one of Robbery, and should be committed for trial before the Court of Circuit.-

2. They further remark that the Prisoners in Case N° 34 which is closely connected with, and grew out of the preceding Case N° 33, ought also to have been committed.-

Case N° 35.

3. The Court of Foujdaree Udalut, doubt the correctness of the release of the Prisoners in this Case. They direct that the Provincial Court in the Southern Division be called upon to look into the case, and to pass such orders thereon as may appear necessary, reporting the result for the information of the Court of Foujdaree Udalut.-

Report. N°V Case N° 4.

4. For the same reason, the Provincial Court will be pleased to look into this case also, and to pass upon it such orders as they may deem proper, reporting the

31st August 1842. the result for the information of the Court of Foujdaree Udalut.

Case N°45. 5. The Court of Foujdaree Udalut resolve to direct, that the opinion of the Zillah Court as to who is the guilty party in this case, be communicated to the Magistrate of Tinnevelly in view to the Cavilgar being sent up as a Prisoner.

Case N°48. 6. The Court of Foujdaree Udalut desire to be informed whether the charge of having "broken into the Prosecutor's bazars" was proved against the Prisoner in this case.

Ordered, that copy of these proceedings be forwarded to the Officiating Joint Criminal Judge of Tinnevelly for his information and guidance by precept returnable in 5 days from and after its receipt.

(Sent following precept N°897)

Ordered also, that Extract from these proceedings (paras 3. and 4.) be forwarded to the Provincial Court in the Southern Division for their information and guidance.

(Sent in N°898.)

P. C.

31st August 1842.

Ordered also, that Extract from these proceedings - paras 5 - be forwarded to the Magistrate of Tinnevelly for his information and guidance.

(Sent in N°899.)

Read the Criminal Reports submitted by the Acting Criminal Judge of Nellore for the month of July 1842.

(Here enter N°1236.)

From the Statement appended to these Reports, it appears that 41 Jail Peons, 2 Duffadars and 2 Naigues were employed at Nellore during the month of July 1842 as only 139 prisoners were worked outside the Jail, and the authorized guard for this number of Convicts is only 35 Peons, 1 Duffadar and 1 Naigue the Acting Criminal Judge is desired to explain the reason of 6 Peons, 1 Duffadar and 1 Naigue being employed in excess of the prescribed complement.

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

(Sent in N°900.)

Read

31st August 1842.

Read the Criminal Reports submitted by the Criminal Judge of Rajahmundry for the month of July 1842.—

(Here enter N.1235.)

From the Statement appended to these Reports, it appears that 30 Jail Peons were employed at Rajahmundry during the month of July 1842 as only 113 prisoners were worked outside the Jail and the authorized guard for this number of Convicts is only 29 Peons. The Criminal Judge is desired to explain the reason of 1 Peon being employed in excess of the prescribed complement.—

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

(Sent in N.901)

Read the Criminal Reports for the month of July 1842. transmitted by the Acting Agent to the Governor of Fort Saint George at Vizagapatam under date the 12th instant.—

(Here enter Fl. N.1243.)

Report N.2 Case 1. N.23

The Court of Foujdaree Udalut observe,

31st August 1842.

observe, that this case is not clearly set forth in the above Report, and they direct that a further exposition of it be submitted for their information.—

2 They are desirous of being informed what has become of the 3d and 4th Prisoners in the case.—

Ordered, that copy of these proceedings be forwarded to the Acting Agent to the Governor of Fort Saint George at Vizagapatam for his information and guidance by precept returnable in 5 days from and after its receipt.—

(Sent following precept N.902)

Read letter dated the 27th Ultimo from the Acting 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 two prisoners charged with Burglary, and the 3d with having in his possession a Tumbal, part of the stolen property, knowing the same to have been stolen, and communicating his opinion

31st August 1842.-

opinion as to the punishment to be passed upon the prisoners.-

(Here enter N° 1169.)

1. The Court of Foujdaree Udalut having maturely considered the summary of the evidence taken before the Government Agent, the statement of the grounds for the conviction, and his opinion as to the punishment to be passed on the prisoners, resolve to confirm as a mitigated punishment, the sentence of three years imprisonment with hard labor in irons on the prisoners

"Peddyredla Appadoo"

"Colegotta and Sembhoodoo"

and also the sentence of two years imprisonment with hard labor in irons on the prisoner

"Lenkah Neelennah."-

2. As to the 1st and 2nd prisoners the provisions of Clause 4th Section II Regulation VI of 1822 apply only to cases where there has been personal violence as explained in the Circular Order of the 19th June 1823.-

3. The present is a case of simple Burglary and Theft above 100 Rupees, committable under Clause 2nd Section II Regulation VI

VI of 1822, but as regards punishment coming within the scope of Section XXI Regulation VII of 1802.-

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

(Sent in N° 903.)

for Gr. Douglas

Sec.

Saturday,
3rd. September
1842.

At a Court of the Foujdaree Udalut
Present

Hy.
Mk
Wm L

Henry Dickinson Esqre. 1st. Puisne Judge
Malcolm Lewin Esqre. Ag. 2d. Puisne Judge
F. M. Lewin Esqre. Ag. 3rd. Puisne Judge

Read the Criminal Report
for the month of July 1842 submitted by the
the Acting Criminal Judge of Combaconum
under date the 13th. Instant.—

(Here enter F.U. No. 1344.)

Report No. V.
Case No. 100.

1. There appears to the Court of Foujdaree Udalut to be a total want of evidence in this Case. They direct that the Provincial Court be required to look into the case, and also to pass such orders thereon as they may consider proper, reporting the result for the information of the Court of Foujdaree Udalut.—

Case No. 107.

2. The Court of Foujdaree Udalut hereby direct, that a copy of this case be forwarded to the Magistrate of Combaconum, in view to such notice being taken of the Darogah Tahsildar's conduct as may appear necessary.

Case No. 113.

3. The Court desire to be informed whether

in whose custody the Prisoners in this case were from the 9th to the 16th of July on which latter day they are stated to have been brought before the Munnargoody Head of Police.—

Ordered that a copy of these Proceedings be forwarded to the Acting Criminal Judge of Combaconum for his information and guidance by precept returnable in 5 days from and after its receipt.—

/Sent following precept No 908/

Ordered also that Extract from these proceedings para: 2 be forwarded to the Magistrate of Combaconum for his information and guidance.—

/Sent in No 909/

Ordered also that Extract from these proceedings para: 1 be forwarded to the Provincial Court in the Southern Division for their information and guidance.—

/Sent in No 1000/

Read the Criminal Reports for the month of July 1842 forwarded by the Criminal Judge of Malabar under date the 17th Instant.—

/Herewith No 1263/

Report No V Case No 142.—

1. The Prisoner in this case is charged with having brought and secured within his house, smuggled tobacco to the value of Rupees 44-1-10. The Criminal Judge reports, that "there is no proof of the "Prisoner having been concerned in bringing the "tobacco, though there is suspicion of his "harbouring it." and on the ground of this suspicion sentences him to find 2 securities in 10 Rupees each for his appearance and good conduct during 3 months or to be confined during that time.—

2. The Court of Foujdaree Adalut remark that security cannot be required under the Regulations, in a case of suspicion of a breach of the Revenue laws, and direct that the Prisoner be released, or if he has furnished the security, that the bond be cancelled.—

Ordered that a copy of these Proceedings be forwarded to the Criminal Judge of Malabar for his information and guidance.

/Sent in No 1001./

Read

3rd September 1842.-

Read return dated the 2[illegible]th Ultimo from the Officiating Joint Criminal Judge at Tinnevelly, submitting the explanation called for in the Proceedings of the Foujdaree Udalut of the 18th Ultimo relative to Case No. 18 of 1842 on the file of the Tinnevelly Court.-

(Here enter F.U. No. 1276)

The Court of Foujdaree Udalut are of opinion that no advantage would result from the grant of the pardon solicited by the Officiating Joint Criminal Judge at Tinnevelly for the 8th Prisoner in Case No. 18 on the Tinnevelly Criminal file, and they therefore decline to sanction it.-

Ordered, that a copy of these Proceedings be forwarded to the Officiating Joint Criminal Judge at Tinnevelly for his information and guidance.—

(Sent in No. 1002.)

F.U.

Monday, 5th September 1842.- At a Court of the Foujdaree Udalut-

Present:

Henry Dickinson Esqre. 1st Puisne Judge,
Malcolm Lewin Esqre. 2nd Puisne Judge,
J. M. Lewin & T. M. Lewin Esqre. 3rd Puisne Judge.

Read the Criminal Reports for the month of July 1842 transmitted by the Criminal Judge of Bellary under date the 15th Ultimo.-

(Here enter F.U. No. 1259)

Report No. V
Case No. 134.-

1. As the Prisoner in this case is stated to be "an old offender," the Court of Foujdaree Udalut observe, that the Criminal Judge, besides recording the nature of the former offence committed by him, ought to have set forth in the Calendar the number of the former trial, and the nature of the sentence which may have been passed upon him.-

Case No. 139

2. The Court deem it almost needless to observe, that the Prisoner in this case ought not to have been put on his trial upon

5th September 1842.

upon such a charge as the one preferred against him.-

Case No 1163. 3 The Court observe that the particular Regulation contrary to which the Prisoner in this case is accused of having acted, should have been stated in the charge.-

Ordered, that a copy of these proceedings be forwarded to the Criminal Judge of Bellary for his information and future guidance.-

(Sent in No 1006.)

Read the Criminal Reports for the month of July last forwarded by the Criminal Judge of Salem under date the 31st July 1842.-

(Here enter Fl. 6. No 7246)

Supplemental Report Case No 32.- 1 The 1st Prisoner in this case, is charged, with having stolen, and subsequently sold, a mare and its colt valued at Rupees (50) fifty. It is stated in the report, that the crime of Zunna Ghalib is established against the 1st Prisoner, and therefore he is required by the Moofty Sudr Ameen to furnish security under Clause first Section IV Regulation II of 1822.-

2. The Court of Foujdaree Udalut observe

5th September 1842.-

observe, that the term "Zunna Ghalib" implies a conviction on presumptive evidence, and the sentence of the Prisoner under the above mentioned Section and Regulation (which only provides for the requisition of security from persons strongly suspected, though not convicted of any criminal offence), is consequently incorrect and illegal.-

3. The Provincial Court in the Southern Division will be pleased to look into the case, and to pass such orders thereon as they may think proper, reporting the result for the information of the Court of Foujdaree Udalut.-

Ordered, that a copy of these proceedings be forwarded to the Criminal Judge of Salem for his information and guidance.-

(Sent in No 1007.)

Ordered also, that a copy of these proceedings be sent to the Provincial Court in the Southern Division for their information and guidance.-

(Sent in No 1008.)

Read

5th September 1842.-

Read the Criminal Reports submitted by the Criminal Judge of Chittoor for the month of July 1842.-

(Here enter N° 1266.)

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 Criminal Judge of Chittoor for his information.+

(Sent in N° 1009.)

Read the Criminal Reports for the month of June 1842 forwarded by the Acting Criminal Judge of Madura under date the 1st Ultimo.-

(Here enter J.U. N° 1202.)

Supplemental 1. From the Statement of this case
Report Case N° 49. it is observed that the 17th and 18th Witnesses say "they saw the Police Officer and 2 Peons tie up "the 2d Prisoner to a tree and beat him."-

2. The Court of Foujdaree Udalut remark that if any credence were given by the Acting Assistant Criminal Judge to this assertion of the witnesses abovementioned, the

5th September 1842.- the conduct of the Police Officer should have been communicated to the Magistrate.-

Case N° 52.- 3. As the 1st and 2d Prisoners in this case are committed to take their trial before the Court of Circuit in the Southern Division, the Court of Foujdaree Udalut observe that the 3d Prisoner also should have been committed but this measure cannot now be taken, as the Prisoner has already endured a portion of the punishment awarded to him.-

Ordered, that copy of these proceedings be forwarded to the Acting Criminal Judge of Madura for his information and guidance.-

(Sent in N° 1010.)

Read letter dated the 20th Ultimo from the 1st Judge on Circuit in the Western Division submitting with reference to Extract from Foujdaree Udalut proceedings of the 6th July last copy of the proceedings of the Court of Circuit in Case N° 52 of Report N° V of the Joint Criminal Court at Tellicherry for the month of May 1842.-

(Here enter J.U. N° 1277.) The

5th September 1842.

The Court of Foujdaree Udalut are of opinion that the proceedings of the 1st Judge on Circuit in the abovementioned case are quite correct.-

Ordered, that copy of these proceedings be forwarded to the 1st Judge on Circuit in the Western Division for his information.-

(Sentence No. 1011.)

Read petition presented on the 22nd Ultimo by Ranguvvaah of the Zillah of Nellore.-

(Here enter Fl. No. 2. No. 30.)

1. The Petitioner is the wife of the 3rd Prisoner in Case No. 6 on the Nellore Calendar for the 1st Sessions of 1842, and the object of this her petition is, to obtain, from the Court of Foujdaree Udalut, an order for the release of her Husband, and of the 2nd Prisoner, "Seelum Venkatanarsoo," in the same case.-

2. The Court of Foujdaree Udalut observe, that the two Prisoners referred to in this Petition have been convicted by them of the crime of Murder, and have been sentenced to

5th September 1842.

to be transported for life.- That sentence must be carried into execution against them.-

Ordered that the petition be rejected, and copy of these proceedings be furnished to Petitioner on her application.-

Read petition presented on the 22nd Ultimo by Comuppa Naidoo of the Zillah of Chittoor.-

(Here enter Fl. No. 2. No. 32.)

The Petitioner represents himself to be the Father of the 1st Prisoner in Case No. 7 on the Chittoor Calendar for the 2nd Quarterly Sessions of 1842, who was sentenced by the Presiding Judge to 14 years imprisonment on a charge of Gang Robbery.-

2. He complains of the injustice of the sentence passed upon his son, and prays the Court of Foujdaree Udalut to order his release.-

3 The Court of Foujdaree Udalut observe, that the conviction of the Law Officer was concurred in by the Judge Presiding at the Quarterly Sessions, and they see no grounds for interfering in the

manner

5th September 1842.-

manner prayed for by the Petitioner.-

Petition is dismissed

Ordered accordingly and that a copy of these proceedings be furnished to the Petitioner on his application.-

Read Miscellaneous petition presented on the 22nd Ultimo by Chelladoo of the zillah of Chittoor.-

(Here enter Pl. No. P. No. 83)

1. The Petitioner prays the Court of Fouzdaree Udalut to issue orders for the release of his elder brother the 3rd Prisoner in Case No. 17 on the Chittoor Calendar for the 2nd Quarterly Sessions of 1842, whom he asserts to have been unjustly sentenced, by the 1st Judge Presiding to 14 years imprisonment on a charge of Highway Robbery.-

2. The Court of Fouzdaree Udalut see no reason to disturb either the conviction of the Law Officer or the Sentence of the Presiding Judge pronounced against the Petitioner's brother, and direct that the foregoing petition be rejected.-

Ordered accordingly and that a copy

Pl. 16.

5th September 1842.-

copy of these proceedings be furnished to the Petitioner on his application.-

Damodaren Namboodry of the zillah of Malabar, moves the Court to return the enclosures in his Miscellaneous Petition No. 701 of 1839.-

Ordered accordingly.-

Read Miscellaneous Petition presented on the 30th Ultimo with nine enclosures by Oakah Ramunnah of the zillah of Chittoor.-

(Here enter Pl. No. P. No. 84)

1. The Petitioner refers to the orders passed by the Court of Fouzdaree Udalut on a former petition No. 709 of 1841, in which he (Petitioner) complained of the Magistrate of Chittoor having neglected to personally to enquire into certain charges preferred by him against his opponents, of having robbed and forcibly dispossessed him of some lands situated in the Village of Culloor - and states, that although he has for several months attended on the Head of Police, and subsequently presented petitions to the Magistrate and Circuit Judge

5th September 1842.-

Judge, no proper enquiry has yet been instituted into his case.-

2. He therefore prays that the Court of Foujdaree Udalut will be pleased to issue a precept through the Provincial Court for the Centre Division, to the Joint Magistrate, directing him to examine both the oral and documentary evidence he may have to adduce in support of the charges preferred by him, and to pass a just and reasonable decision on the case.-

3. The Court of Foujdaree Udalut, before passing final orders on this petition, resolve to direct the Court of Circuit to submit for their consideration, a copy of the supplemental return of the Magistrate of Chittoor dated the 18th February 1842, with a Translation of the Tahkeed of the Magistrate of the 28th January 1842, which accompanied it, and which is referred to in the Proceedings of the Judge Presiding at the 1st Quarterly Sessions of 1842, dated the 28th March 1842.-

Ordered, that a Extract from these

Ex 7th

5th September 1842.- these proceedings be forwarded to the Provincial Court in the Centre Division for their information and guidance, and that a copy of these proceedings be furnished to the Petitioner on his application.-

(Sent in No. 1012.)
for Mr. Douglas

Wednesday
7th September 1842.

F. 16.

At a Court of the Fouzdaree Udalut.

Present.

Henry Dickinson Esqr. — 1st Puisne Judge
Malcolm Lewin Esqre. Apr. 2nd Puisne Judge
F. M. Lewin Esqre. Apr. 3rd Puisne Judge

Read letter dated the 26th Ultimo from the 1st Judge on Circuit in the Western Division, submitting the record of the Trial in Case No 16 on the Malabar Calendar for the Second Sessions of 1842.

(Here enter F. 16. No 1292.)

Mr. Dickinson and Mr. F. M. Lewin. 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,

Kutikaat todyil Chackoonny Nair.

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. 1014.)

Read letter dated the 12th Ultimo from the Third Judge on Circuit in the Centre Division, transmitting copies of the Cuddalore Primary and Supplemental Calendars for the 1st Sessions of 1842-and also the Chingleput Calendar for the above Sessions-

(Here enter No. 1230.)

Case No. 1 1. The Court of Foujdaree Udalut under Clause 1st Section III Regulation I of 1825 sanction the mitigated sentence proposed by the 3rd Judge for the Prisoner

"Lutchomanen"

of seven years imprisonment with hard labor in irons-

Case No. 3 2. The Court of Foujdaree Udalut do not see reason to sanction any mitigation of the punishment that has been passed on the prisoner in Case No. 3. The offence was against his employer, and age and long services are no excuse-

3. The Circuit Judge however erred in passing sentence on the prisoner; as he purposed to recommend a mitigation of punishment he should

should merely have intimated to the prisoner the penalty to which by law he had rendered himself liable, instructing the Criminal Judge at the same time to detain the prisoner in Gaol, with hard labor in irons, until the final orders of the Foujdaree Udalut should be made known to him.- Vide Circular Order 20th March 1834.-

Case No. 5. 4. The Court of Foujdaree Udalut observe that the 3rd Judge has referred the case of the 2nd prisoner for the judgment of the Foujdaree Udalut, but has proceeded to pass sentence on the 1st prisoner-

5. The 3rd Judge will observe from the Circular Order of the Foujdaree Udalut of the 23rd June 1835, that he erred in sentencing the 1st prisoner:- a Judge of Circuit may release on security or unconditionally prisoners acquitted, but it is not competent to him to refer a trial in respect of one and not of another prisoner.-

6. The Court of Foujdaree Udalut resolve to instruct the 3rd Judge to suspend the sentence he has passed on the 1st prisoner until it

7th September 1842.-

until he shall receive the final orders of the Tuticorin Adalut on the trial, the record of which he will submit without delay.-

Cases Nos. 7. The same remark applies to the proceedings of the 3rd Judge in this case, and he is accordingly directed to suspend the sentence passed on the 1st, 2nd, 3rd and 4th prisoners pending the reference of the trial as regards the 5th and 6th prisoners.-

8. The consideration of these Calendars which contain some very heavy cases has been rendered easy by the very clear exposition of the circumstances of each case by the Circuit Judge.-

Ordered, that Extract from these proceedings be forwarded to the 3rd Judge on Circuit in the Centre Division for his information and guidance.-

(Sent in No. 1015.)

Sept.

for Mr. Douglas Adm.

E.G.

Friday 9th September, 1842.

At a Court of the Tuticorin Adalut.

Present

Henry Dickinson Esqre. — 1st Puisne Judge,

Malcolm Lewin Esqre. — Acting 2nd Puisne Judge,

F. M. Lewin Esqre. — Acting 3rd Puisne Judge

Read Extract from the Minutes of Consultation under date 23rd Instant referring for the consideration and report of the Court of Tuticorin Adalut, the copy of a letter addressed to Government by the Acting Secretary to the Revenue Board in the Department of Public Works, recommending the Establishment of a Branch Salt at Tuticorin.-

(Here enters Extract Cons. dated 23rd Inst.)

1. The Tuticorin Adalut cannot perceive any objections to the scheme proposed by Mr. Cotton and advocated by the Board of Revenue, a Salt being already constructed and a Jailor's Salary the only expense liable to be incurred in an undertaking of very extensive utility.-

2. The objections that offered themselves to the immediate notice of the Tuticorin Adalut in the

Extracts from the proceedings of 9th July 1842.

the application of the Collector for the erection of Bridges in certain Villages, are not perceptible in the present plan, and the Collector of Guntoor, who has the management and control of a Jail independent of the Judge, has fully and satisfactorily tested its feasibility and the advantages arising from the use of the convict labor placed at his disposal it will be only necessary to caution the Sub Collector against violating, in the labor of the convicts, the sentences passed on them.

3. The present is considered by the Judges of the Court Circuit a favorable opportunity for bringing to the notice of Government the peculiar and injurious construction of wheel carriages in the Cuddapah District - in many instances the breadth of the tyre does not exceed one inch, and with such destructive vehicles to traverse them, it must be impossible, at any expence to keep the roads in ordinary repair.

Act 2 of 1837. 4. There is an enactment in Bombay which renders all Bullock bandies traversing the Ghore Ghat, with tyres of less than 3 inches in breadth, liable to a toll, and it remains with the Madras Government to decide how far such a regulation would be desirable in its own territories as a preservative against

measure on roads constructed at the public expence.

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

(Sent in Dft 1018)

Eg Wd

for Mr Douglas

Mr

S. U.

Saturday,
10th September 1842. At a Court of the Soujdaree Udalut.

Present,

Henry Dickinson Esqre —— 1st Puisne Judge
Malcolm Lewin Esqre —— Actg 2d Puisne Judge
H. M. Lewin Esqre —— Actg 3d Puisne Judge

Read Supplemental return dated the 15th Ultimo from the 1st Judge late on circuit in the Centre Division to the precept of the Soujdaree Udalut of the 15th July 1842 on the Bellary Calendar for the 1st Sessions of 1842.

/Here enter S. U. No. 1242 of 1842/

Case No. 34.

1 The Court of Soujdaree Udalut have perused the translations of the confession of the 1st prisoner, and of the depositions of the 5th witness, called for in para 11 of the proceedings of the Soujdaree Udalut of the 15th July 1842, and the Court are confirmed in their opinion that the evidence adduced was sufficient for the conviction of the 1st prisoner.

2 The Court of Soujdaree Udalut deplore therefore the acquittal of the 1st prisoner, and

they

they consider that Mr. Taylor's conduct is open to reproof.—

3. It is to no purpose to attempt to provide for Security of life and property, if people are stimulated by such escapes, to commit crime.

Case No. 39.

4 Upon consideration of the record of the Trial in Case No. 39 the Court of Zoujdaree Udalut see no reason to question the propriety of the Sentence passed on the prisoners—

Case No. 40

5. The Court of Zoujdaree Udalut having perused the Record of the Trial in Case No. 40 consider that the guilt of the 1st prisoner is established beyond all doubt, and the 2d prisoner was evidently a party to the offence—

6. The Court of Zoujdaree Udalut are at a loss to understand how the presiding Judge could concur in the Futwah, delivered in this Case.—

7 The result of the Trial is calculated to paralize the best efforts of the Magistracy and Police.—

Case No. 2 Addl. Calendar

8 It is clear to the Court of Zoujdaree Udalut

Udalut that the prisoners must be released as regards this case, as the indictment is fatally defective; no specific act being charged against the prisoners.— There would be nothing wrong in charging the prisoners with being leaders of robbers, or with assembling parties for robbery, or any other crime— but the assembling of the parties for such purposes must have relation to some particular and specified Acts, as clearly shown in the 3d and 5th Sections, XV Regulation of 1803— The object of assembling the parties, is only to be proved by some overt act, which should have been mentioned in the indictment— the witness Erooga doo an approver mentions a long string of Acts, all of which might have been set forth in the indictment and proved, the prisoners would then have had an opportunity of pleading,— or the prisoners might have been charged as leaders, or as belonging to a certain gang of robbers, who had committed certain crimes, proved by convictions produced at trial; but so general a charge as the one before the Court cannot and ought not to be received, against any one.—

9. If however the prisoners in this

Case

case are not convicted on any other charges, the 1st Judge is directed to cause them to be detained pending an enquiry of the Magistrate, as to whether he is prepared to support by evidence the facts deposed to, as criminal charges / by Ecroyados.—

Case No. 4. 10 The Court of Foujdaree Udalut are also of opinion that the 1st Judge greatly erred in concurring with this Law Officer in the acquittal of the prisoners in case No. 4. of the Additional Calendar.—

Case No. 6. 11 The Court of Foujdaree Udalut have no further remark to record on this case, than to observe, that, as there was no evidence in the case, the parties should not have been placed on their trial.—

12. The Court of Foujdaree Udalut have viewed with great concern the numerous errors and failures of Justice apparent in Mr. Taylor's proceedings, but they confidently hope that by prudence and deliberation he will hereafter save the Court of Foujdaree Udalut from recording comments, as unpleasant to them to address, as for Mr. Taylor to receive.—

Ordered that Extract from these proceedings

proceedings be forwarded to the 1st Judge late on circuit in the Centre Division for his information and guidance.—

/Sent in No. 1022./

Read again Extract from the Minutes of Consultations under date the 2d March 1842 No. 35 referring for enquiry and report a letter from the Secretary to the Medical Board dated the 10th March 1842 accompanied by an Extract from a letter from Surgeon Smith respecting certain old and sickly Convicts in confinement in the Jail at Bellary.—

/Here entered F.D. No. 524 of 1842/

On the receipt of the above order of Government the Court of Foujdaree Udalut directed the Provincial Court of Circuit to call upon the Criminal Judge of Bellary to submit in communication with the Medical Officer in charge of the Jail a report shewing the names, ages and general state of health of the prisoners referred to, and all particulars regarding their previous convictions and character; but as the prisoners in question tho' prevented by bodily infirmities from taking an active part in any offences against

against the public, might yet possess sufficient influence and mental energy to collect a gang of robbers, and preconcert and devise plans of carrying into effect crimes of enormity, the Court of Tongdarer Udalut directed that the Criminal Judge be at the same time required to ascertain from the Magistrate of Bellary, and of the other districts in which the prisoners had resided, whether in their opinion any objections existed to their release.—

The Provincial Court of Circuit in their letters dated respectively the 25th 27th and 30th August 1842 submit all the information they are at present in possession of respecting these aged and sickly Convicts, and they add that the Criminal Judge of Bellary was on the 25th of August directed to send a strong request to the Joint Magistrate in charge of Bellary to furnish the remaining information without delay.—

The information already submitted has been embodied in the form of a Statement, and the Court of Tongdarer Udalut have caused the opinions

opinions of the Magistrates as to the propriety of releasing these Convicts (so far at least as those opinions have been received) to be added in an appropriate column.—

The opinion of the Zillah Surgeon on the general state of the health of these Convicts will be found in the annexed copy of a letter addressed by him to the Criminal Judge of Bellary dated the 20th April 1842.—

As a general rule the Court of Tongdarer Udalut are opposed to the release of Prisoners simply because they are "powerless from advanced age, general infirmity or some physical disability of committing any "serious offence against Society"—Such Convicts may be physically unable of themselves to commit crime, but if set at large their influence, if, leaders of Gangs, might be powerfully and mischievously exerted in organizing other bands and instructing others in their former calling.—

Ordered that Extract from these Proceedings be forwarded to the Acting Secretary

10th September 1842.

Secretary to Government for the purpose of being laid before the Right Honorable the Governor in Council for his consideration and orders.—

/Sentence No. 1023/

for Mr. Sawyer

End 11.

P. 116.

Monday 12th September 1842.

A Court of the Foujdaree Udalut

Present

Hon. Henry Dickinson Esqre.—1st Puisne Judge

Mr. Malcolm Lewin Esqre.—Ag 2nd Puisne Judge

Mr. F. M. Lewin Esqre.—Ag 3rd Puisne Judge

Read letter, under date 31st August 1842 from the 1st Judge on Circuit in the Western Division, submitting for the final judgment of the Court of Foujdaree Udalut the Trial in No. 19 of the Calicut Calendar for the 2nd Sessions 1842.

/Here is No. 1305./

Mr. Dickinson. and Mr. F. M. Lewin. 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

Mootkan Chondala Kunnapeen.

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

place of execution.—

1. The Court of Sudder Adalut having maturely considered the trial are of opinion that the Prisoner "Moothan Choondata Kunnapen" has been clearly convicted of having with the most malicious cruelty, severely beaten, and otherwise ill treated, Cherman Kundun, a slave, who had been mortgaged to him, in consequence of which cruelty the said Cherman Kundun soon afterwards died.— The Court therefore convict the Prisoner of Murder and sentence him to suffer death.—

2. With reference to the numerous acts of cruelty which have been brought to the notice of the Court as having been committed in the Zillah of Malabar by Proprietors on their slaves, the Judges deem the present to be a fit opportunity for impressing on the minds of the owners of slaves the consequences which must inevitably follow a conviction of a slave having lost his life by the cruelty of his Master.—

The

3. The Court therefore direct that the Criminal Judge may be required to cause a proclamation, setting forth the circumstances attending this cruel murder, and declaring the sentence which has in consequence been passed on the Prisoner, to be published throughout the Zillah of Malabar; and that he be desired to specify in the Proclamation the date and hour on which the sentence will be carried into execution, allowing a sufficient time for those at a distance from Calicut, to attend and witness it.—

Ordered that Extract from these proceedings be sent to the 4th Judge on Circuit in the Western Division for his information and guidance.—

/ Sent following letter No. 1024. /

Read letter from the Provincial Court in the Northern Division dated 24th August 1842.—

/ Vide Entr No. 1301. /

1. From the above communication it appears that certain Prisoners charged with Embezzlement and Bribery were forwarded without

12th September 1842.

without Witnesses, to the Criminal Court at Nellore: the Acting Judge considering confession by itself insufficient for conviction requested the Magistrate would forward Witnesses, a proceeding which appeared to the Magistrate unnecessary, and which he consequently refused to comply with - a reference on the subject is made to the Provincial Court, who support the opinion expressed by the Criminal Judge as to the necessity of Witnesses being examined when procurable, as well under the several provisions of the Regulations as the Circular Orders of the Foujdaree Udalut.—

3. The Court of Foujdaree Udalut concur in the sentiments expressed by the Judges of the Provincial Court, the Criminal Judge being bound to hear all the evidence relating to the charge, as the Magistrate is bound to furnish it.—

Ordered, that Extract from the above proceedings be forwarded to the Provincial Court in the Northern Division for their information and guidance.—

/Sent in No. 1025./

4th Vol

F. U.

Wednesday,
11th September, 1842.

At a Court of the Foujdaree Udalut
Present,

Henry Dickenson Esqre. —— 1st Puisne Judge,
Malcolm Lewin Esqre. Actg 2d Puisne Judge,
J. M. Lewin Esqre. —— Actg 3d Puisne Judge.

Read the Criminal Reports submitted by the Criminal Judge of Chingleput for the months of August 1842.

/Here enter F. U. No. 1316 of 1842/

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 Criminal Judge of Chingleput for his information.—

/Sent in No. 1026/

Read letter dated the 1st Ultimo from the Chief Magistrate and Superintendent of Police at Madras, transmitting the Reports of Cases tried under Act XXII of 1837 in the Month of July 1842.—

/Here enter F. U. No. 1291 of 1842/

Read

14th September 1842

Read return dated the 20th Ultimo from the Principal Sudr Ameen at Itchapoor to the precept of the Sonjdaree Udalut dated the 3d Ultimo, conveying their observations and orders on the Itchapore Criminal Report for the Month of June last.—

/Here enter F.H. No. 1295 of 1842/

Read letter dated the 31st Ultimo from the 3d Judge on Circuit in the Centre Division, reporting the opening of the 2d Sessions of 1842 at Cuddapah on the 31st August.—

/Here enter F.H. No. 1296 of 1842/

Read letter dated the 31st Ultimo from the 1st Judge of the Provincial Court of Circuit in the Western Division, reporting the closing of the 2d Sessions of 1842 at Calicut on the 31st August.—

/Here enter F.H. No. 1309 of 1842/

Read letter dated the 1st Instant from the Criminal Judge of Rajahmundry, forwarding the Criminal Returns for the month of August 1842.—

/Here enter F.H. No. 1324 of 1842/

Read

14th September 1842

Read letter dated the 8th Instant from the Acting Criminal Judge of Nellore, submitting an explanation required in an Extract from the proceedings of the Sonjdaree Udalut under date the 31st August 1842 regarding 6 additional Peons, 1 Duffadar, and 5 Mangues being employed in excess of the prescribed complement for 139 Convicts who were worked outside the Jail in July 1842.—

/Here enter F.H. No. 1328 of 1842/

Read letter dated the 6th Instant from the 1st Judge on Circuit in the Western Division, reporting the execution of a Prisoner in Case No. 2 of the Calicut Calendar for the 2d Sessions of 1842.—

/Here enter F.H. No. 1330 of 1842/

Read letter dated the 30th Ultimo from the late Acting Joint Magistrate of Salem, submitting the explanations called for in the proceedings of the Sonjdaree Udalut of the 18th February 1842 relative to a correspondence between himself and the Magistrate of the District respecting a Jawab Navis named Annajee

16th September 1842 Sunjeevi Row alias Rajavendra Row attached to this Cutchery.—

/Here enter J.U. No. 1332 of 1842/

Read return dated the 10th Instant from the Acting Criminal Judge of Combaconum, to the precept of the Sunjdaree Udalut of the 3d Instant, requiring to know in whose custody the Prisoners in Case No. 113 were from the 9th to 16th of July 1842.—

/Here enter J.U. No. 1336 of 1842/

Read letter dated the 6th Instant, from the Criminal Judge of Rajahmundry, submitting an explanation regarding a Prisoner being employed in a Cadre in the Jail Establishment.—

End 14th /Here enter J.U. No. 1338 of 1842/

Friday, 16th September 1842.

At a Court of the Sunjdaree Udalut.

Present,

Henry Dickinson Esqre — 1st Puisne Judge,

Malcolm Lewin Esqre — Actg 2d Puisne Judge,

H. M. Lewin Esqre — Actg 3d Puisne Judge,

Read the Criminal Reports submitted by the Acting Criminal Judge of Madura for the month of July 1842.—

/Here enter J.U. No. 1313 of 1842/

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

Ordered therefore, that Extract from these proceedings be forwarded to the Acting Criminal Judge of Madura for his information.

/Sent in No. 1027/

Read letter dated the 9th Instant from the 1st Judge on Circuit in the Western Division, reporting that Monday the 10th Proximo has been appointed for opening the 2d Sessions of 1842 at Mangalore.

/Here enter J.U. No. 1345 of 1842/

Read

16th September, 1842.

Read letter dated the 9th Instant
from the 1st Judge on Circuit in the Western Division
reporting that there being no cases committed for
trial at the present Sessions at Cochin, the Court
of Circuit did not proceed to that Station.

/Here enter F.H. No. 1346 of 1842./

Ent. H.

No. 16.

Saturday, 17th September, 1842. At a Court of the Foujdaree Udalut.

Present,

Henry Dickinson Esqre. ..... 1st Puisne Judge,

Malcolm Lewin Esqre. ..... Actg. 2d Puisne Judge,

J. M. Lewin Esqre. ..... Actg. 3d Puisne Judge,

Read letter dated the 8th Instant
from the Acting 3d Judge on Circuit in the
Northern Division, transmitting the Record of
the trial in Case No. 5 on the Yellow Calendar
for the 2d Sessions of 1842.

/Here enter F.H. No. 1335 of 1842./

Mr. J. M. Lewin

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,

Midda Vencatregaudoo,

is sufficient to convict him of the crime of wounding,
for which according to the Mahomedan Law as
declared in fatwas of their Law Officers, discretion-
ary punishment is awardable, do convict him
thereof, and, with reference to the provisions of

Clause

17th September 1842

Clause First Section V Regulation VIII of 1831, and 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 One year.-

/Sent following letter No. 1030./

Read letter dated the 6th Instant, from the 2d Judge of the Provincial Court of Circuit in the Southern Division, submitting the Trichinopoly 2d Supplemental Calendar of Cases disposed of by him during the 3d Quarterly Sessions of 1842.-

/Here enter J.C. No. 1327 of 1842/

The above Calendar not requiring any remark from the Court of Sunjdaree Udalut

Ordered that Extracts from these proceedings be forwarded for the information of the 2d Judge of the Provincial Court of Circuit in the Southern Division.-

/Sent in No. 1031./

End

J. C.

Monday, 19th September 1842.

Present:

Henry Dickinson Esqr. 1st Puisne Judge,

Malcolm Lewin Esqr. — Officg. 2d Puisne Judge,

J. M. Lewin Esqr. — Officg. 3d Puisne Judge.

Read return dated the 15th Ultimo from the 1st Judge of the Provincial Court of Circuit for the Central Division, to the precept of the Sunjdaree Udalut of the 13th August last, conveying their observations and orders on the Chittoor Calendar for the 2d Quarterly Sessions of 1842.-

/Here enter J. C. No. 1241/

The Court of Sunjdaree Udalut on a deliberate consideration of the Record of the Trial in Case No. 13 of the above mentioned Calendar, are of opinion, that the Prisoner has been properly convicted by the 1st Judge.-

Ordered that Extract from these

these Proceedings be forwarded to the 1st Judge of the Provincial Court of Circuit for the Centre Division for his information.

(Sent in N:1034.)

Read letter dated the 1st Instant from the 1st Judge of the Provincial Court of Circuit in the Western Division, submitting the Calicut Supplemental Calendar for the 2d Sessions of 1842.

(Here enter N:1311)

The above Calendar not requiring any Remark from the Court of Foujdaree Udalut.

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.

(Sent in N:1035)

Read the Criminal Reports submitted by the Acting Agent to the Governor of Fort St. George in the Vizagapatam District for the month of August 1842.

(Here enter N:1337.)

The

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 Acting Agent to the Governor of Fort St. George in the Vizagapatam District for his information.

(Sent in N:1036.)

Read petition presented on the 5th instant by Veerabadra Saeen of the Zillah of Tinnevelly, containing a repetition of the Complaint and prayer set forth in a former petition N:68 of 1842, of which an abstract has already been given in Foujdaree Udalut Proceedings of the 30th Ultimo.

(Here enter F.U. M.P. N:88.)

The Petitioner is referred to the orders passed upon his former petition by the Court of Foujdaree Udalut, and is instructed that those orders are final.

Ordered that petition be rejected.

rejected and copy of the said Proceedings furnished to Petitioner on his application.—

Read petition presented on the 5th instant by Manchereddy Seshusspah of the Zillah of Cuddapah.—

/Here enter F. N. M. P. No: 89./

1. The Petitioner complains of the injustice of the sentence passed upon Lavaka Venatareddy, Gopanlia, Talagoola Veerusspa, and Chintacoontla Yellareddy, the Prisoners in Cases Nos. 17- 18- 19 and 20, respectively on the Cuddapah Calendar for the 2nd Sessions of 1841, by the Judge then on Circuit in the Centre Division; and prays that the Court of Foujdaree Udalut will be pleased to call for and peruse the record of the cases in question, and order the suspension of the Circuit Judge's sentence, until a final decision shall have been passed by the Court of Foujdaree Udalut on the cases.—

2. The Court of Foujdaree Udalut see no reason to interfere in the

F. N.

19th September 1842. the manner prayed for by the Petitioner and direct that his petition be rejected.—

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

Read letter dated the 25th Ultimo from the Acting 3d Judge on Circuit in the Northern Division reporting the misconduct of Hajee Mahommed Yacoob Alley, Mooftee of the Court of Circuit and requesting that a proper may be appointed to the Office thereon up by him.—

/Here enter No: 1284/

1. The misconduct of the Mahomedan Law Officer attached to the Court of Circuit consists in his having assumed to himself both at Nellore and at Guntoor the privilege of a seat on the Bench with the Circuit Judge, and on one occasion viz: at Gun with having seated himself on the right hand Chair, leaving the left hand Chair for the occupation of the Judge presiding at

at the Sessions

2 The Mooftee defends his conduct by asserting that he is entitled to a seat on the Bench under the Circular Order of the Sudr Udalut of the 20th January 1807, and moreover that such indulgence had been granted to him by Messrs Stronbom and Glass, former Judges on Circuit in the Northern Division.

3 The Court of Tonjdaree Udalut cannot for a moment believe that the Mooftee really understood the order of the Sudr Udalut of the 20th January 1807 to which he appealed in justification of the position he had taken, to mean that the seat of the Mooftee was to be on the Bench, to the right hand of the Judge presiding.—

4 The order in question says that the Circuit Judge is "to take due care in "the disposition of the seats, to place the "seat of the Mooftee on the right hand "of the Bench"— it contains nothing to warrant

warrant the Law Officer appearing at that on the Bench with the presiding Judge and the Mooftee therefore placed a construction on the order which it obviously would not bear, and in pertinaciously insisting that this construction should be followed, he offered gross disrespect to his superior the Judge.—

5 The practice observed by certain Judges of the Court of Circuit of placing the Mooftee on the Bench with them was decidedly incorrect.— It was moreover contrary to the orders of the Sudr Udalut before quoted.— The Government never intended that the offices of Circuit Judge and Law Officer should be on an equality.— The Judges therefore who placed the Mooftee on the Bench with them lowered their own dignity and that of the offices which they held.—

6 With this view, it is the opinion of the Court of Tonjdaree Udalut that

Mr

Mr Walker was perfectly right in departing from the practice adopted by his Predecessors.

7 The Court are of opinion that the Assistant Judge had nothing whatever to do with the matter in dispute and that Mr Walker ought not to have required him to interfere in it.

8 With respect to the Arzee addressed to him by the Mooftee, and marked 2 among the enclosures referred to by Mr Walker in para: 10 of his Letter, it does not occur to the Judge that the commencement of this address is disrespectful either as respects the arrangement of the names, or the language in which it is couched.

9 The Court of Foujdaree Adalut upon a review of the whole of the circumstances brought under their consideration, resolve to direct Mr Walker to require the Mooftee Hajee Mahomed Yacoob Ally to assume the seat allotted for the Mahommedan Law Officer, below the

the Bench on the right hand of the Judge and they desire that it may be intimated to the Mooftee that unless he complys with this requisition the Court are prepared to remove him from his Office for his contumacious conduct.

Ordered that Extracts from these Proceedings be forwarded to the Acting 3d Judge on Circuit in the Northern Division for his information and guidance.

(Sent in No 1037.)

End 11

M

Tuesday 20th September 1842.

At a Court of the Foujdaree Udalut

Present,

Henry Dickinson Esqre Actg Puisne Judge
Malcolm Lewin Esqre Actg 2nd Puisne Judge
F. M. Lewin Esqre Actg 3rd Puisne Judge

Read letter from Mr. Morris 3rd Judge Eastern Circuit in the Western Division dated 22nd August 1842, and referring for the consideration and opinion of the Foujdaree Udalut certain correspondence between him and the Magistrate of Malda regarding the conduct, proceedings and promotion of a Gomastah named Ramoonee Roy. Mr. Morris considered Ramoony is considered to have been guilty of gross impropriety and deserving dismissal from his office, whilst Mr. Cowell views his conduct in an opposite light and promotes him, at the very time when his proceedings were under the investigation of the 3rd Judge, to a situation of higher trust and higher Emolument.

/Here Enter F. Cr. C. No. 1283 of 1842./

The Court of Foujdaree Udalut

Con. Sidd.

conclude this reference to have been unnecessary.

In his proceedings of the 28th September last the 3rd Judge observes "that in his own mind "he entertains no doubt of Ramroop's guilt "and deems him worthy of dismissal from "Office - still he is unwilling, in the absence "of direct proof to resort to such a measure, "but he cannot with justice to himself "allow his promotion to pass unnoticed."—

2. It is to be observed that the charges made against the Gomastah under-=went an investigation by the Magistrate who became fully convinced of his complete innocence, and, tho' he had rebutted all the charges and shewn the previous high character borne by the Goomastah, yet, he thought it necessary to make an apology for the promotion "without the 3rd Judge's Concurrence."—

3. The Court of Sunderee Adalut lament that Mr. Morris did not consider this acknowledgment sufficient.—

4. Had the 3rd Judge on Circuit demanded the dismissal of the Gomastah, and

and the Magistrate had refused to obey his requisition then, and then only, could a reference to the Sunderee Adalut have been called for, there was clearly no desire on the part of the Magistrate to shelter an unworthy servant, or to offer a disrespect to the Office of the 3rd Judge.—

5. Regarding the charge of murder and the evidence which came forth on the 2d Enquiry the Court of Sunderee Adalut concur in the opinion of the 3rd Judge that no credence could be placed on the con=-flicting evidence, for the reasons stated by the 3rd Judge and for those which occur in the Law Officer's Futwah, which contains a very clear exposition of the case. That a Murder was committed is more than probable, and the demand for security was consequently proper.—

6. The Court of Sunderee Adalut feel convinced that in making the present reference, the ends of justice and the benefit of Society were the only motives that actuated the 3rd Judge or the

Magistrate

21th September 1842.

Magistrate of Malabar.—

Ordered that Extract of the above proceedings be forwarded to the 3rd Judge late on Circuit in the Western Division to be communicated thro' him to the Magistrate of Malabar for their future guidance and information.—

/ Sentence No. 1039. /.

Ent 7/8.

Wednesday
21st September 1842.

Fl 6.

At a Court of the Foujdaree Adalut.

Present

Henry Dickinson Esqre. 1st Puisne Judge.
Malcolm Lewin Esqre. 2nd Puisne Judge.
P. M. Lewin Esqre. 3rd Puisne Judge.

Read letter dated the 8th Instant from the Acting 3rd Judge on Circuit in the Northern Division transmitting the record of the Trial in case No 2 on the Sessions Calendar for the 2nd Sessions of 1842.—

(Here enter Fl 6 e No 1331)

Mr M. Lewin and Mr F. M. Lewin

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 Prisoners

1st Vun Kayalapanty Vencatanarainapah

and

2nd Vencatachalem

are not convicted on presumptive proof, or on the evidence of credible witnesses, or on their own confession of the crime of destroying the Circar papers, do acquit them thereof,

and

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

(Sent following letter N° 1021.)

Read letter from the Acting Judge of Nellore accompanying the usual Criminal Report for the months of August 1842.-

(Here enter N° 1340)

Case N° 63.

It appears to the Judges of the Court of Poujdaree Udalut that the Prisoners in case N° 63 were guilty of Gang Robbery or Robbery by open violence and ought consequently to have been committed.-

Ordered, that Extract of these proceedings be communicated to the Acting Judge of Nellore for his future guidance and information.-

(Sent in N° 1042.)

Read the Criminal Reports submitted by the Criminal Judge of Canara for the month of August 1842.-

(Here enter N° 1339.)

The above Reports do not appear to call for any remark from the Court of Poujdaree

Poujdaree Udalut.-

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

(Sent in N° 1343.)

Read letter dated the 12th instant from the 3rd Judge on Circuit in the Centre Division acknowledging the receipt of Extract from Poujdaree Udalut proceedings dated the 7th instant on review of the Cuddalore Primary Calendar for the 1st Sessions of 1842- pointing out a clerical error therein, with regard to Case N° 1, and requesting further orders in Cases N°s 1 and 5 of the said Calendar.-

(Here enter F.C. N° 1344.)

The Court of Poujdaree Udalut observe that the error was purely clerical and sanction according to the resolutions of the Judge the mitigated sentence proposed by the 3rd Judge for the Prisoner

"Lutchomanen"

of four years imprisonment with hard labor in irons.-

With

…tember 1842.

…With reference to case N.o the
Court resolve to direct under the circumstances
represented in the above letter, that the
sentence passed upon the 1st Prisoner, by the
3rd Judge be carried into effect.—

Ordered, that copy of these
proceedings be forwarded to the 3rd Judge
on Circuit in the Centre Division for his
information and guidance.—

(Sent in N.o 1044.)—

Thursday
22nd September 1842.

P. 16.

At a Court of the Fouzdaree Udalut.—

Present:—

Henry Dickinson Esqre — 1st Puisne Judge.
Malcolm Lewin Esqre. Ag. 2nd Puisne Judge.
P. M. Lewin Esqre. Ag. 3rd Puisne Judge.

Read letter dated the 7th
Instant from the Third Judge on Circuit in
the Centre Division, forwarding the Record
of the trial in case N.o 14 of the Cuddapah
Calendar for the 2nd Sessions of 1842.

(Here enter P. 16. N.o 1326)

Mr. Dickinson
and
Mr. P. M. Lewin.

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

Aregala Vencatapah

is sufficient to convict him of manslaughter
for which the penalty of Deyut is award-
able under the Mahommedan Law, as
declared in the futwas of their Law Officers,

do

21st September 1842

Exd

22nd September 1842.

do convict him thereof; but considering the
the act, of which the Prisoner is convicted,
was excusable under the circumstances of the
case, the Court do, under the provisions of
Clause Sixth, Section II Regulation XI
1803, direct that he be set at liberty.

(Sent following letter No 1035.)

for the Superintendent
Adm

Exd

Friday
23rd September 1842.

J.M.

At a Court of the Foujdaree Udalut.

Present

Henry Dickinson Esqre — 1st Puisne Judge
Malcolm Lewin Esqre — 2nd Puisne Judge
F. M. Lewin Esqre — 3rd Puisne Judge.

Read letter dated the 14th
Instant from the 2nd Judge of the Provincial
Court of Circuit in the Centre Division
forwarding the Record of the Trial in case
No 5 of the Chittoor Calendar for the 3rd
Quarterly Sessions of 1842.-

(Here enter J.M. No 1350.)

Mr Dickinson.

The Court of Foujdaree Udalut
on a deliberate consideration of all the circum-
stances of the case in evidence before them,
being of opinion that the proof against the
Prisoner

1st Sheik Boodun

is sufficient to convict him of the crime of
Highway Robbery do convict him thereof; and
under the provisions of Clause First Section V
Regulation VIII of 1831, and Clause Third Section II
Regulation

23rd September 1842 - Regulation XV of 1803, Sentence him to be imprison=ed and kept to hard labor in irons, on the public roads or other public works, for and during the period of fourteen years and con==curring in opinion, that the proof against the Prisoner.

2nd Bair Ramoodoo.

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 open violence, the Court do convict him thereof; and under the provisions of Clause First Section V Regulation VIII of 1831, and Clause Second Section IV Regulation VII of 1822, 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 N° 1026.)

Read the Criminal Reports for the month of August 1842 submitted by the Acting Joint Criminal Judge of Malabar under date the 10th instant.-

(Here enter Ms. N° 1342.)

The

23rd September 1842.-

Report N° V
Case N° 4.

1. The Court of Foujdaree Udalut are of opinion, that the evidence as reported in this case is sufficient to justify the con=viction of the Prisoner.-

2. They therefore direct that the 1st Judge on Circuit in the Western Division be called upon to look into the case, and to pass such orders thereon as he may think proper, reporting the result for the informa=tion of the Court of Foujdaree Udalut.-

Ordered, that copy of these proceedings be forwarded to the Acting Joint Criminal Judge of Malabar for his in=formation and guidance.-

(Sent in N° 1027.)

Ordered also, that copy of these proceedings be sent to the 1st Judge on Circuit in the Western Division for his information and guidance.-

(Sent in N° 1028.)

Read the three Criminal Reports submitted by the Provincial Court of Circuit in the Western Division for the month of August 1842.-

(Here enter N° 1355.)

The

23rd September 1842.

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 Provincial Court of Circuit in the Western Division for the information of the Principal Sudr Ameen at Sirsee.—

(Sent in No. 1049.)—

Read letter dated the 19th instant from the third Judge on Circuit in the Centre Division forwarding Statements of Batta paid to the parties who attended the Circuit Court at Cuddalore and Chingleput for the 1st Sessions of 1842.—

(Were enter F.U. No. 1375.)

Saturday, 24th September, 1842.

At a Court of the Fouzdaree Udalut.—

Present:

Henry Dickinson Esqre. —— 1st Puisne Judge,

Malcolm Lewin Esqre. —— Actg. 2d Puisne Judge,

F. M. Lewin Esqre. —— Actg. 3d Puisne Judge,

Read letter dated the 31st ultimo from the 1st Judge on Circuit in the Western Division transmitting the Calicut Primary Calendar for the 2d Sessions of 1842.—

(Were enter F.U. No. 1310 of 1842.)

Case No. XVII

1. The Prisoner in this case was charged with having set fire to, and burnt down a new house belonging to the Prosecutor valued at 4 Rupees.—

2. He was convicted and sentenced by the 1st Judge to imprisonment with hard labor in irons for six months.—

3. It appears by an entry in the Report, that the property designated "a new "House" was merely a shed upon four wooden pillars, without walls, doors, or windows and worth perhaps 4 Rupees.—

In

24th September, 1842.

In the opinion of the Court of Foujdaree Udalut, the sentence is very inadequate if the Prisoner is guilty of the charges preferred against him.—

5 The houses in Malabar are for the most part covered with thatch, and burning is a very ordinary Medium of revenge. The degree of criminality which attaches to the Prisoner, depends on the Motive that induced him to set fire to the Prosecutor's house—As no Motive is assigned in the above Calendar for the act,— the Court resolve to call upon the 1st Judge to submit a detailed statement of the grounds for passing so mild a sentence in the case.—

Ordered that copy of these Proceedings be forwarded to the 1st Judge 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. 1051. /

Read the Criminal Reports submitted by the Acting Criminal Judge of Combaconum for the month of August 1842.—

/ Here enter F.D. No. 1357 of 1842 /

The

24th September, 1842.

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 Criminal Judge of Combaconum for his information.—

/ Sent in No. 1052 /

Read letter dated the 9th Instant from the Acting Additional Joint Magistrate, in charge of the Principal Sudr Ameen's Court of Honore, forwarding the Criminal Reports for August 1842.—

/ Here enter F.D. No. 1352 of 1842 /

Read return dated the 14th Instant from the Officiating Joint Criminal Judge of Tinnevelly, to the precept of the Foujdaree Udalut of the 31st August 1842 on review of the Criminal Reports for the month of July 1842.—

/ Here enter F.D. No. 1358 of 1842 /

Read letter dated the 12th Instant from the Assistant Criminal Judge in charge of Cochin submitting

24th September 1842.

submitting the Criminal Reports for the month of August 1842.—

/Here enter F.H. No. 1361 of 1842/

Read letter dated the 15th Instant, from the 1st Judge on circuit in the Western Division reporting the execution of the sentence of death passed on the prisoner in case No. 3 on the Calicut Calendar 2d Sessions 1842 and forwarding the death warrant and copy of the Acting Criminal Judge's report.—

/Here enter F.H. No. 1373 of 1842/—

End Pr.

No. 106.

Monday 26th September 1842.

At a Court of the Tongdaree Adalut

Present,

Henry Dickinson Esqr 1st Assistant Judge

Malcolm Lewin Esqr — Actg 2d Assistant Judge

J. M. Lewin Esqr — Actg 3d Assistant Judge

Read return dated the 6th Instant from the 3d Judge late on Circuit in the Western Division to the precept of the Tongdaree Adalut of the 8th Ultimo calling for the record of the trial in Case No. 3 on the Cochin Calendar 1st Sessions of 1842.—

/Here enter No. 1333/

Previous to passing judgment on this case the Court of Tongdaree Adalut are desirous of having before them the answer which was filed in the Civil Suit No. 1632 of 1839 on the file of the Assistant Judge at Cochin—the 3d Judge is accordingly directed to procure and furnish the same with as little delay as possible.—

Order

24th 26th September 1842.

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

[Sent in No. 1053]

Read petition presented on the 15th Ultimo by D. Arulaya Aboo of the Zillah of Nellore.—

[Here enter L. C. M. D. No. 77]

The Petitioner represents himself to be the father in law of the Prisoners in Case No. 2 on the Nellore Primary Calendar for the 2d Sessions of 1842 referred to the Court of Foujdaree Udalut for final decision.—

2 He asserts that the Prisoners are innocent of the charge preferred against them of having destroyed the Circar papers, and prays the Court of Foujdaree Udalut to order their release.—

3 The Petitioner is informed that the Court of Foujdaree Udalut have issued

26th September 1842.

issued orders directing the release of the Prisoners referred to in the above petition.

Ordered that copy of these Proceedings be furnished to Petitioner on his application.—

Read Miscellaneous Petition presented on 12th September 1842 by Coomarah complaining that her husband, Maurood, 1st Prisoner in Case No. 54 on the Salem Calendar for the 1st Sessions of 1842, has been unjustly punished and praying the Court of Foujdaree Udalut to order his release.—

[Here enter M. P. No. 91 of 1842]

The Court of Foujdaree Udalut can perceive no reason to doubt the justice of the conviction, and consequently dismiss the Petition.

Ordered, that copy of the above Proceedings be granted to the Petitioner on his application.—

Read again Extract from the Minutes of Consultation under date the

the 16th October 1841, No. 786, accompanied
by a Despatch from the Honorable the
Court of Directors, and communicating
the desire of Government to mitigate still
further as many of the sentences passed
on the prisoners concerned in the late insur-
rection in Canara as may be expedient,
and to release such as have received sufficient
punishment for example.

(Here enter No. 1897 of 1841)

Also read Extract from the
Minutes of Consultation under date the
9th December 1841, No. 905, requiring the
Court of Foujdaree Udalut to ascertain
and report how many of the prisoners
connected with the Canara insurrection
referred to in the above letter in each case,
are still alive, exclusive of those who have
been transported, and desiring that they
will also inquire of the Magistrate of
Canara in how many of the prisoners
he would recommend remission of punishment on account of their
dangerous character or other cause.

(Here enter No. 2158 of 1841)

Also

Also read letters dated respec-
tively the 22d 23d and 28th December 1841, and
4th February 1842, from the Criminal Judge
of Canara, Combaconum and Bellary
and from the Joint Criminal Judge of
Coimbatore, forwarding Lists of the
Prisoners sentenced for having been
connected with the late Canara Insurrection
at present in confinement in the Jails
under their charge.

(Here enter Nos. 2263 & 2273
of 1841 and Nos. 23 and
268 of 1842.)

Also read letter from the
Magistrate of Canara dated the 5th February
1842 forwarding two lists of the prisoners
concerned in the late Canara Insurrection
still living (exclusive of those transported
beyond Sea) and communicating his decided
opinion that any general act of clemency
towards such Criminals is much to be
deprecated.

(Here enter No. 256 of 1842)

Also read Extract from the
Minutes

Minutes of Consultation under date the 6th September 1842 No. 533 communicating the order of Government upon the two Lists submitted by the Foujdaree Adalut

(Tenderer No. 1318 of 1842)

1. With respect to List No. 1

His Lordship in Council concurs in opinion that none of the Prisoners in this List should be released.—

Canara. 2. With respect to List No. 2

His Lordship in Council is of opinion that the circumstances of the case of "Cotta Coonia No. 109" admit of a mitigation of the punishment from 14 to 7 years.—

Do. ——— That there is nothing against the immediate release of "Sircajee Mallayp"

Do. ——— That the circumstances of the case of "Cootookolly Cheenia Potail" admit of a mitigation of his sentence from 14 to 7 years.—

Canara & Bellary ——— With respect to Case No. 100, His Lordship in Council is of opinion that these prisoners might be pardoned without risk.

Canara ——— That as regards "Coodry Demunna" there will not be any danger in mitigating his sentence to 5 years.—

Canara ——— With respect to Case No. 84, His Lordship in Council is of opinion that "Doogaje" may now be released.—

——— That as regards "Moostained" his sentence may be reduced from 10 to 7 years imprisonment.—

——— With respect to Case No. 129 the prisoners named in the Margin may be released.—

"Aldoor Thumbra"
"Mooal Tamaya"
"Surrtedy Manjaya"

——— With respect to Cases No. 134, 38, and 54 His Lordship in Council has no objection to the release of the prisoners, Hoossain Bhary alias Hoossain Mahomed, Sawary Narrapa, and Japaul Dino.

Canara ——— With respect to the Prisoner "Lubia", he having already suffered 4 years imprisonment, His Lordship in Council thinks that he may now be released.—

——— The Criminal Judges of Canara and Bellary and Joint Criminal Judge of Coimbatore are directed to modify the sentence of the Foujdaree Adalut accordingly and

and to cause the Prisoners to be informed of the indulgence of Government on their behalf.—

——— Those Prisoners ordered to be set at large will be released after a suitable warning being given to them against the Commission of similar acts of Rebellion.—

——— Four Prisoners viz: 1. Noorsaing, 2 Mudoor Thuntra, 3 Mural Tamaya, 4 Survestody Manjaya, mentioned by the Government not appearing in the List sent by the Joint Criminal Judge in Coimbatore he is requested to afford any information regarding them in his power.—

Ordered, that Extract from these proceedings be forwarded to the Criminal Judges of Canara and Bellary and Joint Criminal Judge of Coimbatore for their information.—

(Sent in Nos. 1054, 1055, & 1056)

Exd.

F. U.

Tuesday, 27th September, 1842. At a Court of the Foujdaree Adalut.

Present,

Hy — Henry Dickinson Esqre. — 1st Puisne Judge,
Mk — Malcolm Lewin Esqre — Actg 2d Puisne Judge,
FML. — F. M. Lewin Esqre — Actg 3d Puisne Judge,

Read letter dated the 17th September 1842 from the Acting 3d Judge on Circuit in the Northern Division requesting the Court of Foujdaree Adalut to declare whether under a Futwa which states that Tohmut is established against a Prisoner and declares him liable to Ootroobut, the infliction of punishment is forbidden by Clause sixth Section II Regulation XV of 1803.—

(Here enter F. U. No. 1374 of 1842)

The Court of Foujdaree Adalut resolve to direct the Acting 3d Judge to refer the Trial in Case No. 6 on the Guntoor Calendar if he disapprove of the Futwa given by the Law Officer thereon.—

Ordered that Copy of these proceedings be forwarded to the Acting 3d Judge on Circuit in the Northern Division for his information

27th September 1842

information and guidance.—

/Sent in No. 1060/

Read the Criminal Reports for the Month of August 1842 forwarded by the Acting Criminal Judge of Malabar under date the 12th instant:—

/Here enter J.U. No. 1365 of 1842/

Report No. V case No. 153.

1 The Court of Foujdaree Udalut are of opinion, on the report before them, that this case has been improperly disposed of by the Criminal Judge, and that the Prisoners ought to have been committed.—

2 They accordingly direct, that the Provincial Court in the Western Division be called upon to look into the case, and to pass such orders thereon, as they may think proper, reporting the result for the information of the Court of Foujdaree Udalut.—

Ordered that copy of these Proceedings be forwarded to the Acting Criminal Judge of Malabar for his information and guidance.—

/Sent in No. 1061/

Ordered also that Extract from these Proceedings be forwarded to the Provincial Court of

27th September 1842

of Circuit in the Western Division for their information and guidance.—

/Sent in No. 1062/

Read the Criminal Reports for the Month of August 1842 submitted by the Joint Criminal Judge of the Inferior Court at Vizagapatam under date the 1st instant.—

/Here enter J.U. No. 1325 of 1842/

Report No. V Case No. 21.

The Court of Foujdaree Udalut observe, that if the 1st Prisoner in this case was guilty of the charge preferred against him, he ought to have been committed for trial before the Court of Circuit.— Had the girl Muddulah Paupah fallen a victim to the Prisoner's lusts under the circumstances represented in the above report, the offence would have been rape.—

Ordered that copy of these proceedings be forwarded to the Joint Criminal Judge of the Inferior Court at Vizagapatam for his information and future guidance.—

/Sent in No. 1063/

Read the Criminal Reports submitted.

27th September 1842.

Submitted by the Criminal Judge of Salem
for the Month of August 1842

/Here enter F. H. No. 1364 of 1842/

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
Criminal Judge of Salem for his information

/Sent in No. 1064/

End 44

F. H. 6.

Wednesday
28th September 1842.

At a Court of the Fouzdaree Udalut.

Present

Henry Dickinson Esqre.—1st Puisne Judge,
Malcolm Lewin Esqre.—Ag. 2d Puisne Judge,
F. M. Lewin Esqre.—Ag. 3rd Puisne Judge.

Read the Criminal Reports
submitted by the Acting Joint Criminal Judge
of Huddalore for the month of August 1842.—

/Here enter No. 1366./

The above reports do not appear
to call for any remarks from the Court of
Fouzdaree Udalut.—

Ordered therefore that Extract
from these proceedings be forwarded to the
Acting Joint Criminal Judge of Huddalore
for his information.—

/Sent in No. 1065./

Read the Criminal Reports
submitted by the Principal Sudr Ameen
at Ichapoor for the month of August
1842.—

/Here enter No. 1376./

The

27th September 1842.

Submitted by the Criminal Judge of Salem
for the Month of August 1842

/Here enter F. C. No. 1364 of 1842./

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
Criminal Judge of Salem for his information

/Sent in No. 1064./

End F.C.

Wednesday
28th September 1842.—

F.C.

At a Court of the Fouzdaree Udalut.

Present

Henry Dickinson Esqre.—1st Puisne Judge,
Malcolm Lewin Esqre.—Ag. 2d Puisne Judge,
F. M. Lewin Esqre.—Ag. 3d Puisne Judge.

Read the Criminal Reports
submitted by the Acting Joint Criminal Judge
of Cuddalore for the month of August 1842.—

/Here enter No. 1366./

The above reports do not appear
to call for any remarks from the Court of
Fouzdaree Udalut.—

Ordered therefore that Extract
from these proceedings be forwarded to the
Acting Joint Criminal Judge of Cuddalore
for his information.—

/Sent in No. 1065./

Read the Criminal Reports
submitted by the Principal Sudr Ameen
at Sheiapoor for the month of August
1842.—

/Here enter No. 1376./

The

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 Principal Sudr Ameen at Tchalpoor for his information.—

/Entrn No. 1066./

Read letter dated the 21st Instant from the Third Judge on Circuit in the Centre Division reporting the day fixed for opning the 2nd Sessions of 1842 at Bellary on the 18th Proximo.—

/Here entr No. 1387./

Read letter dated the 21st Instant from the Third Judge on Circuit in the Southern Division reporting that notice has been given to opn the 2d Sessions of 1842 at Combaconum on the 13th Proximo.—

/Here Entrn No. 1391./

Read letter dated the 20th Instant from the First Judge on Circuit in the Western Division forwarding a Statement

Statement received from the Acting Criminal Judge of Malabar of batta paid to Prosecutors and Witnesses during the 2nd Sessions 1842.—

/Here enter No. 1392./

End 14.

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 Principal Sudr Ameen at Sholapoor for his information.—

/Sentence No. 1066./

Read letter dated the 21st. Instant from the Third Judge on Circuit in the Centre Division reporting the day fixed for opening the 2nd. Sessions of 1842 at Bellary on the 18th. Proximo.—

/Here enter No. 1387./

Read letter dated the 27th. Instant from the Third Judge on Circuit in the Southern Division reporting that notice has been given to open the 2d. Sessions of 1842 at Combaconum on the 13th. Proximo.—

/Here enter No. 1391./

Read letter dated the 20th. Instant from the First Judge on Circuit in the Western Division forwarding a Statement

Statement received from the Acting Criminal Judge of Malabar of batta paid to Prosecutors and Witnesses during the 2nd. Sessions 1842.—

/Here enter No. 1392./

End. 1 Pr.

F. Ua.

Friday
30th. September
1842.

At a Court of the Foujdaree Udalut.

Present,

Henry Dickinson Esqre. 1st. Puisne Judge
Malcolm Lewin Esqre. Ag 2d. Puisne Judge
F. M. Lewin Esqre. Ag 3d. Puisne Judge

Read the Criminal Reports for the month of August 1842 submitted by the Officiating Joint Criminal Judge of Tinnevelly under date the 4th. Instant.

/Here enter F. Ua. No. 1363./

Supplemental Report. Case No. 42.

The Court of Foujdaree Udalut are of opinion, that the Prisoner in this case has been incorrectly sentenced. There is no evidence to shew that the Prisoner bought the buffaloes, and he should have been punished not as a receiver of stolen property, but as a thief.

Cases Nos. 52 and 53.

2. The Court do not consider the decision of the Officiating Joint Criminal Judge in these cases to be satisfactory. From the Statement of Case No. 52 in the Report, it does not appear whether the Robbery

Robbery with which the Prisoner in that
Case was charged, did take place or not.—

3. The Court therefore resolve
to direct the Acting 3rd Judge on Circuit
in the Southern Division to look into the
Cases, and to pass such orders thereon as
may appear necessary, reporting the result
for the information of the Court of Foujdaree
Udalut.—

Report &c. 4. It is observed that 10 Cases,
of which some had been before the Criminal
Court for 9 days, remained undisposed of.
The Court of Foujdaree Udalut regret to
find no satisfactory reason assigned by the
Officiating Joint Criminal Judge for the
omission, and feel themselves called upon
to urge Mr. Limond to greater exertion in
future.—

Ordered, that copy of these
Proceedings be forwarded to the Officiating
Joint Criminal Judge of Tinnevelly for his
information and future guidance.—

(Sent in A. 1070)

Ordered also, that Extract
from

from Paras 2 and 3 be forwarded to the
Acting 3rd Judge on Circuit in the
Southern Division for his information
and guidance.—

(Sent in A. 1071.)

Read letter dated the 22d
Instant from the First Judge on Circuit
in the Western Division reporting the
Execution of the Sentence of death passed on
Natikaat todjil Chachoony Nair, the
Prisoner in Case No. 16 on the Calicut
Calendar for the 2nd Sessions of 1842, and
forwarding the death Warrant and copy
of the letter from the Acting Criminal
Judge of Malabar.—

(Here Enter No. 1399.)

End 7th

F. Ct.

Saturday 1st October 1842 — At a Court of the Foujdaree Udalut.

Present,

Henry Dickinson Esqre — 1st Puisne Judge,
Malcolm Lewin Esqre — Ag 2d Puisne Judge
F. M. Lewin Esqre — Ag 3d Puisne Judge,

Read again petition presented on the 30th August 1842 with nine enclosures by Ootlah Rammunah of the Zillah of Chittoor, an abstract of which has already been given in Foujdaree Udalut Proceedings of the 5th Ultimo.—

/Here Enter F. Ct. N. P. No 84./

Read also letter dated the 19th Ultimo from the Registar of the Provincial Court for the Centre Division submitting copy of the Supplemental return of the Joint Magistrate of Chittoor and translation of the Takeed required by the Court of Foujdaree Udalut in their Proceedings of the 5th Ultimo above alluded to.—

/Here Enter F. Ct. No. 1385./

1. The Court of Foujdaree Udalut having

having considered the Supplemental Returns of the Magistrate of Chittoor dated the 18th February 1842, as also the Extract of the Magistrate of the 28th January 1842, of which, the Court in their Proceedings of the 5th Ultimo, directed that a copy and translation might be submitted to them; and having also considered the proceedings of the Court of Quarter Sessions under date the 28th March 1842, an Extract from which was submitted to them with the foregoing petition, are convinced that the charge of the Petitioner is altogether false.—

2. The Court therefore refuse to interfere with the Proceedings of the Magistrate; and direct that the petition No. 84 of 1842 be dismissed.—

Ordered accordingly and that copy of those Proceedings be furnished to Petitioner on his application.—

Read Miscellaneous Petition presented by Ramatchee of the Zillah of Salem requesting that an order may be passed on her previous Petition No. 11 of 1841.—

/ Here Enter M. P. No. 92 of 1842 /

Petitioner

Petitioner is informed that orders were passed on the subject of this Petition on the 8th March last, to which the Petitioner is referred.—

Ordered that copy be furnished to Petitioner on her application.—

Ookah Ramunnah of the Zillah of Chittoor, moves the Court to return the Enclosures in his Miscellaneous Petition No. 84 of 1842

Ordered accordingly.—

Read letter dated the 15th Ultimo from the Third Judge on Circuit in the Centre Division transmitting the Record of the trial in Case No. 15 of the Cuddapah Calendar for the 2d Sessions of 1842.

/ Here Enter No. 1372 /

Mr. Dickinson.
Mr. A. Lewin
and
Mr. F. A. Lewin.

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

2d Gaundla Nawgadoo

and

3d Caupa Oddundragadoo

1st October 1842.

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 at the usual time and place of Execution, but considering that strong suspicion though not amounting to conviction, attaches to the Prisoner

1st Gauvy Gamareddy

they direct, that he be required under Clause Sixth Section II Regulation XV of 1803, to find two Sureties in One hundred Rupees each, for his good behaviour and appearance when required within three years, or in default thereof, that he be detained in confinement for the same periods.—

(Sent following letter No 1072/—

Ind Pls

J. U.

Monday, 3rd October, 1842.

At a Court of the Foujdaree Udalut.

Present,

Henry Dickinson Esqre ..... 1st Puisne Judge,
Malcolm Lewin Esqre Actg 2d Puisne Judge,
J. M. Lewin Esqre ..... Actg 3d Puisne Judge,

Read the Madura Criminal Reports for the Month of August 1842 submitted by the Acting Criminal Judge under date the 31st August 1842.—

(Here enter J. U. No 1366A of 1842.)

Report No V
Case No 71

1. The Court of Foujdaree Udalut observe, that the delay in the disposal of this case is not accounted for; and they direct, that the Acting Criminal Judge be called upon to submit an explanation of the same for their information

2. These Reports do not appear to call for any further remarks from the Court of Foujdaree Udalut.—

Ordered that Copy of these proceedings be forwarded to the Acting Criminal Judge of Madura for his information and guidance, by precept returnable in 5 days from

and

3d October 1842.

and after its receipt.—

/Sent following precept No 7073/

Read the Criminal Reports for the Month of August 1842 forwarded by the Criminal Judge of Chittoor under date the 19th Ultimo.—

/Here enter S.R. No. 1382 of 1842/

Suppl. Report Case No 94

1 It is observed that the Prisoners in this Case have been more than two Months in confinement, awaiting evidence. The Court of Foujdaree Adalut direct, that the Criminal Judge be required, to explain for their information whether he has reason to expect that any evidence will be forthcoming, and to be careful not to detain the Prisoners for want of evidence beyond a reasonable period.—

Case No 105.

2 The 1st Prisoners in this Case are charged with having broken into the Prosecutors house by night, and stolen therefrom property valued at Rupees /30-8/ thirty and Annas eight.—

3 The 1st and 2d Prisoners are convicted and sentenced by the Acting Sudr Ameen Pundit to 9 and 6 Months imprisonment respectively.

The

3d October 1842

The 3d and 4th Prisoners were acquitted for want of proof, and released.—

4 The Court of Foujdaree Adalut notice, that the punishment awarded by the Acting Sudr Ameen Pundit to the 1st and 2d Prisoners, was too lenient for the offence of which they were convicted.—

Report No V Case No 108

5 The Court of Foujdaree Adalut consider the Sentence passed by the Criminal Judge upon the Prisoners in this Case to be very heavy, and direct that the Provincial Court of Circuit for the Centre Division be required to look into the Case, and to pass such orders thereon as may appear proper, reporting the result for the information of the Court of Foujdaree Adalut.—

Case No 109

6 The Prisoners in this Case are charged with having by gross and culpable neglect, caused the escape of the Prisoners in the preceding Case. The 1st Prisoner is released and the 5 remaining ones are sentenced by the Criminal Judge to Six Months imprisonment with labor in irons.—

The

3d October 1842

The Court observe that this a very mild Sentence. They are of opinion that there must have been connivance on the part of the Peons and that they ought to have been committed.

7.

Case No 112

8. The Court of Zoujdaree Udalut direct, that the Criminal Judge be required to correct the Sentence passed by the Sudr Ameen Pundit, upon the 1st Prisoner in this Case, according to his own views.

Case No 119

9. With regard to this Case the Court observe, that the Sentence is wrong - the Prisoner being liable to punishment under Section VII Regulation X of 1816.

10. They direct that the Acting 3d Judge on Circuit in the Centre Division be called upon to look into the case, and to pass such orders thereon as he may deem correct, reporting the result for the information of the Court of Zoujdaree Udalut.

Ordered that Copy of these proceedings be forwarded to the Criminal Judge of Chittoor for his information and guidance by precept

F. R.

3d October 1842

precept returnable in 5 days from and after its receipt.

/Sent following precept No 1074/

Ordered also that Extracts from these proceedings paras 5-9 and 10 be sent to the Provincial Court of Circuit for the Centre Division, for their information and guidance

/Sent in No 1075/

Read return dated the 16th Ultimo from the Acting Agent to the Governor of Fort St George at Vizagapatam, to the precept of the Zoujdaree Udalut of the 31st August 1842 requiring further information in regard to Case No 23 on the Criminal Reports No 2 for July last with particular reference to Prisoners No 3 and 4 in that Case.

End F R

/Vide entry F. R. No 1370 of 1842./

Tuesday 4th October 1842.

At a Court of the Toujdaree Udalut

Present

Henry Dickinson Esqre — 1st Puisne Judge

Malcolm Lewin Esqre — Ag. 2d Puisne Judge

F. M. Lewin Esqre — Ag. 3d Puisne Judge

Read letter dated the 14th Ultimo from the First Judge on Circuit in the Western Division forwarding the Record of the trial in Case No 1 of the Malabar Additional Calendar for the 2nd Sessions of 1842.—

/Here Enter No. 1380./

Mr Dickinson. and Mr F. M. Lewin.

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

Maniala-paramba Tō Kapen,

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

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

/Sent following letter No. 1077/

Read letter dated the 19th
Ultimo from the Third Judge on Circuit
in the Southern Division forwarding the
Record of the Trial in Case No. 11 of the
Madura Calendar for the 2nd Session
of 1842.—

/Here enter No. 1390./

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 as
against the Prisoner

Chinnan

is sufficient to convict him of the crime
of Murder, do convict him thereof; and
under the provisions of Section X. Regula-
tion VIII of 1802, sentence him to suffer
death by being hanged at the usual
time and place of Execution.—

/Sent following letter No. 1078/—

Mr. M. Lewin
Mr. J. M. Lewin

End 11.

J. U.

Friday,
7th October, 1842.

At a Court of the Foujdaree Udalut.

Present,

Henry Dickinson Esqr. — 1st Puisne Judge,
Malcolm Lewin Esqr. — Actg 2d Puisne Judge,
J. M. Lewin Esqr. — Actg 3d Puisne Judge,

Read letter from the Acting
First Judge late on Circuit in the Northern
Division dated the 15th Ultimo, submitting
his Circuit Report for the 1st Session of 1842.

/Has enter J. U. No. 1367 of 1842/

In this para the Judge late on
Circuit suggests "that in all cases of severe
"wounding or other severe injury, the Magistrate
"should be directed to order the Heads of Police
"to send the person so wounded or injured, as soon
"as possible to the nearest Medical Officer, and also
"in all cases where death occurs immediately after the
"deceased has been wounded or injured, no matter whe-
"ther the wounds be severe or otherwise, the Heads of
"Police should send the body to the nearest European
"Medical Officer." It appears to the Judges of the
Court of Foujdaree Udalut, that the strict observance

Para 12.

of

of the above proposition would, in many instances be cruel and in many useless - it would be cruel in cases of severe wounding and at a distance from a Medical Officer, by accelerating death and causing pain, whilst it would be useless or attended with no beneficial result in the greater proportion of trivial cases; and to the extent in which the proposition can be viewed in a favorable light the Circular Order of 27th December 1815 and 10th April 1833 make most ample provision, and on those orders the Circuit Judge can issue to the Magistrate whatever directions he thinks beneficial or which the cases before him suggested.—

Para 19— 2. The experience of the Judges of the Tongdaree Udalut convinces them that a Native Police Officer will always, if possible, refer to an European in order to shake off any responsibility from himself. The Conduct of the Tongdaree Police Officer was praiseworthy.—

3. The Judges observe that the Circuit Judge is not called upon to send copies of his orders on Petitions.—

Ordered, that Extract from these proceedings together with copy of the Acting 1st [illegible]

Judges

Judge's Report dated the 15th September 1842 be forwarded to the Acting Secretary to Government for the purpose of being laid before the most Honorable the Governor in Council.—

/Sent in No. 1081/

Ordered also that Extract from these proceedings be forwarded to the Acting 1st Judge late on Circuit in the Southern Division for his information.—

/Sent in No. 1082/

Read Supplemental return dated the 9th Ultimo from the Provincial Court in the Northern Division, to the precept of the Tongdaree Udalut dated 26th October 1841, reporting the names of the persons who gave evidence in favor of Subburaya Venkata Krishnarow and were appointed by Mr. Goldingham.—

/Here enter F.H. No. 1343 of 1842/

Read letter dated the 28th Ultimo from the 2d Judge of the Provincial Court in the Southern Division, forwarding copy of the Trichinopoly 3d Supplemental Calendar for the 3d Quarterly Sessions of 1842.—

/Here enter F.H. No. 1405 of 1842/

Read

7th October, 1842

Read letter dated the 30th Ultimo from the Joint Criminal Judges of Salem, reporting the death of the 4 Prisoners referred to in the concluding para of the Tinjdaree Udalut proceedings of the 26th September 1842—

/Here enter F.H. No. 1408 of 1842/

Adm

Ed. H.

F.H.

Saturday, 8th October, 1842. At a Court of the Tinjdaree Udalut.

Present,

Hy Henry Dickinson Esqre — 1st Puisne Judge,
Malcm Malcolm Lewin Esqre — Ag. 2d Puisne Judge,
FMLewin F. M. Lewin Esqre — Ag. 3d Puisne Judge,

Read letter dated the 24th Ultimo from the First Judge on Circuit in the Western Division forwarding the Record of the Trial in Case No. 2 on the Calicut Additional Calendar for the 2d Sessions of 1842.—

/Here enter No. 1406./

Mr. M. Lewin and Mr. F. M. Lewin.

The Court of Tinjdaree 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,

Poowantingal Keloo, alias

Coolty Comy Keloo Nedoongady,

is sufficient to convict him of the crime of Murder, do convict him thereof; and, under the provisions of Section X Regulation VIII of

8th October 1842.—

of 1802, do sentence him to suffer death, by being hanged at the usual time and place of Execution.—

/ Sent following letter No. 1085. /

Read letter dated the 4th Ultimo from the Chief Magistrate and Superintendent of Police at Madras, transmitting the Report of cases tried under Act XXII of 1837 in the month of August 1842.—

/ Here enter No. 1412. /

Read letter dated the 6th Instant from the Criminal Judge of Chingleput, forwarding the Criminal Report for the month of September 1842.—

Ed. Wh.

/ Here Enter No. 1416. /

Ekn

P. C.

Monday 10th October 1842.— At a Court of the Foujdaree Udalut

Present

Ad — Henry Dickinson Esqre. 1st Puisne Judge
Ad — Malcolm Lewin Esqre. Ag. 2d Puisne Judge
Ad — F. Mc. Lewin Esqre. Ag. 3d Puisne Judge

Read letter dated the 20th Ultimo from the 1st Judge on Circuit in the Western Division, submitting for the consideration and final orders of the Court of Foujdaree Udalut, the record of the Trial in Case No. 3 on the Calicut Additional Calendar for the 2nd Sessions of 1842.—

/ Here enter No. 1461. /

Mr. Dickinson. and Mr. F. Mc. Lewin.

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

2nd Roonjoony

is sufficient to convict him of the crime of Murder, do convict him thereof; but considering that there are circumstances in the case which

which justify them in passing a less severe sentence than that to which the Prisoner is liable under the provisions of Section X. Regulation VIII of 1802, the Court of Foujdaree Udalut, under the provisions of Clause Second Section VI Regulation I of 1825, do 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.—

The Court of Foujdaree Udalut are of opinion, that the 1st. Judge erred in ordering the release of the 1st. Prisoner in this case. They consider the confession of the 1st. Prisoner before the Police Officer, (which there is not the least reason to suppose, was extorted from him, or taken down in other words than those he used), supported by the undeviating declaration of the 2nd. Prosecutor, that at the time the 2nd. Prisoner wounded him the 1st. Prisoner was holding his legs, quite sufficient to convict him of being

10th October 1842.

being an accomplice in the wounding of the 2nd. Prosecutor with the intent to kill him.—

Ordered, that copy of these proceedings be forwarded to the 1st. Judge on Circuit in the Western Division for his information and future guidance.—

(Sent following letter No. 1088.)

Jno

J. U.

Wednesday,
12th October, 1842.

At a Court of the Foujdaree Udalut—

Present,

Henry Dickinson Esqre — 1st Puisne Judge,

Malcolm Lewin Esqre Actg 2d Puisne Judge,

J. M. Lewin Esqre — Actg 3d Puisne Judge,

Read letter dated the 11th April 1842,
from the First Judge then on Circuit in the South-
ern Division, submitting copy of the Combaconum
Primary and Supplemental Calendars for the 1st
Sessions of 1842—

(Herewith J. U. No. 624 of 1842.)

Case No. 8.

The Court of Foujdaree Udalut
seeing — reason to think that the Prisoner,
"Lutchmee Ammal"
has undergone sufficient punishment for the offence
of which she was convicted, resolve to direct that
the record of the Trial in Case No. 8 be submitted
for their consideration and final orders.—

Ordered that copy of these
proceedings be forwarded to the 1st Judge of
the Provincial Court of Circuit in the Southern
Division for his information and guidance.—

(Sent in No. 1089.)

Read.

End J. U.

Read letter dated the 30th Ultimo from the Acting 3d Judge on Circuit in the Northern Division, transmitting the Record of the Trial in Case No. 1 on the Guntoor 1st Supplemental Calendar for the 2d Sessions of 1842.

/Here enter F.H. No. 409 of 1842/

Mr Dickenson and Mr M. Lewis

The Court of Zoujdarry Adalut on a deliberate consideration of all the circumstances of the Case in evidence before them, being of opinion that the Prisoner

Burtapoody Soobbarayadoo

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

/Sent following letter No. 1090/

Read letter dated the 30th July 1842 from the 1st Judge late on Circuit in the Central Division, transmitting the Records of the Trial in Cases Nos. 9 and 46 on the Bellary Calendar for the

12th October 1842

The 1st Sessions of 1842

/Here enter F.H. No. 463 of 1842/

Mr M. Lewis and Mr F.M. Lewis

The Court of Zoujdarry Adalut on a deliberate consideration of all the circumstances of the cases in evidence before them, being of opinion that the Prisoners

1st Madaga Gungadoo
2d Galidegandoo
3d Talary Chinniappadoo
5th Myla Laufegandoo
6th Kontemudda Boya Erogandoo
8th Cumsala Ramoodoo
9th Yakala Ramoodoo
10th Yanadee Ramoodoo
11th Janapa Gooroomoorty
12th Donuma Ruregadoo alias Dommadoo
13th Woblasoo alias Vobegandoo
14th Myla Mulloogadoo
15th Chanaganee Condegandoo
17th Yerkala Collapooregandoo
18th Ruckoo Ramanah alias Nadendla Chennoogandoo
19th Yakala Ramanah
20th Ankoola Tippoogadoo and
21st Boya Ankalegadoo

12th October 1842

in Case No. 9 — and the Prisoners

1st Tinnarede

and

2d Wellasoo

in Case No. 46

are not convicted on presumptive proof, or on the evidence of credible witnesses, or on their own confession, of the crime of being accessory to the murder of Cotta Naregah, do acquit them thereof, and under the provisions of Clause sixth Section II Regulation XV of 1803, they would be entitled / so far as these Cases are concerned / to their release; but the same Prisoners having been convicted in Cases Nos. 8 and 45, they must wait the recorded judgment of the Court on those Trials.—

/ Sent following letter No. 1091. /

Read letter dated the 26th July 1842 from the 1st Judge late on Circuit in the Centre Division transmitting the Records of the Trials in Cases Nos. 8 and 45 on the Bellary Calendar for the 1st Sessions of 1842.

/ Here enter F.H. No. 1150 of 1842 /

The Court of Foujdaree Adalut on a deliberate consideration of all the circumstances of the case in

Case No. 8

W. F. M. Lewin

F.H.

12th October 1842

in evidence before them, being of opinion that the proof against the Prisoners

1st Madega Cungadoo

2d Gadidegaddoo

3d Talary Chinna Appodoo

5th Myla Pampegaudoo

6th Tonga Peddoogaudoo

7th Coutenundo Boya Cooragaudoo

8th Dumma depully Madegagungadoo

9th Davareddy Fakeeroogadoo

11th Yakalee Nauoodoo

12th Yakalee Nangadoo

14th Boya Alumkhanoodoo

15th Janapa Goroomoorty

and

16th Donma Nurregadoo alias Donmadoo

is sufficient to convict them of the crime of Highway Robbery and Murder, do convict them thereof; but considering that there are circumstances in the case which justify them in passing a less severe sentence than that to which the Prisoners are liable under the provisions of Section X Regulation VIII of 1802, the Court of Foujdaree Adalut under the provisions of Clause Fifth Section IV Regulation

is sufficient to convict them of the Crime of Highway Robbery and Murder, do convict them thereof; and under the provisions of Section X Regulation VIII of 1802, sentence them to suffer death by being hanged at the usual time and place of execution.—

The Court of Foujdaree Adalut are of opinion, that the Joint Magistrate of Bellary and the Police acting under his orders, are deserving of high commendation for their active operations in capturing and bringing to trial the Prisoners in these Cases.—

The Court of Foujdaree Adalut will take the earliest opportunity of bringing to the Notice of Government the zealous and indefatigable conduct of the Joint Magestrate.—

2. They direct that the Joint Magistrate be informed, that as the payment of the rewards has already been authorized by Government, he is at liberty to distribute them in the way which he may consider to be most judicious. They would recommend that a gold bangle be presented to the Surcheshum Syed Modeen.—

3. The Court further resolve to direct that the attention of the Magistrate of Bellary be called to the conduct of the Sahar Vencatagandoo, the 4th witness in Case No. 8, in view to his being

Stigmatized

Stigmatized and dismissed from his situation, if it should appear to the Magistrate that he had wilfully withheld evidence in the Case, from fear or treachery.—

Ordered that copy of these Proceedings be forwarded to the 1st Judge Latin Circuit in the Centre Division for his information and guidance, and for communication to the Magistrate and Joint Magistrate of Bellary.—

Sent following letter No. 1092

Read letter dated the 1st June 1842 from the Joint Magistrate in charge of Bellary, forwarding extract from a letter addressed to the Magistrate of Cuddapah intimating the success that had attended the measures adopted for the apprehension of Timmareddy and Vobalasoo the leaders and others of the Gang of Robbers who infested Anuntapoor and the neighbouring District of Cuddapah and committed among other crimes the murder of the Surcheshum Cannalapoor Shark Hoossain

Correspondence F. H. No. 923 of 1842.

Read letter dated the 8th instant

from

from the 1st Judge late on Circuit in the Centre Division, forwarding a Statement required by Circular Order of Foujdaree Udalut No. — dated 5th July 1834.—

/Here enter F.H. No. 1421 of 1842/

Read return dated the 3d Instant from the first Judge on Circuit in the Western Division, to the precept of the Foujdaree Udalut of the 21st September 1842, setting forth as required, reasons in detail for passing a mild sentence upon the Prisoner in Case No. 17 on the Calendar Primary Calendar 2d Sessions of 1842.—

/Here enter F.H. No. 1423 of 1842/

Read letter dated the 3d Instant from the First Judge on Circuit in the Western Division, reporting the execution of the Prisoner in Case No. 19 on the Primary Calendar Zillah Malabar for the present Sessions and forwarding copies of a letter and return from the Acting Criminal Judge of Malabar on the subject.—

/Here enter F.H. No. 1422 of 1842/

Read letter dated the 5th Instant from

from the Second Judge of the Court of Circuit in the Western Division, Submitting a Statement of the batta paid to Prosecutors and Witnesses during the 3d Quarter Sessions of 1842.—

/Here enter F.H. No. 1426 of 1842/

Read letter dated the 1st Instant from the Acting Governor's Agent of Vizagapatam, forwarding the Calendar of Cases disposed of during the Quarter ending on the 30th September 1842.—

/Here enter F.H. No. 1428 of 1842/

Read letter dated the 4th Instant from the Provincial Court of Circuit in the Southern Division, Submitting an Extract from their Proceedings held in Case No. 100 of Report No. V of the Criminal Reports of the Zillah of Combaconum for the months of July 1842.—

/Here enter F.H. No. 1433 of 1842/

Read letter dated the 1st Instant from the Joint Criminal Judge of the Auxiliary Court at Vizagapatam, informing that the Quarterly Statement required by

12th October 1842

by Circular Order No 88 respecting other than road labor performed by the Convicts under his charge has not been sent, there being no entry to be made in the—

/Here enter F.U. No 1438 of 1842/

Read letter Dated the 7th Instant from the Hind' Judge on Circuit in the Centre Division, transmitting the Original death warrant in Case No 15 on the Cuddapah Calendar for the 2d Sessions of 1842.

/Here enter F.U. No 1440 of 1842/

Ent'd H.

F.U.

Thursday 13th October 1842.

At a Court of the Foujdaree Udalut

Present

Hy. Dickinson Esqre. 1st Puisne Judge
Mal. Malcolm Lewin Esqre. Ag. 2d Puisne Judge
F.M.L. F.M. Lewin Esqre. Ag. 3d Puisne Judge

Read return dated the 24th Ultimo from the Acting 3d Judge on Circuit in the Northern Division, to the precept of the Foujdaree Udalut of the 27th August 1842, conveying their observations and orders on the Nellore Primary and Supplemental Calendars for the 2nd Sessions of 1842.—

/Here enter F.U. No 1398./

1. With reference to the remarks contained in para 2 & 7 of the above return, relative to Case No 1 on the Nellore Calendar for the 2nd Sessions of 1842, the Court of Foujdaree Udalut resolve to direct the attention of the Acting 3d Judge to their Circular Order of the 20th July 1839 - a consideration of which will fully explain the observations

13th October 1842.—

observations made in paras 1. 2 and 3 of the Tongaree Udalut proceedings of the 27th August last.—

2. Regarding paras 5 of the above return, the Court observe that a prisoner once tried by a competent Court can never again be placed on his trial for the same offence. In cases wherein the Criminal Court has not jurisdiction and in which that Court may have released a Prisoner on Security, the prisoner may be again tried; but the Court of Circuit has jurisdiction over all offences, and the demand of security by that Court is the result of full trial and an acquittal.—

Ordered, that copy of these Proceedings be forwarded to the Acting 3rd Judge on Circuit in the Northern Division for his information and future guidance.—

/Sealed in No. 1093./—

Abm

F.W.

F.C.

Friday 14th October 1842.— At a Court of the Tongaree Udalut.

Present

Hy — Henry Dickinson Esqre — 1st Puisne Judge

Act — Malcolm Lewin Esqre — Ag 2nd Puisne Judge

F.M.L. — F. M. Lewin Esqre — Ag 3rd Puisne Judge

Read the Criminal Reports for the month of August 1842 transmitted by the Criminal Judge of Bellary under date the 15th Ultimo.—

/Here enter F.C. No. 1381./

Suppl. Report. Case No. 137.

1. It is observed from the above Report, that the Prisoners in this case have already been in confinement, for periods varying from three to five months, awaiting trial.—

2. The Court of Tongaree Udalut direct, that the Criminal Judge be instructed to release the Prisoners, if evidence be not produced within a reasonable time, and if there are no grounds for a demand of security.—

Case No. 144. 3. The Court of Tongaree Udalut

&c

see reason to doubt whether this case has been correctly dealt with by the Sudr Ameen Moosty, and resolve to call upon the Criminal Judge, to look into it, and to pass such orders as may appear to him proper.—

Report No. 4. Case No. 150.— 4. It is remarked that the charge does not shew whether this case is one of petty theft or of Robbery by open violence. The Court of Foujdaree Udalut direct the Criminal Judge to look into the case and to submit a report thereon for their information.—

Ordered, that copy of 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. 1094

Read letter dated the 4th Instant from the Third Judge on Circuit in the Centre Division, submitting the Record of the Trial in Case No. 14 of the Cuddalore Calendar for the 1st Sessions of 1842.—

Here Enter No. 1418.

The Court of Foujdaree Udalut on a deliberate

Mr. H. Lewin.
an
Mr. F. M. Lewin.

deliberate consideration of all the circumstances of the case in evidence before them, bring of opinion that the proof against the Prisoners

1st Cuttaya Padiachy
3rd Pundara Padiachy
4th Ramastawmy Padiachy
5th Sobben
and
6th Ramastawmy Padiachy

is sufficient to convict them of the crime of Gang Robbery do convict them severally thereof; and under the provisions of Clause First Section V Regulation VIII of 1831, Clause Third Section IV Regulation XV of 1803, Clause Third Section II Regulation I of 1825 and Regulation VIII of 1828, sentence the Prisoner

3rd Pundara Padiachy

to receive 195 lashes with a Cat o'nine tails, and to be imprisoned and kept to hard labor in irons, on the public roads or other public works, for, and during the period of fourteen Years and under the provisions of Clause First Section V Regulation VIII of 1831,

agd

14th October 1842.—

and Claude Third Section IV Regulation XV of 1803, the Prisoners

1st Cuttaya Padiachy

4th Ramasawmy Padiachy

5th Soobbeen

and

6th Ramasawmy Padiachy

severally, 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. 1095/

Read letter dated the 24th Ultimo from the Acting 3rd Judge on Circuit in the Northern Division, transmitting the record of Trial in Case No. 1 on the Jaffna Supplemental Calendar for the 2nd Sessions of 1842.—

/Here enter F.U. No. 1396./

Mr. Dickinson and Mr. J. M. Lewin

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

Cullaty Soobbee

is sufficient to convict her of Manslaughter, for

F.U.

14th October 1842.—

for which the penalty of Deyut is awardable under the Mahommedan Law, as declared in fatwas of their Law Officers, do convict her thereof; and with reference to the provisions of Clause Second Section XV Regulation VII of 1802, do sentence her to be imprisoned and kept to labor suitable to her sex, for and during the period of Seven Years.—

1. The Court of Foujdaree Udalut desire to point out to the Acting 3rd Judge, that the answer of a Prisoner to the arraignment should be strictly confined to "Guilty" or "Not Guilty"— Any explanation which a Prisoner may desire to offer, should be reserved for the defence.—

2. The Court would further observe for the future guidance of the Acting 3rd Judge, that on a finding of "Gooman" no Punishment can be awarded.—

Ordered, that a copy of these Proceedings be forwarded to the Acting 3rd Judge on Circuit in the Northern Division for his information and future guidance.—

/Sent following letter No. 1096./

Read

Read letter dated the 4th Instant from the Third Judge in Circuit in the Southern Division, transmitting the record of the Trial in Case No 7 of the Tinnevelly Calendar for the 2nd Sessions of 1842.—

/Here enter No 1122./

Mr Dickinson. and Mr F. M. Lewin.

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

Soobramanien

is sufficient to convict him of the crime of Wounding with intent to murder, 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, 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.—

/Sent following letter No 1097./ Read

Read the Criminal Repsts for the month of August last, forwarded by the Acting Criminal Judge of Cuddapah under date the 29th Ultimo.—

/Here enter F.M. No 1404./

Suppl. Repst Case No 116.

1. In this case, the Prisoners are charged with having attacked the 1st Prosecutor, blindfolded him, bound his arms to a tree, and robbed him of a vessel containing arrack valued at half a rupee; and also, with having at the same time and place, bound the 2nd Prosecutor, and robbed him of property valued at Rupees 1-4 One and Annas four.—

2. The Prisoners are sentenced to find security, but it is stated in the Report, that there is no evidence of any description against them other than their confession in the Talook of being members of a Gang of Robbers.—

3. The Court of Foujaree Udalut observe, that it has often been ruled by them that a mere confession before the Police unCorroborated by other evidence is insufficient to

to warrant the requisition of security. They direct that the attention of the Acting Criminal Judge be drawn to Tanjore Adalut Circular Order of the 9th February 1835 No. 30, and that he be desired to release the Prisoners or cancel the security bonds if any have been entered into.—

Report No. V
Case No. 122.

4. The Court of Tanjore Adalut seeing reason to doubt the propriety of the Acting Criminal Judge's decision in this case, direct that the Provincial Court in the Centre Division be called upon to look into it, and to pass such orders thereon as may appear necessary, reporting the result for the information of the Tanjore Adalut.—

Report No. V
Case No. 130.

5. The Court observe, that Justice does not appear to have been rendered in this case. If the injured woman refused to appear as Prosecutrix in the case, she should have been examined as a Witness.—

6. As security only has been taken from the Prisoner, the Court resolve to direct the Criminal Judge to rehear the case and to pass such orders thereon as he may

may think proper.—

Ordered, that copy of these Proceedings be forwarded to the Acting Criminal Judge of Cuddapah for his information and future guidance.—

(Sent in No. 1098)

Ordered also, that Extract from these proceedings (para: 4) be forwarded to the Provincial Court of Circuit in the Centre Division for their information.—

Eg N.J.

(Sent in No. 1099.)

Am

F.M.

Saturday 15th October 1842. At a Court of the Foujdaree Udalut.

Present,

H.D. — Henry Dickinson Esqre. — 1st. Puisne Judge,

M.L. — Malcolm Lewin Esqre. — Ag. 2d. Puisne Judge,

F.M.L. — F. M. Lewin Esqre. — Ag 3d. Puisne Judge.

Read Miscellaneous Petition presented on the 19th Ultimo by Ramatchee of the Zillah of Salem. —

Here enter F.M.M.P.No 93.

1. The Petitioner complains of the Sentence of two years imprisonment, passed by the Assistant Criminal Judge, upon her younger brother Marooden the 5th Prisoner in Cases Nos. 117 and 118 on the Salem Criminal Reports for the month of August last, and prays the Court of Foujdaree Udalut to order his release. —

2. The punishment complained against, was awarded to the Prisoner under the provisions of Clause Sixth Section II Regulation VII of 1822. —

3. The Court of Foujdaree Udalut are

are of opinion, that the Prisoner was clearly convicted of the crime of House breaking and theft, and see no grounds for their interference in the manner prayed for by Petitioner.—

They direct that the Petitioner be instructed to address the Provincial Court of Circuit in the Southern Division who have full authority to correct any error.—

Ordered that petition be perused and copy of these proceedings be furnished to the Petitioner on her application.—

Read Miscellaneous Petition presented on the 26th September 1842 by Aurooy of the Zillah of Combaconum complaining of the sentence passed by the Circuit Judge on her husband Appavoo Cadavorayen in Case No. 6 2nd Sessions of the Combaconum Court 1841 who having complained to the Tahsildar of the perpetration of a robbery in the house of his Brother in law, was himself maliciously accused and punished as a participator in the same. She therefore prays the Court of Sudder Udalut to call for and peruse the record of the case and to pass a decision accordingly.—

/Here Entr. M. P. No. 95 of 1842./

As

As the Court of Sudder Udalut see reason to doubt the correctness of the conviction in Case No. 6 of the 2nd Sessions on the Calendar of Combaconum for 1841 they determine to call for the record.—

Ordered that Extract from these proceedings be forwarded to the Acting 2nd Judge late on Circuit in the Southern Division for his information and guidance by precept returnable in 3 days. and copy be granted to the Petitioner on her application.

/Sent following precept No. 1103./

Read Miscellaneous Petition presented on the 26th Ultimo by Maucheredy Sashuppa and others of the Zillah of Cuddapah complaining of the sentence passed upon the Prisoners in Cases Nos. 16. 17. 18. 19 and 20 on the Cuddapah Calendar for the 2nd Sessions of 1841 by the Judge then on Circuit, and praying that the Court of Sudder Udalut will call up and peruse the records of the cases in question and order the release of the Prisoners.—

/Here Entr. M. P. No. 96 of 1842./

Read

15th October 1842.—

Read also Miscellaneous Petition presented on the 5th September by the same parties, on the same subject with the Tondiaree Modaliar proceedings thereon "refusing to interfere with the decision of the Circuit Judge."—

/Here Enter M. P. No. 89 of 1842./

The Court have already declared that the sentences against which the Petitioners Appeal are correct.—

The Court therefore refuse to interfere with them.—

Ordered that copy of the above proceedings be furnished to Petitioners on their application.—

Read Miscellaneous Petition presented on the 26th September by Caveepooraboo Vencatachellum.—

/Here enter M. P. No. 97 of 1842./

The above Petitioner complains of the treatment sustained by his relation Vencataramiah, late Assistant Translator in the Northern Provincial Court, who after giving full satisfaction to his employers, has been unjustly accused by his Enemies of

of bribery, and without being permitted by the Provincial Court to examine his accusers was committed to take his trial before the Joint Criminal Court of Ghuntoor— Petitioner therefore prays the Court of Tondiaree Modaliar to issue orders for the release of Vencatasamiah, on Bail, to call for the record of the case and pass a decision accordingly.—

The Court of Tondiaree Modaliar perceive no grounds for their interfering with the proceedings of the Provincial Court in the matter, and consequently dismiss the Petition.—

Ordered that copy of the above proceedings be furnished to the Petitioner on his application.—

Read Miscellaneous Petition presented by the Mooktyar Vakeel Soobbaroy Pillay on behalf of Vencatalutchmee, complaining of an order by the Magistrate and of the unjust and designing conduct of certain persons who have molested her by destroying her property and getting the Documents withheld which she requires to produce

produce in order to prove her rights, and pray-
-ing the Court of Sunjdaree Adalut to cancel the
Magistrate's order and to direct the restoration
of her property &c.a.—

/Here enter N. P. No.98 of 1842./

Read also Miscellaneous Petitions
presented by and for the same on the 31st January
and 30th June 1842 respectively complaining
of certain orders passed by the Provincial
Court Centre Division refusing to enquire into
the subject of petitions presented against
the summons decision of the Acting Assistant
Magistrate of Chinglepute.—

/Here enter N. P. Nos. 12 and 56 of 1842./

The Court of Sunjdaree Adalut
cannot receive any petitions from this indivi-
-dual as he is not only unable to do what
is required if any thing - but there is reason
to suspect he is not acting bonâ fide towards
his client - The 1st Petition ought not to
have been received as it was not presented
by a Vakeel nor by the party - a Mookhtyar
may act thro' a Vakeel - he may instruct a
Vakeel, but he cannot present a petition

to

to the Court direct in his own name - petition
dismissed.—

Ordered that copy of these
proceedings be furnished to the Petitioner's
Vakeel on his application.—

Edwd H.

Ahn

Wednesday,
19th October 1842.

No.

At a Court of the Toujdaree Udalut.

Present,

Henry Dickinson Esqre — 1st Puisne Judge
Malcolm Lewin Esqre — 2nd Puisne Judge
P. M. Lewin Esqre — 3rd Puisne Judge

Read letter dated the 3rd instant from the 3rd Judge then on Circuit in the Eastern Division, forwarding record of Trial in Case No 20 on the Cuddalore Calendar for the 4th Sessions of 1842.

(Hereinafter File No 1145.)

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

2nd Ambalavana Moodely
6th Jeyagarayen Puttoo
8th Moorty Raujah
9th Parea Sunnasawmy Padiachee
10th Kistna Padiachee
and
11th Sabapaty Padiachee

is sufficient to convict them of the crime of Rioting attended with serious loss of life, do

Convict

Mr. M. Lewin.
&
Mr. P. M. Lewin.

19th October 1842.- Convict them severally thereof; and under the provisions of Clause First, Section V. Regulation VIII of 1831, and Section III. Regulation III of 1831, 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 concurring in opinion that the Prisoners

1st Syanadharry

and

12th Carootta Pommapudiem

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 First Section V Regulation VIII of 1831, and Clause Sixth Section II Regulation XV of 1803, direct that they be set at Liberty.-

With reference to the 1st, 3rd, 4th, 5th and 7th Prisoners in this case, it is observed that they have already been sentenced in Case No 19 on the same Calendar to imprisonment with hard labor in irons for three years.-

Ordered, that copy of these proceedings be forwarded to the 3rd Judge of the Provincial Court of Circuit in the Centre

19th October 1842.- Centre Division for his information and guidance.

(Sent following letter No 1110.)

Read letter dated the 8th Instant from the 3rd Judge on Circuit in the Centre Division, forwarding the record of the Trial in case No 1 of the Cuddalore Supplemental Calendar for the 1st Sessions of 1842.-

(Here enter H.R. No 11444)

Mr M. Lewin.- Mr J. Mc: Lewin

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

Seetarama Padiachee

is sufficient to convict him of the crime of Rioting attended with serious loss of life, do convict him thereof; and under the provisions of Clause First Section V Regulation VIII of 1831, and Section III Regulation III 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 three years.-

(Sent following letter No 1111.)

Read

19th October 1842.

Read letter dated the 6th Instant from the 1st Judge of the Provincial Court of Circuit in the Centre Division, transmitting the Circuit Report prescribed by Section XXXVII Regulation VII of 1802 for the 1st Sessions of 1842.-

(Here enter No 1413.)

The above Report not appearing to call for any remark from the Court of Foujdaree Udalut.-

Ordered, that Extract from these proceedings, together with a copy of the above Report, be forwarded to the Acting Secretary to Government, for the purpose of being laid before the Most Honorable the Governor in Council.-

(Sent in No 1112.)

Wednesday 20th October 1842.

F. U.

At a Court of the Foujdaree Udalut.-

Present.-

Henry Dickinson Esqre — 1st Puisne Judge.
Malcolm Lewin Esqre — Ag 2nd Puisne Judge.
F. M. Lewin Esqre — Ag 3rd Puisne Judge.

Read letter dated the 6th Instant from the 3rd Judge on Circuit in the Centre Division, forwarding the record of the Trial in Case No 19 on the Cuddalore Calendar for the 1st Sessions of 1842.-

(Here enter F. U. No 1420.)

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 Pareatumbee Padeachy
2nd Ponnumbala Padeachy
3rd Chinnatumbee Padeachy
4th Naungoor Salabady Moodely
6th Durma Padeachy
12th Vytelinga Padeachy
20th Audevaraga Puttun
21st Ponnea Puttun
22nd Ponnumbala Padeachy
23rd Ponnumbala Padeachy son of Foottee Padeachy

41

41. Appoo Padeachy
42. Jadapovaday
43. Collaparadasy
46. Palane Ausary
47. Naga Pillay
48. Cantaichary
49. Jouecara Arreyapootrum
and
50. Alavaicara Soobbaroya Pillay.

is sufficient to convict them of the crimes of Rioting attended with serious loss of life, do severally convict them thereof; and under the provisions of Clause First Section V Regulation VIII of 1831, and Section III Regulation III of 1831, 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 further concurring in opinion that the Prisoner

5. Mootoveera Padeachy

is not convicted on presumptive proof, or on the evidence of credible witnesses, or on his own confession of the crime above stated, do acquit him accordingly, and under the provisions of Clause First Section V Regulation VIII of 1831, and Clause sixth Section II Regulation XV of 1803, direct that he

be set at liberty.-

(Sent following letter No. 1144)

Read the Criminal Report for the month of September 1842 forwarded by the Criminal Judge of Rajahmundry under date the 1st Instant.-

(Here enter Ltr. No. 1435.)

Report No V
Case No 39.- It does not appear from the statement of this case in the above Report, that the Prisoners were old offenders. The Court of Foujdaree Udalut therefore direct, that the stripes awarded to each by the Pundit Ludr Ameen be remitted.-

Case No 40. 2. The Court of Foujdaree Udalut consider the punishment awarded by the Criminal Judge to the 4th Prisoner in this case who is reported "but barely to have arrived "at maturity" to be very severe. They direct that the Provincial Court in the Northern Division be called upon to look into the case, and to pass such orders thereon as to them may appear proper, reporting the result for the information of the Court of Foujdaree Udalut.-

Ordered, that copy of these proceedings be forwarded to the Criminal Judge

20th October 1842 - Judge of Rajahmundry for his information and future guidance.-

(Sent in No. 1115)

Ordered also, that Extract from these proceedings (para: 2) be forwarded to the Northern Provincial Court for their information and guidance.-

(Sent in No. 1116.)

Read again Miscellaneous petition presented on the 11th July last by Three Davy Annah of the zillah of Malabar, praying for the release of her son the Prisoner in Case No 3 on the Cochin Calendar for the 1st Sessions of 1842.-

(Here enter Fl. M. D. No. 63)

Read again return dated the 6th September last from the 3rd Judge late on Circuit in the Western Division to the Foujdaree Udalut precept of the 8th August 1842 calling for the record of the trial in the abovementioned Case.-

(Here enter Fl. No. 1333)

Read also petition presented on the 5th Ultimo by Shree Davy Annah of the zillah of Malabar, containing a repetition of the prayer urged in her former petition No. 63 above

2.

Fl.

20th October 1842.- above stated.-

(Here enter Fl. M. P. No. 87)

Read also letter dated the 3rd Instant from the 3rd Judge late on Circuit in the Western Division forwarding the proceedings in Civil Suit No. 1132 of 1839 called for in the proceedings of the Foujdaree Udalut of the 26th Ultimo.-

(Here enter Fl. No. 1414.)

1. The Court of Foujdaree Udalut on mature consideration of all the papers connected with the abovementioned petitions, see no reason to doubt the propriety of the conviction of the Prisoner Chalanatah Okandah Menon in Case No 3 on the Cochin Calendar for the 1st Sessions of 1842.-

2. They therefore decline to interfere in the manner prayed for by the Petitioner, and direct that her petition be dismissed.-

Ordered accordingly and that copy of these proceedings be furnished to the Petitioner on her application.-

Ordered also that Extract from these proceedings be forwarded to the 3rd Judge late on Circuit in the Western Division for his

his information and guidance.-

(Sentence No 1117.)

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 1841, according to the forms approved by Government.-

(Here enter No 1 to 9.)

Village Police Statements Nos 1 and 2.-

2. Statement No 1, with the details in No 2, exhibits the number of persons summoned before the Village and District Police and the Magistracy, for Petty offences punishable by themselves, together with the number of acquittals and convictions, and the nature of the Punishments inflicted.-

3. The total number of Persons brought before the Village Police together with the number acquitted or convicted of petty offences as compared with the preceding half year, or from the 1st of January to the 30th June 1841,

1841, is as follows.-

	Persons summoned.	Persons acquitted after investigation	Persons acquitted without investigation upon Razeenamah &c.	Persons punished.
From 1st January to 30th June 1841.	7120.	1091	1579	4450
From 1st July to 31st December 1841.	8072	1526	1909	4738.-

4. Of the 4738 persons punished by the Village Police, 3745 were confined in the Village Choultry, and 993 in the Stocks.-

5. Complaints for Petty assaults or affrays constitute the great majority of the cases brought before the Village Police.-

6. Out of 8072 persons brought before them, 7223 were for petty assaults or affrays, and 849 for petty Theft; of the former 4008 were punished, of the latter 730.-

7. In the Districts of Masulipatam and Vizagapatam the Village Police do not appear to have exercised, in a single instance during the half year under review, their Judicial powers in petty Criminal cases.-

District Police.- 8. The total number of persons brought before the District Police from the 1st of July to 31st December 1841 for Petty offences punishable by themselves was 57758. there were also 939 persons whose cases were not disposed of at the date of the last report, making a total of 58697 persons

In

20th October 1842 - 9.

In the preceding half year the number of persons summoned and under examination before the District Police was 52359.-

10. Of the 55697 persons brought before the District Police during the half year under review 1964 were acquitted, against 385 of whom the charge was considered to be wilfully false and malicious, and 2240 were discharged upon a mutual settlement of their disputes or without investigation for default or other cause.-

11. The total number of persons convicted and punished by the District Police was 11672- without reference to the Magistracy and 1349 after reference to that authority making a total of 15925 and 987 are entered as under examination at the close of the report.-

12. Of the persons punished by the District Police 10915 were fined, 1688 confined in the Choultry with or without labor, 151 in the stocks, and 1167 were flogged by order of the Magistrate upon reference made to that authority under the provisions of Clause Second, Section IV Regulation IV of 1821.-

13 The sum remitted to the Magistrate on account of the 10915 persons fined by the District Police was Rupees (11291-3-1) eleven thousand two hundred

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20th October 1842 - Magistracy

hundred and ninety one, Annas three, and Pice one.-

14. Before the Magistracy there were brought for Petty offences, in the same period 4296 persons and 92 were also before them whose cases had not been disposed of at the close of the last report making a total of 4388, of whom 2039 were acquitted against 96 of whom the charge was considered wilfully false and malicious. 843 were discharged upon a mutual settlement of their differences, 1462 were convicted and punished 907 by fine, 480 by imprisonment, 75 by flogging, and 46 were under examination at the close of the report.-

15. During the half year under review 152 persons being Police Officers were charged with abuse of authority of whom 87 were acquitted, 64 punished, 57 by fine, 7 by imprisonment, and 1 was under examination.-

Crimes and Misdemeanors

No 3 and 4.

16 The Statements No 3 and 4 exhibit the operations of the District Police and Magistracy with respect to all crimes and misdemeanors not punishable by themselves, but by the higher tribunals.-

By

17. By the first of these Statements it appears that the number of crimes committed during the six months under review was 3565, in which 10383 persons are supposed to have been concerned; being 107 cases more than in the preceding six months.

18. Of the 10383 persons supposed to have been concerned in the cases ascertained to have occurred during the period under review, 4533 persons are supposed to have escaped apprehension, which is 1049 persons less than are supposed to have eluded apprehension during the previous six months.

19. 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 53rd para. of the despatch from the Honorable Courts of Directors, under date the 12th October 1831.

Northern Division.

Nellore.

20. The Report of the Joint Magistrate in charge of the District of Nellore contains some suggestions, in respect to the more adequate remuneration of the Village Police, which the Court of Foujdaree Udalut are desirous of bringing prominently to the notice of Government, in other respects

respects the Report does not appear to call for remark from the Court of Foujdaree Udalut.

21. The Court of Foujdaree Udalut are fully aware that the question of the remuneration of the Village Police generally has long been under the consideration of Government and the Board of Revenue, and that in some Districts financial difficulties have hitherto stood in the way of its satisfactory settlement.

Vide also Minutes of Consultation under date the 2nd June 1841.

22. But the Court of Foujdaree Udalut feel satisfied that much might be done in many Districts in view to placing the Village Police on a better footing without entailing expense on the State, and if the Board of Revenue have not sufficient time at their disposal to devote to a consideration of the matter, the vast importance of the subject would point to the expediency of an officer of experience being specially appointed for this purpose, independent of the Board of Revenue, to whom the whole subject might be entrusted. And the Court of Foujdaree Udalut take this occasion of suggesting that either the Board of Revenue, or this distinct authority, be called upon to prepare a Digest

of the nature referred to in para: 27 of the Minutes of Consultation under date the 21st March 1812.

23 Whenever suggestion for the amelioration and remuneration of the Village Police, or for the introduction of municipal improvements, have been offered to the Foujdaree Udalut by the European or Native Police Officers in the provinces, they have invariably been referred thro' Government for the consideration of the Board of Revenue, and on many occasions it will be found that such suggestions have led to the Local Officer being called upon to supply more detailed information, and to submit a Special Report on the subject direct to the Board of Revenue.

24. The Records therefore of that Office, rather than of the Foujdaree Udalut, would appear to contain memoranda from which such a "Digest" could be readily formed, and from the subject having been so repeatedly brought under the Special consideration of the Board of Revenue (the proper authority to dispose of such references) the Court of Foujdaree Udalut entertain no doubt that all the papers containing suggestions on this subject form a distinct record in the Office

P

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of the Board of Revenue, wherein to form such a Digest from opinions scattered thro' papers addressed at various periods to the Foujdaree Udalut would involve very considerable time and labor, without perhaps any satisfactory result; as the Board of Revenue must be in possession of Collected information on the subject embracing much more than the records of the Foujdaree Udalut contain.

25. In regard however to Nellore, the Government in para: 10 of their Minutes of Consultation of the 15th November 1836 apprized the Court of Foujdaree Udalut that the subject of the condition of the Village Police in that District would receive consideration when the reply from the Honorable Court of Directors on the subject of improving the Village Police in some other Districts had been received. What may have been finally determined, as respects Nellore in particular, has not been communicated to the Court of Foujdaree Udalut; but the suggestion, on this subject, offered by the Joint Magistrate, in the Police Report now under consideration, would not, it would appear, entail any additional expence on the Government

Government and the subject therefore might be referred for the early consideration and report of the Board of Revenue.-

26. Mr. Mathison thinks that improvement in the condition of the Village Police might be effected "in most of the Government "Villages without the grant of any new Maurium "land, by bestowing the lands now held as Inam "by the different Head Inhabitants in virtue of "that Office, upon the Village Moonsiff alone, and "in fact abolishing the Office of Head Inhabitant "as now constituted."- Mr. Mathison observes that "he has always found these individuals more ready "to impede than to afford assistance in the manage- "-ment of the Revenue business of their Villages, "and he considers that if the Mauriums now "enjoyed and shared amongst them in their Revenu "capacity, were united and granted to the Moonsiff "it would occasion no inconvenience in the Revenue "Department, while the efficiency of the Village "Police might be thereby materially improved. "This measure could only be carried into effect as "vacancies occur amongst the Pedda Caupoos from "lapses by death or by dismissal. The giving fresh "Mauriam lands in exchange for those now "deteriorated

"deteriorated or which have become unproductive is "a subject which calls for early consideration as "regards all Village Officers, but more especially "in the case of Village Moonsiffs and watchers."-

27. On the subject of the propriety and practicability of improving the condition of the Village watchers generally, the Court of Judicature Adalut took occasion to address the Government in their proceedings of the 30th June 1841 and to suggest that the matter be referred for the consideration of the Board of Revenue, whenever the orders of the Supreme Government may be received on the representation made to them by this Government under date the 9th March 1841, as to the necessity of extending to other Districts the arrangements lately introduced for improving the Police of the Tanjore Province.-

Vide Minutes of Consultation under date the 8th June 1841.-

Vizagapatam.- 28. The Principal Assistant to the Agent in the Vizagapatam District, then in charge of the Agency, states in para: 50 of his Report that the subject regarding the state of the Village "Police is one which in his opinion might be "investigated with a prospect of much advan- "-tage, but as the duties he is now performing "are only temporary, and preclude his giving the "time.

20th October 1842.- "time for engaging in a detail of the subject, he leaves
"it to the Judges to decide on the necessity or otherwise
"of such an enquiry."-

29. The Magistrate of Vizagapatam in
a return which accompanied Mr. Bailrau's Circuit
Report of the 11th February 1841, (laid before Govern-
-ment with the proceedings of the Foujdaree Udalut
of the 19th April 1841), stated that he had lately
submitted to Government, thro' the Board of Revenue,
a plan for remodelling the Village Police and the
Police establishment generally, and he added, that
if the proposition should be approved of, the Police
will be rendered generally much more efficient.-

30. The Court of Foujdaree Udalut are
not aware of the result of this reference to the Board
of Revenue and Government, but it will be observed
from the proceedings of the Foujdaree Udalut of the
30th August 1842, that the present Acting Agent in
the Vizagapatam District also proposes shortly to
address the Court of Foujdaree Udalut on the
subject of the actual condition, as regards emolu-
-ments of Office, of the Village functionaries in
the Vizagapatam District.-

31. The other reports from this Division
do not appear to call for remark from the Court
of

20th October 1842.- of Foujdaree Udalut.-

Centre Division 32. The Joint Magistrate of Cuddapah
Cuddapah. submits a satisfactory Report of the improved con-
-dition of the Police of that District.-

33. It will be satisfactory to the Most
Honorable the Governor in Council to know
that the two notorious leaders of the Gangs of
Robbers which lately infested the District of
Cuddapah and whose apprehension is alluded
to by the Joint Magistrate have been convicted
and sentenced to suffer death by being hanged
at the usual time and place of execution.-

x Robalasvo and Timmareddy.-

Bellary. 34. The trial of the persons concerned
in the murder of the late Surchasham of the Police
establishment of Bellary, referred to in para 18 of
the Magistrate's Report has been lately under the
consideration of the Court of Foujdaree Udalut,
and has resulted in the conviction and punishment
of the prisoners

1st Nadeya Gungadoo
2nd " Garidegaudoo
6th " Tonga Peddoregaudoo
and
15th " Inapa Yerroomurty

to transportation during the period of their na-
-tural lives. And the prisoners-

3rd

3rd Talary Chinnaw Vyedoo
5th Mylla Panjegaudoo
7th Coontemudda Boya Chongaudoo
8th Damadepullay Madegagungadoo
9th Dasireddy Fakeeroogadoo
11th Yakalee Ramoodoo
12th Yakalee Nangadoo
14th Boya Thumbhanoodoo

and

16th Doonna Nurregadoo alias Donnadoo

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

10th Cumsala Ramoodoo
13th Yanadee Ramoodoo
17th Cobbasoo alias Cobbegaudoo
18th Hydersaib
19th Boya Mullegaudoo
20th Chakalo Nagadoo
21st Madega Moonegaudoo

and

22nd Sanapa Venkatapah Venkatapah alias Venkatapah

to be severally required to find security for their good behaviour according as the Judge who presided at the trial may direct.

35. The question respecting the alteration in the Police establishment of Billiary referred to in para: 10 of the Magistrate's Report has been disposed of by Government in their Minutes of Consultation of

of the 4th January and 4th March 1842.

36. The subject described in para: 13 of the Magistrate's Report, Viz: the inams granted to the Kundachar and Cuttoobady Poons of the District, is matter for the consideration of the Board of Revenue.

Cuddalore

37 The only remarks that the Report of the Magistrate of South Arcot would appear to call for, is the suggestion made at the conclusion of his Report, that Act No. XXII of 1840, an act for the punishment of Vagrants, exposing also to offensive and disgusting exhibitions and practices, be extended to all the principal Towns in the interior.

38 The Court of Sudder Udalut however do not see the necessity of the measure. They have no doubt that the Law as it stands is sufficient to meet the evil.

North Arcot
Chittoor

39 The state of Police in the Northern Division of Arcot still continues very bad. The particular attention of the Magistrate of this District was called to this subject with reference to para: 8 of the Minutes of Consultation of the 21st March 1842, but no improvement appears to have taken place.

The

20th October 1842 -

40. The other reports of this Division do not appear to call for remarks -

Southern Division. 41. The Magistrate of Trichinopoly in para: 3 of his Report refers to the state of the Village Police in the Trichinopoly District. he states that his "sentiments upon the subject have "been so often expressed more particularly in his "several letters to the Board of Revenue upon the "subject of the reformation of the Police of the "Trichinopoly district, that it seems unnecessary "to repeat them here. he therefore simply contents "himself with observing that until the Police of "the district be placed on a better footing it is "out of the question to look for a great diminution "of crime - whether this is to be effected by remu- "-nerating Heads of Villages, or by increasing the "strength of the regular Police it will be for higher "authority to decide - it seems to him that unless "the Police force be considerably augmented all "attempts at reformation will fail - the multifa- "-rious duties now required of the inferior Police "servants are quite overwhelming" -

42 The systems of the Village Police and of the Village Watch in the District of Trichinopoly was particularly reviewed by the Court

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20th October 1842 Court of Fouzdaree Udalut in their proceedings of the 10th July 1834, the subject was also discussed in paras: 40 to 44 of the proceedings of the Fouj- -daree Udalut of the 27th December 1832 - it was again referred to in para: 58 of the Proceedings of the Fouzdaree Udalut of the 20th September 1838, and the discussion was renewed in para: 27 of the proceedings of the Fouzdaree Udalut of the 30th June 1841 -

43. It does not occur to the Judges that they can add any thing to the observations and suggestions already on record, but the matter appears urgently to require the attention of the Government -

Madura. 44. The Government cannot but be struck with the vast improvement that has been made in the operations of the Village Police in the District of Madura -

45. Improvement in this branch of the Police has been gradual ever since Mr. Blackburne's arrival in the District, and the success which his exertions have met with to induce these Officers to undertake their duty is strikingly exhibited in the statements annually submitted to Government -

H

46 It does not appear to be the province of the Court of Foujdaree Udalut to enter upon a consideration of the subjects discussed by Mr Blackburne in the 18th and 19th paras of his report.

47 Before the Court however close their remarks on Mr Blackburne's Report it may be proper to state, in reference to the remarks of the Magistrate in para 6 respecting the release of the prisoners committed to the Court of Circuit "on the triple charge of Murder perjury and resistance to legal authority," that on the review of the Calendar containing these cases the Court of Foujdaree Udalut saw no reason to question the propriety of the acquittal of the prisoners on the charge of Murder and the charge of Murder having failed of proof, the very basis on which the charge of Perjury was made to stand, the presiding Judge ordered the release of the parties under the Circular Order of the 26th November 1821, there being no sufficient grounds for proceeding to the trial of the case.—

48 The minor charge of resistance to legal authority was returned by the Circuit Judge to the Criminal Court, on the ground that the case was cognizable by the Magistrate under

under Regulation IX of 1816.—

Tinnevelly 49 The Magistrate of Tinnevelly refers to the valuable report of the late Mr J. Hall when in charge of that District, dated the 14th January 1839, as fully exhibiting the defects of the Police system of Tinnevelly, and the difficulties under its continuance which the Magistracy have to contend against, and the present Magistrate adds, that he would be only repeating his sentiments in language less concise and less forcible than that Gentleman has made use of, were he further to express his opinion of them. The remedy there suggested, Viz. the establishment of a good and active Village Police, whose interest it will be to serve the Government with fidelity, and by whom deprivation from Office would be dreaded, seems to the present Magistrate to be the object to be aimed at, and until some such remedy has been applied, the evils so frequently noticed in the annual reports of the Magistrates of this District will not be removed."—

50 This report by the late Mr J. Hall was submitted to Government by the Court

of

of Tongdaree Udalut under date the 17th of June 1830,
and in the Minutes of Consultation under date the
24th September 1830 the Board of Revenue were
instructed by the Government to take into consi-
-deration the plans proposed by Mr. Hall for
reforming the Police of that District.-

51. The subject of the necessity of
reforming the Village Police in the Provinces
has already been fully discussed by the Court
of Tongdaree Udalut in their proceedings noted
in the margin. The Judges are not aware that
it is in their power, on the present occasion, to
offer any further suggestions for the consideration
of Government and of the Board of Revenue,
but the Judges consider it their duty to bring
the subject again prominently to the notice
of Government and they would earnestly re-
-commend the adoption of Mr. Hall's suggestions,
which have been advocated by the present and
in fact by almost every Magistrate who has
since held charge of the District of Zillah.

17th June 1830
30th November 1831
27th December 1832
30th October 1833
13th May 1834
27th September 1834
24th December 1835
15th August 1836
1st November 1837
30th September 1838
5th February 1840.
20th December 1841.

Tanjore. 52. The Police report of the Acting
Magistrate of Tanjore does not call for remark
in these proceedings, but the Joint Magistrate
of the District in submitting the various reports
from

from the Heads of Police within the Sub Division
notices, "the very active and zealous discharge
"of his Police duties by Serrain Pillay the
"Head of Police of the Mayaveram Talook."
The Joint Magistrate "observes that during the
"whole of the years 1840 and 1841 there has not
"been a single offence committed within his
"Talook, the parties concerned in which have
"not been immediately apprehended and
"brought to justice."-

53. The Judges would recommend that
the conduct of the Head of Police may be notic-
-ed by the Government in such manner as
the Governor in Council may deem most app-
-ropriate.-

Salem. 54. The Magistrate of Salem reports
that for the purpose of stopping Gang Robberies
in that District he had formerly taken several
of the Gang Leaders into service as Peons, this
plan however he found objectionable and he
reports that he has now offered to the Corava
Leaders as much land as they are able to cul-
-tivate with their own ploughs under 50
Rupees a year at half peer sals, provided they
will secure the Talooks in which they are
located

located from the incursions of their gangs that they have consented to this agreement for the sanction of which the Magistrate requests the Courts recommendation to Government. The Magistrate adds it will not only relieve the District in a great measure from the fear of gang Robbery, but that it will tend to settle this wild and roving tribe to habits of honest industry.

55. The Court of Foujdaree Udalut are disposed to recommend the measure for sanction. Any arrangement which will bind these people to industrious habits and secure the inhabitants of the District from their depredations is worthy of being adopted. But the question as to the terms of the Cowles to be granted to these Coravars is perhaps more a matter for the consideration of the Revenue Board.

Coimbatore. 56. The Reports from the Magistrate and Joint Magistrate at Coimbatore do not appear to call for remark from the Court of Foujdaree Udalut.

Western Division Malabar. 57. The Reports of the Magistrate and Acting Joint Magistrate of Malabar, do not admit of much remark, but both officers record

record their opinion that on a comparison of the present with preceding years there has been a considerable decrease in crime more particularly in those of a heinous description.

Canara. 58. In the 15th and seven following paras: in his report the Magistrate of Canara has prominently brought to notice the increase of Crime in the Buntwal Talook, and the utter inadequacy of the present Police establishment for its prevention or detection.

59. The extent of this Talook is stated by the Magistrate to be not less than 1650 square miles and to be more intersected by Jungle and Hills than any other in lower Canara.

60. On the annexation "of lower "Coorg to Canara, the greater portion of that "Country was added," the Magistrate states, "to "Buntwal; and the Peishcar, who had been "previously stationed at Ooppinangady, was "removed to Pootoor, the most difficult part "of lower Coorg being placed under his jurisdic-"tion, in addition to seven out of the 12 Hoga-"-nies, comprising his former charge; the remain-"-ing five Hoganies, being transferred to the Tahsildars

20th October 1842 "Talukdars Division"

61. The Magistrate annexes a comparative Statement shewing the area of the several Talooks in Lower Canara, with the Police Superintendence in each, and the amount of land Revenue Vizt. in view to shew the great disproportion of Officers for the performance of the numerous duties which devolve on the Heads of Police, in Buntwal, compared with all the other Talooks, and the Magistrate adds that "since the removal of the Peishcar from "Dopinangady to Pootoor, the greater part of his "former charge, has been deprived of that protection from the Police which it formerly "received. The tract of country over which his "jurisdiction extends, is not less than 70 miles "in length; and from the nature of the country, "and the character of the people, the charge is "one of the most important, and responsible "in the whole Province."

62. The Court of Fouzdaree Udalut would beg to propose that this part of the Magistrate's Report be referred for the consideration of the Board of Revenue, the Court would at the same time record their opinion that the

S. U.

20th October 1842

the Magistrate has satisfactorily shewn the necessity for the extra number of Servants and Sadeerwaid proposed by him.-

63. In the 23 Para: of his Report the Magistrate calls attention to the expediency of increasing the strength and emoluments of the Village Police, and he adds that until there is something like an equalization of the responsibilities and the remuneration of these Officers it is in vain to expect from them either honesty or activity in the discharge of their duties.-

64. With reference to the remarks on this subject contained in a former part of these proceedings the Court of Fouzdaree Udalut abstain from farther agitating the subject in this place.-

65. The Additional Magistrate Mr. Lushington alludes in the 5th para: of his report to the additional security from attacks of Robbers which the traders passing thro' Baulghaut feel, in consequence of the improved line of Road made by Captain Congdon, and after stating that not a single instance of Highway Robbery has occurred, during the past year, in that

part

part of the Road which has already been made, he requests that sanction may be speedily obtained for the continuation of the repairs of the remainder of this very valuable line of Road.-

66. The Court of Foujdaree Udalut conclude that this subject has already engaged the attention of the Board of Revenue and of Government.

Criminal Courts

Nos 5 and 6.

67. Statement No 5 with the details in No 6 exhibits the operations of the Criminal Courts from the 1st July to 31st December 1841.

68. 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 1539 including 3117 prisoners.-

69. In the preceding half year the total number of cases was 1506, including 3330 prisoners, being an increase in the half year under review of 33 cases, but a decrease in the number of prisoners to the extent of 213.-

70. Of the cases brought, and depending before the Criminal Courts, 92 were cases of

of Murder, 16 of Culpable Homicide, 15 of Robbery and Murder, 101 of Gang robbery attended with aggravating circumstances, 22 of Gang Robbery without aggravating circumstances 12 of Robbery by a single individual, 20 of Housebreaking by day, 185 of Housebreaking by night, 265 of Theft, 70 of Receiving Stolen goods, 13 of Arson, 7 of Rape, 1 of Adultery, 5 of Procuring abortion, 48 of Forgery, 76 of Perjury, 10 of Subornation of Perjury or Forgery, 100 of maiming and wounding, 109 of a Breach of Revenue Laws 9th 10th

71. Of the 3117 persons brought before the Criminal Courts.-

72. In cases adjudicable by them.-

625 were released unconditionally

against 46 of whom the charge was considered wilfully false and malicious.-

25 were released on security

63. were detained on demand of security

987. were convicted and punished in cases cognizable by the Criminal Courts.-

73. In cases cognizable by the Court of Circuit.-

20th October 1842.

430 were released by the Criminal Courts
against 14 of whom the charge was considered wilfully false and malicious } in cases punishable by the Court of Circuit
43 were released on security
57 were detained on demand of security
773 were committed for trial
110 were under examination
2 died
2 admitted as approvers
3117

74. Of the 987 persons who were convicted and punished by the Criminal Courts
623 were imprisoned.
239 were fined
3 flogged
56 were imprisoned and fined
66 Imprisoned and flogged.
987

75. The number of persons convicted and punished by the Criminal Courts in the preceding half year was 954, the number committed was 701, and the number unconditionally released in cases either punishable by themselves, or the Courts of Circuit, was 1169.

76. In conformity to the instructions conveyed

P. C.
20th October 1842.

conveyed in para: 4 of the Minutes of Consultation under date the 24th October 1839 N° 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.

77 These reports shew that generally the Sudr Ameens have exercised their duties as Criminal Judges satisfactorily.

Courts of Circuit. Statements N°s 7 and 8.

78 The Statements N°s 7 and 8. exhibit the operations of the Courts of Circuit from 1st July to the 31st December 1841.

79. The cases of every description which came before those Courts during the six months under review were 307 including 702 persons being 32 persons more than were brought before the Courts of Circuit during the 1st half of the year 1841.

80. Of the 702 persons who were committed for trial, 187 were released unconditionally of whom 5 were considered to have been falsely and maliciously accused, 82 were released on security

security, and 252 were convicted and punished.-

81. Of these latter

16 were flogged and imprisoned for a term exceeding 7 years.

11 do do for a term not exceeding 7 years.

76 were imprisoned for 7 years and upwards without flogging

151 were imprisoned for 7 years and under without flogging.-

82. There were 72 cases including 147 prisoners referred to the Foujdaree Udalut, 8 cases containing 12 prisoners were postponed by the Court of Circuit; 10 prisoners were returned to the Criminal Courts to be disposed of by them; 1 prisoner was returned to the Criminal Court to be disposed of by them; 1 prisoner was returned to the Criminal Court in view to the charge against him being further investigated; 8 prisoners were discharged from the Bar and 3 prisoners were admitted as approvers.-

83. The greatest number of cases was brought before the Court of Circuit in the Southern Division Viz. 116, of which 24 cases were referred to the Foujdaree Udalut.-

84. In the Centre Division the number of cases was 86, of which 26 were referred to the Foujdaree Udalut.-

In

85. In the Western Division there were 59 cases of which 10 were referred, and in the Northern Division 46 cases, of which 12 were referred to the Foujdaree Udalut.-

86. Of the 72 Trials referred to the Foujdaree Udalut by the Circuit Courts, the Futwas delivered by their Law Officers, were concurred in by the Court of Circuit in 34 trials, but the nature of the offences made the trials of necessity referible, and 6 35 cases were referred because the Courts of Circuit did not approve of the Futwas of their Law Officers.-

Foujdaree Udalut

Statement N.9

87. Statement N.9 exhibits the operations of the Foujdaree Udalut during the 2d half of the year 1841.-

88 It shews that at the date of the last report, there were 7 cases including 26 prisoners, which had not been disposed of, and that there were received during the half year 52 Trials including 150 prisoners, making together 59 Trials and 176 prisoners, whereof 25 were Trials for Murder, 10 Cases of Robbery and Murder, 1 case of Murder and Wounding

1 case of Murder and Theft, 1 case of aiding and abetting in Murder, 1 case of Procuring abortion, 1 case of Kidnapping and selling kids for the purpose of being sacrificed, 5 cases of Gang Robbery, 3 cases of Gang Robbery and wounding, 1 case of a assault and wounding attended with Robbery, 1 case of Robbery by a single individual, 1 case of Robbery, wounding and pushing into a well, 1 case of Theft, 1 case of Sodomy, 3 cases of Rape, 2 cases of wounding and 1 case of a assault and wounding.—

89. Of the 89 Trials 55 were disposed of within the half year under review, leaving 4 undisposed of at the close of the report.—

90. Of the 55 cases containing 153 prisoners in which the Court of Foujdaree Udalut proceeded to Judgment.—

29 prisoners were released unconditionally } Of the 124 prisoners 3 were considered convicted by the Judge of Circuit
5 were ordered to be released on Security }
107 were convicted and sentenced to punishment — Of whom 5 were commuted by the Judge of Circuit
2 were Insane.—

153.

91. Of the 107 prisoners convicted

17

17 were sentenced to suffer death.
2 Flogged and Transported
28 Transported without Flogging
17 Imprisoned for more than 7 and not more than 14 years without flogging
3 Flogged and imprisoned for 7 years and under
38 Imprisoned for 7 years and under without flogging
2 Released with reprimand admonition.—
107

92. In conformity to the instructions contained in the 22nd para of the extract from the Minutes of Consultations under date the 8th of August 1834, the Judges beg leave to explain that out of the 23 cases referred to the Foujdaree Udalut, because the presiding Judge disapproved of the Futwa of the Law Officer, the decision of the Judge of Circuit was affirmed by the Foujdaree Udalut in 16 cases.—

93. The subjoined Statement exhibits the information required by the Honorable the Court of Directors in the 15th para of their General letter under date the 20th March 1833, as to the "number of "sentences passed by each Judge of the "Foujdaree Udalut whether sitting singly "or

or whether more than one Judge be present

	Singly	Conjointly	Attached to the Court
The Honorable Sir Bird Edgeworth Chief Judge			2
A.D. Campbell Esqre 1st Judge	5	42	During the whole period
H. Dickinson Esqre 2nd Judge	4	38	Do. Do.
G.T. Casamajor Esqre 3rd Judge	2	23	Do. Do.

94. A Statement also is appended shewing what number of referrible trials have actually been referred to the Foujdaree Adalut 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 33rd para: of the General letter from the Honorable the Court of Directors dated 20th of March 1833.

95. With reference to the instructions contained in para: 8 of the General letter from the Honorable the Court of Directors dated 19th February 1840, the Judges beg to submit the annexed Statements, shewing in what degree the Magistrates themselves discharged their Police duties, and how far it is delegated by them to their Constables.

96. Accompanying the Statements now submitted for the consideration of Government will be found Statements in abstract exhibiting

exhibiting the state of crime during the 2nd Half of 1841 in the separate tracts of the Vizagapatam and Ganjam Districts placed under the jurisdiction of the Government Agents.

Ordered, that Extract from these proceedings together with copies in triplicate of all Statements and Reports connected therewith be forwarded to the Acting Secretary to Government, for the purpose of being laid before the Most Honorable the Governor in Council.

(Sentence No. 1118.)

Read letter dated the 5th Instant from the 3rd Judge on Circuit in the Centre Division submitting the record of the Trial in Case No. 16 on the Cuddalore Calendar for the 1st Sessions of 1842.

(Here enter File No. 1119)

Mr. F. M. Lewis

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

1st Para: Andy

2nd Tillay

v.

or whether more than one Judge be present

	Singly	Conjointly	attached to the Court
The Honorable Stra. Bird Esqre Chief Judge	—	—	2
J. D. Campbell Esqre 1st Judge	3	—	42 During the whole period
St. Dickinson Esqre 2nd Judge	—	4	38 Do. Do.
G. Casamajor Esqre 3rd Judge	2	—	23 Do. Do.

9th. A Statement also is appended shewing what number of referible trials have actually been referred to the Foujdaree Adalut 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 33rd para. of the General letter from the Honorable the Court of Directors dated 20th of March 1833.

10th. With reference to the instructions contained in para. 8 of the General letter from the Honorable the Court of Directors dated 19th February 1840, the Judges beg to submit the two annexed Statements, shewing in what degree the Magistrates themselves discharged their Police duties, and how far each is delegated by them to their Peons &c.

11th. Accompanying the Statements now submitted for the consideration of Government will be found Statement No. 1 an abstract exhibiting

exhibiting the state of crime during the 2nd Half of 1841 in the separate tracts of the Vizagapatam and Ganjam Districts placed under the jurisdiction of the Government Agents.

Ordered, that Extracts from these proceedings together with copies in triplicate of all Statements and Reports connected therewith be forwarded to the Acting Secretary to Government, for the purpose of being laid before the Most Honorable the Governor in Council.

(Sentence No. 1118.)

Read letter dated the 5th Instant from the 3rd Judge on Circuit in the Centre Division submitting the record of the Trial in Case No. 16 on the Cuddalore Calendar for the 1st Sessions of 1842.

(Here enter File No. 1119)

Mr. F. M. Saveur

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

1. Para Indy
5. Tilly

a

20th October 1842.

11th Affiavoo.

12th Chinnapien

and

13th Sembada Pavaday.

is sufficient to convict them of the crime of Gang Robbery to convict them thereof; and under the provisions of Clause First Section V Regulation VIII of 1831, and Clauses Third and Fifth Section V Regulation XII of 1803, Sentence them severally 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.-

(Sent following letter No 119.)

Read letter dated the 8th April 1842 from the Provincial Court of Circuit in the Western Division, transmitting the Criminal Statements for the 2nd Half year 1841.-

(Here enter P.C. No 640.)

Read letter dated the 22nd June 1842 from the Provincial Court in the Northern Division, forwarding Criminal

P.C.

20th October 1842. Criminal Statements for the 2nd Half of 1841.-

(Here enter P.C. No 975.)

Read letter dated the 18th April 1842 from the Provincial Court in the Centre Division, forwarding half yearly Criminal Reports and printed Statements from the Magistrates and Criminal Judges for the last 6 months of 1841.-

(Here enter P.C. No 681.)

Read letter dated the 20th May 1842 from the Agent to the Governor of Fort Saint George at Ganjam, returning the Half Yearly Criminal Statement No 2 forwarded with Foujdaree Udalut letter dated the 10th Instant.-

(Here enter P.C. No 832.)

Read letter dated the 16th February 1842 from the Agent to the Governor of Fort Saint George at Ganjam, forwarding the Half yearly Statements of the operations of the Police within the Boundary Tracts of the

20th October 1842. the Ganjam District during the 2nd Half year of 1841.-

(Here enter F.No. 4341.)

Read letter dated the 4th February 1842 from the Acting Agent to the Governor of Fort Saint George at Vizagapatam, forwarding translations of the annual Reports of the Heads of Police under his jurisdiction for the year 1841.-

(Here enter F.No. 284.)

Read letter dated the 28th January 1842 from the Principal Assistant to the Governor's Agent in charge of the Vizagapatam District, forwarding Criminal Statements for the Half year ending the 31st December 1841 with observations.-

(Here enter F.No. 216.)

Read letter dated the 5th May 1842 from the Provincial Court in the Southern Division, transmitting the Criminal Statements for the 2nd Half year 1841.-

(Here enter F.No. 755.)

5 W. L.

Friday,
21st October 1842.

F.No.

At a Court of the Foujdaree Udalut.

Present.

Henry Dickinson Esqre — 1st Puisne Judge.
Malcolm Lewin Esqre — Ag. 2nd Puisne Judge.
F. M. Lewin Esqre — Ag. 3rd Puisne Judge.

Read letter dated the 3rd Instant from the 2nd Judge late presiding at the Court of Quarter Sessions in the Western Division, submitting the record of the Trial in case No. 1 on the Tellicherry Additional Calendar for the 3rd Quarter Sessions of 1842.-

(Here enter F.No. 4341.)

Mr. Dickinson and Mr. M. Lewin.

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 Chinayen
and
2nd Joollookaty Letchmee

are not convicted on presumptive proof, or on the evidence of credible witnesses, or on their own confession of the Crime of Culpable Homicide, do acquit them accordingly, and under the provisions of

21st October 1842.-

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

(Sent following letter No. 1120)

Read the Criminal Reports for the month of September 1842. submitted by the Acting Register in charge of the Auxiliary Court of Cochin under date the 8th Instant.-

(Here enter F.C. No. 1455.)

(Report No. V Case. No. 29.

The Court of Foujdaree Udalut observe that the sentence passed upon the Prisoner in this case is unnecessarily severe. They direct that the Prisoner be forthwith released, or if the fine should have been paid, that it be reduced to Rupees 10.-

Ordered, that copy of these proceedings be forwarded to the Acting Register in charge of the Auxiliary Court of Cochin for his information and future guidance.-

Ext'd

(Sent in No. 1121.)

Abn

F.C.

Monday 24th October 1842.

A Court of the Foujdaree Udalut

Present

Hon'ble Henry Dickinson Esqre. 1st Puisne Judge

Malcolm Lewin Esqre. Ag. 2d Puisne Judge

F. M. Lewin Esqre. Ag. 3d Puisne Judge

Read letter from the Provincial Court in the Western Division transmitting copy of a letter from the Acting Joint Magistrate of Canara submitting the question whether a Justice of the Peace is competent to take cognizance of claims for Debts not exceeding Fifty Rupees due from British Officers to Natives within the Company's Territories.—

(Here Enter No. 1411.)

The Court are of opinion that a Justice of the Peace has jurisdiction in cases within Fifty Rupees and deem it advisable that a copy of the Advocate General's opinion received with an order of Government under date 24th December

December 1841 be sent to the Magistrate of Canara for the information of the Acting Joint Magistrate.—

Ordered that Extract from these proceedings together with a copy of the Advocate Generals letter to the Secretary to Government dated 9th December 1841 together with the Government Order thereon dated 24th December 1841 be forwarded to the Provincial Court of Circuit in the Western Division for the purpose of being communicated to the Acting Joint Magistrate of Canara.—

/Sent in No. 1123./

Read the Criminal Reports for the month of September last submitted by the Acting Joint Criminal Judge of Malabar under date the 4th Instant.—

/Here enter F.H. No. 1431./

Supplemental Report-1.
Case No. 69.

The Court of Foujdaree Adalut are of opinion, that the sentence passed upon the Prisoner in this case is very severe— They doubt whether the Prisoner was in legal confinement at the time of his escape; and resolve to direct the Provincial Court

in the Western Division to look into the case, and to pass such orders thereon as may appear necessary, reporting the result for the information of the Court of Foujdaree Adalut.—

Ordered that copy of these Proceedings be forwarded to the Acting Joint Criminal Judge of Malabar for his information and guidance.—

/Sent in No. 1124/

Ordered also that copy of these proceedings be forwarded to the Provincial Court in the Western Division for their information and guidance.—

/Sent in No. 1125/

Read the Criminal Reports for the month of September last submitted by the Acting Principal Sudr Ameen of Honore under date the 7th Instant.—

/Here enter F.H. No. 1457./

Supplemental Report-1.
Case No. 36.

The Court of Foujdaree Adalut observe, that the punishment awarded to the Prisoner in this case who is charged with having aided and abetted in fraudulently making away with 32 Moodas of rice value at

24th October 1842.

at 56 Rupees the property of the Prosecutor, is far too lenient.—

Case No. 40. 2. The Court are of opinion, that this case which is one of family quarrel, ought not to have been sent up for trial.—

Report No. V Case No. 43. 3. The Prisoner in this case is stated to be an old offender. The Court of Foujdaree Udalut observe, that he ought to have been committed to take his trial before the Court of Circuit under Clause Second Section II Regulation VI of 1822.—

Ordered that copy of these proceedings be forwarded to the Acting Principal Sudr Ameen of Honore for his information and future guidance.—

Sent in No. 1126.

End 14.

F. C.

Tuesday 25th October 1842.

At a Court of the Foujdaree Udalut

Present,

Hy Henry Dickinson Esqre 1st Puisne Judge

Mal Malcolm Lewin Esqre Ag 2d Puisne Judge

FML F. M. Lewin Esqre Ag 3d Puisne Judge

Read the Criminal Reports for the month of September last forwarded by the Joint Criminal Judge of the Auxiliary Court at Vizagapatam under date the 1st Instant.—

[Here enter F. C. No. 1437.]

Report No. V Case No. 25. From the Statement of this case as it appears in the above Report, the Court of Foujdaree Udalut entertain no doubt of the guilt of the Prisoner. They direct that the Provincial Court be called upon to look into the case and report the result for the information of the Court of Foujdaree Udalut.

Ordered, that copy of these Proceedings be forwarded to the Joint Criminal Judge of the Auxiliary Court at Vizagapd.

Vizagapatam for his information and guidance.—

/Sent in No. 1129./

Ordered also, that a copy of these proceedings be forwarded to the Provincial Court in the Northern Division for their information and guidance.—

/Sent in No. 1130./

Read letter dated the 6th Instant from the Acting Agent to the Governor of Fort St. George at Vizagapatam, submitting the Criminal Reports for the month of September last.—

/Here enter No. 1443./

Read letter dated the 8th Instant from the Third Judge on Circuit in the Centre Division, transmitting copy of the Cuddapah Calendar for the 2nd Sessions of 1842.—

/Here enter No. 1446./

Read return dated the 8th Instant from the Acting Criminal Judge of Madura, to the precept of the Faujdaree Adalut of the 3rd Instant, on the review of the Criminal Reports for the month of

of August 1842.—

/Here enter No. 1450./

Read letter dated the 12th Instant from the Second Judge of the Provincial Court of Circuit in the Southern Division, submitting copy of the Tinnivelly 4th Supplemental Calendar for the 3rd Quarterly Sessions of 1842.—

/Here enter No. 1461./

Read letter dated the 11th Instant from the Second Judge of the Provincial Court of Circuit in the Southern Division, submitting copy of the Tinnivelly 5th Supplemental Calendar for the 3rd Quarterly Sessions of 1842.—

/Here enter No. 1469./

Read Statement dated the 30th Ultimo from the Criminal Judge of Chingleput, —"— —"— shewing the amount realized by the labor of the Prisoners in the Zillah of Chingleput for the 3rd Quarter of 1842.—

/Here enter No. 1474./

Read letter dated the 19th Instan

25th October 1842.-

Instant from the Acting Joint Criminal Judge of Ulunture, forwarding the Criminal Reports for the month of September 1842.-

/Here enter No. 1484./

Read return dated the 19th Instant from the Criminal Judge of Bellary, to the precept of the Tongdaree Udalut of the 14th October 1842, on the Criminal Reports for the month of August 1842.—

/Here enter No. 1489./

Ans.

F. U.

Wednesday, 26th October 1842.

At a Court of the Tongdaree Udalut.-

-Present-

H.D. — Henry Dickinson Esqre — 1st Puisne Judge.-

A.L. — Malcolm Lewin Esqre — 2nd Puisne Judge

J.M.L. — Fred: Mortimer Lewin Esqre 3rd Puisne Judge.-

Read letter from the Judge of Chittoor under date the 6th Instant forwarding copy of a communication from Lieutenant Robertson, Deputy Superintendent of Roads, reporting the escape of a convict from the Road Gang at Pungaporum.-

(Here enter F.D. No. 1485)

1. In their proceedings of the 23d of August last (No. 96) the Court of Foujdaree Udalut thought it necessary to call the notice of Government to the escape of 4 Convicts, and they regret being compelled, at so early a date, again to solicit the attention of Government to the subject.-

2. The Deputy Superintendent of Roads attributes the escape on this, as on the former occasion, to the connivance, or, at least to the

the negligence of the Ranjne and Peons; and as the Court of Fouzdaree Adalut entertain a similar opinion, they would respectfully recommend that Captain Worster should be directed to make a personal investigation as to the discipline observed amongst the guards, in order that, by a better arrangement or greater vigilance, these escapes, so injurious to the peace of the country, may be prevented for the future.-

Ordered, that a copy of the above proceedings with copy of the Deputy Superintendent of Roads' letter be forwarded to the Acting Secretary to Government, for the purpose of being laid before the Most Honorable the Governor in Council.-

(Sent in No. 1231.)

Read the Criminal Reports for the Month of September last forwarded by the Criminal Judge of Salem under date the 30th Ultimo.-

(Precis Fl. No. 1468)

Report No. V Cases Noted.-

The Court of Fouzdaree Adalut are of opinion, that this case requires further investigation.-

They

They direct that the Provincial Court be called upon to look into it, and to pass such orders thereon as may appear necessary, reporting the result for the information of the Court of Fouzdaree Adalut.-

Case No. 145.- 2. The Court observe, that the evidence in this case was sufficient for the conviction of the 1st Prisoner. He confessed before the Police that he committed the Robbery with which he was charged, and the stolen property was moreover found in his possession. The Criminal Judge is required to explain why the 1st Prisoner was not on these grounds convicted.-

Case No. 150.- 3. From the statement of this case in the Report, the Court see reason to believe the 1st Prisoner guilty of the charge preferred against him.- He does not satisfactorily account for the possession of the stolen property which he is stated to have mortgaged to the 2d Prisoner.-

4. The Provincial Court are required to look into the case, and to pass thereon such orders as they may deem proper, reporting the

result

26th October 1842.

result for the information of the Court of Sujdary Adalut.-

Case No. 155.- 5. The Court of Sujdaree Adalut observe, that the Criminal Judge erred in disposing of this case. The 1st Prisoner is stated to have been punished on a previous occasion for the crime of Burglary, and he is now convicted of a serious case of Housebreaking. The Prisoner ought to have been committed to take his trial before the Court of Circuit.-

Ordered, that copy of 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. 1132)

Ordered also, that Extract from these proceedings (Paras 1. 3. and 4. be forwarded to the Provincial Court in the Southern Division for their information and guidance.-

(Sent in No. 1133.)-

A.K.

F. 86.

Thursday 27th October 1842.

At a Court of the Sujdaree Adalut.-

Present

Henry Dickinson Esqre ——— 1st
Malcolm Lewin Esqre ——— No. 2d } Assist. Judges.
Fred: Mortimer Lewin Esqre — No. 3d

Read the Criminal Reports for the Month of September last, submitted by the Acting Criminal Judge of Nellore under date the 13th Instant.-

(Here enter F. 86. No. 464.)

The Prisoners in these two cases are the same.- The Court of Sujdaree Adalut observe, that for two cases of Housebreaking, the whole term of imprisonment sanctioned by Clause Sixth Section II Regulation VII of 822 should have been awarded to the Prisoners.-

Ordered, that copy of these Proceedings be forwarded to the acting Criminal Judge of Nellore for his information and guidance.-

(Sent in No. 1135.)-

A.K.

F. C.

Friday,
28th. October, 1842.

At a Court of the Sowdaree Udalut.

Present,

H. D. — Henry Dickinson Esqre. — 1st. Puisne Judge,

M. L. — Malcolm Lewin Esqre. — Act. 2d. Puisne Judge,

J. M. L. — J. M. Lewin Esqre. — Act. 3d. Puisne Judge,

Read letter from the joint criminal Judge of Malabar dated the 8th. Instant, requesting the Sanction of the Judges of the Sowdaree Udalut to offer a conditional pardon to Dharmadatarru Chey alias Kolatunkandy Potaan under the Provisions of Section XX. Regulation VIII of 1802.—

/Here enter F. C. No. 1152 of 1842/

Before coming to any decision on this application, the Judges would wish to have more detailed information regarding the case and accordingly resolve to direct the Joint Criminal Judge to forward to them without delay translations of such of the Papers as may appear to him to bear on the point of admitting an approver.—

Ordered

28th October 1842.

Ordered that Extract from these proceedings be forwarded to the Joint Criminal Judge of Malabar by precept returnable within five days from and after its receipt.

/Sent following precept No. 1136/

End. W.

F. W.

Monday, 31st October 1842.

At a Court of the Tonjdaree Udalut.

Present,

Henry Dickinson Esquire 1st Puisne Judge,
Malcolm Lewin Esquire 2d Puisne Judge,
Fredk. M. Lewin Esquire 3d Puisne Judge.

Read Miscellaneous Petition presented on 26th September last by Chinnah Reddy of Zillah Cuddapah, complaining of his younger Brother Yanna Reddy having been falsely accused of Murder and put upon his trial in No. 15. of the Cuddapah Calendar for 2nd Sessions of 1842. and praying, since the Case has been referred by the Circuit Judge, that the Court of Tonjdaree Udalut will, after a perusal of the record, order the release of Yanna Reddy.

/Here enter M. P. No. 100 of 1842/

The above Petitioner learns unaware of the Sentence passed by the Tonjdaree Udalut adjudging Yanna Reddy, 1st Prisoner in No. 15. on the Calendar for Cuddapah, to find Security for his good behaviour and appearance during 3. years.

Petitioner is referred to Proceedings of the Tonjdaree Udalut under date the 10th Instant

Instant.—

Petition dismissed.—

Read letter dated the 20th Instant from the 3d Judge on Circuit in the Centre Division submitting the record of trial in Case No. 22. of the Cuddalore Calendar for the 1st Sessions of 1842.

/Here enter No. 1501/

Mr. Wm. Lewin and Mr. J.W. Lewin

The Court of Foujdaree Udalut on a deliberate consideration of all the Circumstances of the case in Evidence before them, and in Concurrence with the opinion of 3d Judge on Circuit that the proof against the Prisoner

Ponnambala Pillay

is sufficient to convict him of the crime of aiding and abetting in creating riots, attended with loss of life and property, do, under Section III. Regulation III of 1831 Sentence him to be imprisoned, without labor and without irons, for the Space of three (3.) years.—

/Sent following letter No. 1189/

Read the Criminal Reports for the month of September last Submitted by the Acting Joint Criminal Judge at Cuddalore &c.

under

under date the 14th Instant.

/Here enter F.H. No. 1465/

Report No. V. Case No. 96. 1. The Court of Foujdaree Udalut direct the Acting Joint Criminal Judge to call for and Submit for their information, an explanation of the delay in forwarding this case to the Criminal Court.—

2. These Reports do not appear to call for any further remarks from the Court of Foujdaree Udalut.

Ordered that Copy of these Proceedings be forwarded to the Acting Joint Criminal Judge of Cuddalore for his information and guidance by precept returnable in 7. days from and after its receipt.—

/Sent following Precept No. 1150/

Read the September Criminal Reports transmitted by the Criminal Judge of Canara under date the 12th Instant.

/Here enter F.H. No. 1466/

Report No. V. Case No. 118. 1. The Prisoners in this case are charged with having at night entered the Prosecutors house by breaking the lock of his Kitchen door and stolen therefrom property valued at Rupees 170.2 (One hundred and Seventy and Annas two.—

The

3

2 The Court of Fouzdaree Udalut observe, that this being a case of Burglary, and Theft exceeding in amount the Sum of Rupees 100, should, under the provisions of Clause Second Section II. Regulation VII of 1822, have been committed to the Court of Circuit.

Ordered that Copy of these Proceedings be forwarded to the Criminal Judge of Canara for his information and future guidance.

/ Sent in No. 1141. /

Read the Criminal Report for the month of September last forwarded by the acting Joint Criminal Judge of Masulipatam under date the 14th Instant.

/ Here enter Ft. No. 1169 /

Report Nat. Case No. 32.

The Prisoner in this Case stands charged with the Offence of Robbery. He is stated in the Report to be an Old offender and to have been severely punished on two former occasions. The Court of Fouzdaree Udalut observe that under these circumstances the Prisoner should have been committed for trial before the Court of Circuit.

Ordered that Copy of these Proceedings be forwarded to the acting Joint Criminal Judge of Masulipatam for his information and future guidance.

/ Sent in No. 1142 /

Read

Ft 16.
31st October 1842.

Read Miscellaneous Petition presented on 26th September last by Singaraddy of Pillah Chingleput complaining of a fine of 50 Rupees, imposed upon him by the Circuit Judge, in consequence of his not attending the Court as a Witness on the day fixed for the Trial in No. 15. and praying, since his delay was the result of indisposition, that the Court of Fouzdaree Udalut will issue an order directing the remission of the fine.

/ Here enter Ft. Petn No. 99. of 1842 /

In the above petition it is stated that the Petitioner was prevented attending the Circuit Court by Sickness and that the plea has not been inquired into, the fine at the same time is so heavy that the Court of Fouzdaree Udalut determine to call upon the Circuit Judge for explanations of the Circumstances under which fines were imposed.

Ordered that Extract of these proceedings be forwarded to the 3d Judge on Circuit in the Centre Division by Precept returnable in 5 days from and after its receipt.

/ Sent following Precept No. 1143. /

Read

Read letter from the Provincial Court of Circuit in the Southern Division under date 18th Instant submitting copy of an Extract from their proceedings of the 18th October held on Case No. 82 of the Supplemental Calendar of the Zillah of Jaffna for the month of July last.

/ Appendix F.H. No. 1487. /

1. The Provincial Court observe that "the witnesses for the prosecution are not very consistent in their Evidence as to the Prosecutors and "Veroomala Gounden's proprietary right in the "Mare and Foal charged to have been Stolen, but "there seems no reason to doubt the fact, nor is "there any dispute as to the 1st Prisoner having "sold them - he might consequently to have been "punished, and the Demand for Security being illegal "on Conviction, they resolve to order the Zillah Judge "to quash the Sudr Ameen's Sentence and Release "the Prisoner".-

2. The Court of Fouzdaree Udalut consider that the Provincial Court were wrong in quashing the order of Security as there was no Conviction in the Case.-

3. The Sudr Ameen ought to be warned against such errors for the future, as

as he must have known that Yanna Ghalib was a Conviction on presumptive Evidence, or he was very ignorant of the Mahomedan Law.-

Ordered that Copy of above proceedings be forwarded to the Provincial Court in the Southern Division for their information and future guidance.-

/ Sent in No. 1144 /

End 7th

Abn

Tuesday
1st November 1842

At a Court of the Fouzdaree Udalut

Present

H.D. — Henry Dickinson Esqre — 1st Puisne Judge,

M.L. — Malcolm Lewin Esqre — Actg 2d Puisne Judge,

J.M.L. — J. Mc. Lewin Esqre — Actg 3d Puisne Judge,

Suspl. Report
Cases Nos 62 & 63.

Read the Criminal Reports for the Month of September last forwarded by the Joint Criminal Judge of Trichinopoly under date the 1st Octo 42.

[Here enter F.H. No 1462 of 1842]

1 The Court of Fouzdaree Udalut resolve to call upon the Provincial Court for the Southern Division to look into these cases, and to pass such orders thereon as may appear necessary, reporting the result for the information of the Fouzdaree Udalut.

2 The First Prisoner appears from the Report to be an old offender, and ought to have been committed under Clause Second Section II Regulation VII of 1822.

3 Moreover if it was "proved" that the

1st November 1842.

that the 2d and 3d Prisoners were in their respective dwellings on the night on which the Burglaries with which they are charged, took place, the reasons for "strong suspicion" against them are not clear.—

Report No. V
Case No. 67.

4. The delay in the disposal of this case is reported to have arisen in consequence of a Statement, which it was thought necessary to request the Magistrate of Malabar, to take from an important witness in the case who was at Cannanore, and unable from illness to attend before the Joint Criminal Court at Trichinopoly, not having been received.—

5 With reference to this explanation the Court of Sunjdaree Adalut observe, that in a Criminal Trial, the Prisoners and Witnesses must be confronted.—

Case No. 71.

6. The Court observe, that the Joint Criminal Judge has omitted to state in the Report, under what Regulation the sentence of "12 Months hard labor in irons" has been awarded by him to the Prisoners in this case.—

Case No. 75.

7 The Court see no evidence in this

1st November 1842.

this case as set forth in the Report, to warrant a requisition of security from the Prisoner.—

8 They direct that the security bonds be cancelled.—

Case No. 77.

9 The Court of Sunjdaree Adalut are of opinion, that considering the gross nature of the assault in this case, and the frequent occurrence of this offence, as appears from the Calendar, the punishment awarded to the Prisoner was quite inadequate.

Ordered that a copy of these Proceedings be forwarded to the Joint Criminal Judge of Trichinopoly for his information and guidance.—

/Sent in No. 1145/

Ordered also that Extract from paras 1 to 3 of these proceedings be sent to the Provincial Court in the Southern Division for their information and guidance

/Sent in No. 1146/

Read letter dated the 11th Ultimo from the Principal Sudr Ameen at Tellicherry forwarding the Criminal Reports for the Month of September 1842.—

/Have entered F. R. No. 1503 of 1842/

Read

1st November 1842

Read letter dated the 24th Ultimo from the 1st Judge of the Court of Circuit in the Western Division, reporting the execution of the Sentence of death passed on Manialapa-rambatar Cotwapen, Prisoner in Case No. 1 on the Calicut Additional Calendar 2d Sessions 1842, and forwarding the death warrant and copy of the letter from the Acting Criminal Judge of Malabar.

/Sent enter F. D. No. 1507 of 1842./

Read letter dated the 26th Ultimo from the 1st Judge of the Provincial Court of Circuit in the Southern Division, transmitting copy of the Trichinopoly Calendar for the 4th Quarterly Sessions of 1842.

/Sent enter F. D. No. 1510 of 1842./

Read letter dated the 24th Ultimo from the Provincial Court of Circuit in the Western Division, transmitting the statements received from the Criminal Judge of Canara and the Acting Criminal Judge of Malabar shewing the amount realized by the labor of the Prisoners in the 3d Quarter of 1842.

/Sent enter F. D. No. 1512 of 1842./

Exd FK

L. A.

Wednesday 2d November 1842

At a Court of the Sudder Adalut

Present

Henry Dickinson Esqre 1st Puisne Judge

Malcolm Lewin Esqre Actg 2d Puisne Judge

J. M. Lewin Esqre — Actg 3d Puisne Judge

Read the September Criminal Reports forwarded by the Acting Criminal Judge of Malabar under date the 7th Ultimo.

/Recorded F. D. No. 1637./

Report No. 1. Case No. 157

The Prisoner Narroo[illegible] is reported to have been punished on two former occasions, and the Court of Sudder Adalut observe, that the punishment awarded to him in the present case by the Sudr Ameen Moofsee is very inadequate. The Clause and Section of the Regulation under which he is sentenced are not applicable to his offence which is Housebreaking & he ought to have been committed under

under Clause second Section II Regulation
XI of 1822.—

Case No 161. 2. The Court observe, that
this case has been erroneously disposed
of by the Sitting Criminal Judge. The
Statement set forth in the Report,
shows that the conviction of the Prisoner
was complete.—

Case No 162. 3. The Provincial Court in the
Western Division are directed to look
into this case, and to pass such orders
thereon as may appear necessary,
reporting the result for the information
of the Court of Sessions Udalut.—

4. The case appears to have
been improperly disposed of by the
Acting Criminal Judge, and the
punishment awarded by him to the
Prisoner, is in the opinion of the Court
of Sessions Udalut wholly inadequate
to his offence.—

In Case No 167 5. In this case also the Court
are constrained to remark the inadequacy

of the sentence awarded by the Acting
Criminal Judge, to the offence
committed by the Prisoner.—

6. The Court would also
notice the absence of just proportion
and distinction in the sentences of the
Acting Criminal Judge; thus in
Case No 167 a night breaking is
punished with only three months im-
prisonment, while in No 169 a theft
of a few Areca Nuts is punished with
two months imprisonment.—

Ordered, that a copy of these
Proceedings be forwarded to the Acting
Criminal Judge of Malabar for his
information and future guidance.—

(Sent in No 1150)

Ordered also that Extract
from Paras: 3 and 4 be forwarded
to the Provincial Court in the Western
Division for their information and
guidance.—

(Sent in No 1151)

minded Clause Second Section II Regulation
VII of 1822.

Case No 161. 2. The Court observe, that this case has been erroneously disposed of by the late Rameen Moosliar. The Statement set forth in the Report, shows that the conviction of the Prisoner was complete.

Case No 162. 3. The Provincial Court in the Western Division are directed to look into this case, and to pass such orders thereon as may appear necessary, reporting the result for the information of the Court of Sunjdaree Udalut.

4. The case appears to have been improperly disposed of by the Acting Criminal Judge, and the punishment awarded by him to the Prisoner, is in the opinion of the Court of Sunjdaree Udalut wholly inadequate to his offence.

Case No 167. 5. In this case also the Court are constrained to remark the inadequacy of

of the sentence awarded by the Acting Criminal Judge, to the offence committed by the Prisoner.

6. The Court would also noticed the absence of just proportion and distinction in the sentences of the Acting Criminal Judge; thus in Case No 167 a night breaking is punished with only three Months imprisonment, while in No 169 a theft of a few Areca Nuts is punished with two months imprisonment.

Ordered, that Copy of these Proceedings be forwarded to the Acting Criminal Judge of Malabar for his information and future guidance.

(Sent in No 1150)

Ordered also that Extract from Paras: 3 and 4 be forwarded to the Provincial Court in the Western Division for their information and guidance.

(Sent in No 1151)

Friday
4th November 1842.

At a Court of the Sudder Adalut.

Present,

Henry Dickinson Esqre — 1st Puisne Judge
Malcolm Lewin Esqre Actg — 2d Puisne Judge
J. M. Lewin Esqre — Actg 3d Puisne Judge

Read letter dated the 22d ult
from the 1st Judge late on Circuit
in the Southern Division submitting the
English translation of the record of the
Trial in Case No 8 on the Combaconum
Supplemental Calendar for the 1st Sessions of 1842

/Here enter F. C. No 1497 of 1842/

In consideration of all the
circumstances connected with this case, the
Court of Sudder Adalut are of opinion,
that the prisoner

Letchmee Ummaul

has already undergone sufficient punish-
ment for the crime of Perjury of which
she was convicted, and therefore resolve to
direct that she be forthwith set at
liberty -

Ordered that copy of these
proceedings be forwarded to the 1st Judge
late

4th November 1842

late on Circuit in the Southern Division for his information and guidance.

/Sent in No. 1154./

Read the Bellary Criminal Reports for the Month of September last, transmitted by the Criminal Judge under date the 17th Ultimo.

/Here enter F.D. No. 1482 of 1842./

Suffl. Report. Case No. 169.

1 The Court of Sunjdaree Udalut are of opinion, that there was sufficient evidence for the conviction of the prisoner in this case. They accordingly direct, that he be re-apprehended and committed for trial before the Court of Circuit.

Case No. 28

2. The Criminal Judge is required to call for, and submit for the information of the Court of Sunjdaree Udalut, a more satisfactory explanation, than has been set forth in the Report, of the delay in the disposal of this case.

Report No. V Case No. 169.

3. The Court seeing reason to doubt the correctness of the Moofty's decision in this case, resolve to direct the Criminal Judge to look into the case, and to pass the requisite orders thereon.

With

4th November 1842

Case No. 170

4. With reference to this case the Court observe, that it has been ruled, that all charges sent up to a Criminal Court must be investigated.

5. It is stated in the Report that the Prisoner confessed that he cut his wife's ears off. The Court therefore direct that he be re-apprehended and that all witnesses to the charge be examined.

6. They further order that the Government Vakeel be called upon to prosecute in the case, in the event of the Parents of the deceased refusing to do so, and that if the evidence of the Parents should be considered indispensable they may be examined as witnesses.

Cases Nos. 177 & 178.

7 The Court of Sunjdaree Udalut observe, that the charge preferred against the Prisoner "Bheemah" in the latter case No. 178 is so badly worded that it is difficult to comprehend what the exact nature of the charge is.

8. They are of opinion, that both these cases have been wrongly disposed of by the Moofty, and direct the

Criminal

4th November 1842

Criminal Judge of Bellary to look into them, and to pass such orders thereon as may appear to him proper, reporting the result for the information of the Court of Sunjdarce Udalut.—

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

/Sent following precept No. 1155/

Read the Chittoor Criminal Reports for the Month of September last forwarded by the Criminal Judge under date the 18th instant.—

/Circular F.H. No. 1475 of 1842/

Suppl. Report Case No. 93. 1 The Court of Sunjdarce Udalut observe, that the delay in the disposal of this case is excessive, and has not been satisfactorily accounted for.—

Case No. 101 2. The 1st Prisoner in this case is charged with having murdered a young girl aged 4 years by cutting her throat with a vegetable cutter, and the remaining three

2

F.H.

4th November 1842

three Prisoners are charged with being accessary, after the fact, to the 1st Prisoner in concealing it from the Notice of the Circar, and in clandestinely burying the body of the murdered girl.—

3. It is stated in the Report, that the 1st Prisoner committed the Act of Violence when not in his right mind, and is therefore acquitted, and that none of the other prisoners being convicted of guilty connexion are all likewise acquitted.—

4. With regard to the 1st prisoner, it does not appear from the Report, that he was examined by the Medical Officer as to the State of his mind, previous to his acquittal.—

5 The Court of Sunjdarce Udalut would draw the attention of the Criminal Judge to their Circular Order of the 1st June 1829, and resolve to direct that all the prisoners in the case, be committed for trial before the Court of Circuit.—

Report No. V Case No. 127. 6 The Court of Sunjdarce Udalut observe, that if the Criminal Judge were satisfied that the prisoner in this case

tasted

broken into the Prosecutor's house, he should have awarded a more severe punishment— They would further remark that the case, as appears in the Report, was examined by the Pundit Sudr Ameen in a careless and unsatisfactory manner.

Cases Nos 139, 140 & 141

The Prisoner Shaik Moosajaw is charged in case No. 139 with the crime of Burglary; and with having stolen property to a small amount, from the houses of the Prosecutors in the subsequent cases No. 140 and 141.—

8 He is convicted in all three cases, and sentenced by the Pundit Sudr Ameen to 12 months imprisonment.—

9 The Court of Foujdaree Udalut are of opinion, that this is a very inadequate punishment.—

Ordered that copy of these proceedings be forwarded to the Criminal Judge of Chittoor for his information and future guidance.—

/Sent in No. 1156/

Read the Madura Criminal Reports

Reports for the month of September last submitted by the Acting Criminal Judge under date the 30th September 1842

/Here enter F.R. No. 1496 of 1842/

These Reports do not appear to call for any remarks from the Court of Foujdaree Udalut.—

Ordered that copy of these proceedings be forwarded to the Criminal Judge of Madura for his information and guidance.—

/Sent in No. 1157/

Read the Criminal Reports for the month of September last forwarded by the Acting Criminal Judge of Combaconum under date the 24th Ultimo.

/Here enter F.R. No. 1504 of 1842/

The above Reports do not call for any remarks from the Court of Foujdaree Udalut.—

Ordered that copy of these proceedings be forwarded to the Acting Criminal Judge of Combaconum for his information and guidance.—

/Sent in No. 1158/ Read

4th November 1842.

Read return from the 3d Judge late on Circuit in the Southern Division in obedience to the precept of the Tongdaree Udalut of the 15th Ultimo calling for an English translation of the record in Case No. 6 on the Combaconum Calendar for the 2d Sessions of 1841—

/Here enter F.H. No. 1506 of 1842/

Before passing orders in this case the Court of Tongdaree Udalut desire to see the Original complaint preferred by the Prosecutor to the Police Officer, and the Police record, together with any other proceedings affecting this prisoner—

Ordered that Extract of these proceedings be forwarded to the 3d Judge late on Circuit in the Southern Division for his information and guidance.

/Sent in No. 1159/

Read letter from the 3d Judge on Circuit in the Southern Division transmitting copy of the Tinnevelly Calendar for the 2d Sessions of 1842, together with translations of the Futwahs—

/Here enter F.H. No. 1479 of 1842/

The

3/ F.H.

4th November 1842.

Case No. 1 1 The Court of Tongdaree Udalut concur with the Circuit Judge in the acquittal of the Prisoner Soobramanyapilla from the charge of perjury, and as the examination referred to the contumacy of the Prisoner before the Moosoondar, he certainly ought not to have been put on his oath by the Head Assistant Magistrate— the Court consider, in consequence, that this and the *2 following cases were improperly committed, and they direct that their sentiments may be conveyed to the Officiating Assistant Judge and Assistant Magistrate.

*viz. Nos. 2 & 3.

Case No. 8. 2 In this case the prisoner Ramien alias Balasoondara, alias Mahadavien pleads guilty to the charge of wilful perjury— but, in consideration of the particular circumstances recorded by the Circuit Judge, the Court of Tongdaree Udalut under Clause 2d Section III Regulation I of 1825 sanction the mitigation of punishment to one year's imprisonment without irons—

Ordered, that copy of the above

4th November 1842

above proceedings be forwarded to the 3d Judge on Circuit in the Southern Division for his information and guidance.-

/Sent in No. 1160/

Read letter from the 2d Judge of the Provincial Court in the Centre Division dated 11th Ultimo forwarding copy of the Chittoor Calendar for the 3d Quarterly Sessions of 1842 together with translations of Futwas.-

/Vide enter Fll. No. 1453 of 1842/

Case No 1

1 In this case the Prisoner Vencatareddy alias Venkata Sawmy on his arraignment before the Criminal Judge, as well as before the Criminal Court and Head of Police, pleaded guilty to the charge of having "on the night of the 6th "July 1842 set fire to the roof of the Prosecutor's house"- The futwah of the Law Officer finds the Prisoner guilty of Arson and considers him liable to Corporal the Circuit Judge concurs in this opinion and under Clause 7th Section II Regulation XV of 1803 sentenced him to 3 years imprisonment with hard labor in irons and to receive 50 stripes with

a

4th November 1842

a cat-o-nine-tails.-

2 The Court of Sowdaree Adalut point out to the Circuit Judge that, all the circumstances considered, they deem the above punishment unwarrantably lenient.

Case No 6 3 The Prisoners in this case

1st Vencatachurry

2d Ramgaunmah

3d Gopalacharrier

plead not guilty to the charge of having at 12 o'Clock A. M. on the 4th March 1840 entered the house of the 1st Prosecutrix and stolen therefrom certain property.-

4 The Futwah convicts 1st and 2d Prisoners of Circumstantial or theft on strong presumptive proof, and acquits the 3d Prisoner- in which conviction the Circuit Judge concurs; but, in consideration of their long detention, previous good character and small amount of property stolen recommends, according to Clause 2d Section III Regulation I of 1825 that 1st and 2d Prisoners be sentenced to two years imprisonment each, the 1st Prisoner with hard labor in irons and

2d

4th November 1842.

2d Prisoner with labor suitable to her sex — and without irons.

5. For the reasons mentioned by the Circuit Judge the Foujdaree Udalut under Clause I Section III Regulation I of 1825 sanctions the proposed mitigation.—

Case No. 8

6 The prisoner in this case,

Sellaman

pleads not guilty to the charge of having on the night of the 20th August 1842 stolen a box from the house of the Prosecutor containing cash and ornaments to a considerable amount.—

7 In the 2d Futwah the Law Officer convicts the Prisoner of theft and declares him liable to Ta'zeer but, barring Hud, in consequence of the property not having been deposited in a place of safety.—

8. The Circuit Judge agrees in the opinion and consequently sentences the Prisoner, under the provisions of Clause 1st Section V Regulation XV of 1803 to four years imprisonment with hard labor in irons.—

9. The Court of Foujdaree Udalut observe

4/ No.

4th November 1842

observe that another question ought to have been put to the Law Officer viz. "If the "scrupulous objection in consequence of the "property not having been deposited in a "place of safety had not barred Hud, to — "what punishment would the prisoners have "been liable"

10. The punishment awarded in this case is wrong, the punishment for theft is 7 years imprisonment and the Circuit Judge might have recommended a mitigation but, considering the amount of property stolen the Court think that the full measure should be awarded, and consequently direct that the sentence be amended and the Prisoner sentenced to 7 years imprisonment with hard labor in irons under the provisions of Section V Clause I Regulation XV of 1803.

Case No. 9

11 The prisoners, viz.

1st Cottapullah Vurdaraddy

2d Cumsala Roodrodoo

and 6 others deny the charge of having the first in the evening of 21st July 1842 knocked down

4th November 1862

down and assaulted the Prosecutor and do there and do there robbed him by open violence of property valued 20 Rupees - the 2d Prisoner with having received the money, knowing it to be stolen, and the others in having resisted the 1st witness and others when they went to apprehend the 1st and 2d Prisoners -

12. The Futwah convicts the 1st Prisoner as the principal - the 2d as an immediate accessary after the fact, and acquits the 3d 4th 5th 6th 7th and 8th

13. The Circuit Judge concurs with the Futwah and, in consideration of the indifference of 1st Prisoner's previous character sentences him to 14 years imprisonment under Clause 3d Section IV Regulation XV of 1803 - and recommends the 2d Prisoner to a mitigated sentence -

14 The Sunjdaree Udalut before passing an opinion desire that the record in the trial may be forwarded for their consideration.

Case No. 10. 15. The Court of Sunjdaree Udalut determine to call upon the Circuit Judge to lay

4th November 1862

lay the record of this case likewise before them -

Ordered that Extract from these proceedings be forwarded to the 2d Judge of the Provincial Court in the Centre Division for his information and guidance -

/Sent in No. 1167/

Read the Criminal Reports submitted by the Joint Criminal Judge of Coimbatore for the months of September 1862. under date the 30th September 1862 -

/Here enter F.H. No. 1458 of 1862/

Read letter dated the 18th Ultimo from the Provincial Court of Circuit in the Southern Division, submitting a copy of an Extract from their Proceedings under date 18th Ultimo held on Case No. 41 of the Tinnevelly Criminal Reports for the month of July last -

/Here enter F.H. No. 1480 of 1862/

Read letter dated the 26th Ultimo from the 3d Judge on Circuit in the Southern Division, transmitting the Original Warrant with Copies of two letters received

4th November 1842

received from the Criminal Judge of Madura regarding the Execution of the prisoner Chinnaw in C. No. 11 Madura Calendar 2d Sessions of 1842.

/Here enter P.C. No. 1513 of 1842./

Read Statement dated the 1st Ultimo from the Criminal Judge of Salem of the amount realized by the labor of the Prisoners in the 3d Quarter of 1842.

/Here enter P.C. No. 1514 of 1842/

Read letter dated the 1st Ultimo from the Chief Magistrate and Superintendant of Police at Madras, transmitting the Report of cases tried under Act XXII of 1837 in the month of September 1842.

Ent'd H.

/Here enter P.C. No. 1516 of 1842/

Abr

Saturday 5th November 1842

P.C.

At a Court of the Foujdaree Adalut

Present

Henry Dickinson Esqr 1st Puisne Judge

Malcolm Lewin Esqr Actg 2d Puisne Judge

J. Mc Leroin Esqr —— Actg 3d Puisne Judge

Read the Cuddapah Criminal Reports forwarded by the Acting Criminal Judge under date the 19th Ultimo

/Here enter P.C. No. 1483/

Supplemental Report Case No. 147

The Court of Foujdaree Adalut observe, that there is nothing in the Report to prove the Commission of the Crime with which the Prisoners in this case are charged—

They direct therefore that the sentence passed upon the Prisoners by the Punchayet Ludr Vencatachellum be suspended, and that the Provincial Court be called upon to look into the Case and to pass such orders thereon as they may deem

decree proper, reporting the result for the information of the Court of Sunjdaree Udalut.

Report No. V
Case No. 153. 3 From the nature of the evidence in this Case, the Court are disposed to think the Prisoner guilty of the crime of Burglary. They consider the punishment awarded to the Prisoner by the Futtee Sudr Ameen to be inadequate, and propose to direct the Provincial Court to call for and dispose of this case also, as may appear to them proper, reporting the result for the information of the Court of Sunjdaree Udalut.

Case No. 154 4 The Prisoner in this Case is clearly convicted of Burglary, and is sentenced by the Punchait Sudr Ameen to 3 Months imprisonment.

5 The Court are of opinion that this is a very inadequate punishment for the offence of entering a dwelling house at night, and stealing property therefrom.

Cases Nos. 164 & 165 6 The Prisoner in these two cases

is the same individual. He is charged in Case No. 164, with having stolen and stabbed two of the Prosecutor's sheep valued at 5 Rupees (5/) two and a half - and in Case No. 165, with having entered the Prosecutor's house by night and stolen therefrom property valued at 2 (2) two Rupees.

He is acquitted of the former charge, and sentenced in the latter case by the Moosiffy Sudr Ameen to 6 Months imprisonment under Regulation X of 1816.

8 The Court of Sunjdaree Udalut observe, that the Regulation quoted is wrong, and that the Prisoner in Case No. 165 ought to have been sentenced under Clause 3rd of the Section II Regulation VI of 1822.

9 They moreover are of opinion that the evidence in Case No. 164, as it appears from the Report, warranted the Conviction of the Prisoner in that Case, and consider the punishment that has been awarded him

5th November 1842.

him to be very inadequate.

Case No. 167 10 The Court observe that so inveterate a thief as the Prisoner in this case, appears to be, ought to have been committed to take his trial before the Court of Circuit.

Ordered, that a Copy of these Proceedings be forwarded to the Acting Principal Judge of Cuddalore for his information and guidance.

(Sent in No. 1164.)

Ordered also, that Extracts from paras: 1-2 and 3 be forwarded to the Provincial Court in the Centre Division for their information and guidance.

(Sent in No. 1165.)

Read letter dated the 31st Ultimo from the Acting 1st Judge of the Provincial Court in the Northern Division, transmitting Copy of the Masulipatam Criminal Calendar for the 4th Quarterly Sessions of 1842.

(Have entered F.C. No. 1525.)

Exd. S.

F. Uc.

Monday, 7th November, 1842.

At a Court of the Sungdarce Udalut.

Present,

Pr — Henry Dickinson Esqre — 1st Zillah Judge,

Mr. Malcolm Lewin Esqr. Act. 2d Zillah Judge,

P.M.L. F. M. Lewin Esqr. — Act. 3d Zillah Judge,

Read letter dated the 27th Ultimo from the 1st Judge of the Provincial Court of Circuit in the Southern Division transmitting the record of the trials in Case No. 1 on the Sungdarce Calendar for the 4th Quarterly Sessions of 1842.

(Have entered F. C. No. 1511.)

Mr. Dickinson and Mr. F. M. Lewin

The Court of Sungdarce 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

Chinnapen

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. 1170.)

Read

Read Miscellaneous Petition presented on 15th October 1862, by T. Govinda Chetty and K. Krishnama Chetty of Combaconum Zillah.

/Here enter T. M. No. 103 of 1862./

1 Petitioners State that Davendra Chetty and three other persons having taken up their residence in this /Petitioners/ village it was determined to enter into a joint trade and a mutual celebration of festivals. several years passed over in the utmost harmony, when disputes arose and Davendra Chetty and his 3 coadjutors abused Petitioners and forged a Kararanamah most injurious to them, as under its pretended engagements they fined them severally 5, 7 and 3 Rupees threatening, if the Summons were not paid, to exclude them from participation in certain ceremonies &c. an application was made to the Collector when, fearing discovery, Davendra Chetty and the rest accused Petitioners and 5 others of a serious robbery - the charge failed - but the persons who brought it went unpunished.

2. Disputes again arose regarding the

the feasts for certain festivals, and a false charge of Arson was brought against Petitioners, but the evidence being defective, it was dismissed by the Magistrate - dissatisfied continuing the Petitioners again applied to the Magistrate who refused to hearken to their complaints and imposed a fine of 5 Rupees on each in consequence of which they presented petitions to the 3d. Judge on Circuit in the Southern Division setting forth their grievances, but he refused to take any notice of their Petitions and threatened to fine them if they should present any more to him.

3. The Court of Sudder Adalut determine to call upon the 3d. Judge on Circuit to explain whether this Statement be true, and if so the ground of his having refused to enquire into and pass orders upon the complaint preferred to him by the Petitioners.

Ordered, that Copy of the above proceedings be forwarded to the 3d. Judge late on Circuit in the Southern Division by precept returnable in 5 days from and after its receipt.

/Sent go lowing Precept No. 1171/

Ordered

7th November 1842.

Ordered also that copy of these proceedings be granted to the Petitioners on their application.

Entd

Abn

9th November 1842.

F. M.

Wednesday 9th November 1842. At a Court of the Fonjdaree Udalut

Present,

Abn — Henry Dickinson Esqre — 1st Puisne Judge

Mal — Malcolm Lewin Esqre acting 2d Puisne Judge

FML. — F. M. Lewin Esqre acting 3d Puisne Judge

Read Return dated 24th Ultimo from the 3d Judge late on Circuit in the Southern Division, to the precept from this Court of the 15th Ultimo, submitting in accordance with the exigence thereof, the English Translations of the record in Case No. 6, on the Cumbaconum Calendar for the 2d Sessions of 1841.

Here enter No. 1506.-/

1. Before passing any Final orders, on this Case, the Court wish to see the Original Complaint preferred by the Prosecutor to the Police Officer and the former Police Proceedings affecting the Prisoner and which were held before his apprehension.

2. The Court cannot discover why

this

the first proceedings held in this Case when the other Prisoners were tried have not been forwarded as they are most material.

3. The 3d Judge will be pleased to transmit all the proceedings held in this Case before the different tribunals which may affect the Prisoner.

Ordered, that Extract from these Proceedings be forwarded to the 3d Judge late on Circuit in the Southern Division by precept returnable within 7 days from and after its receipt 3.

/Sent following precept No. 174/

Read letter dated the 5th Ultimo, from the 2d Judge late presiding at the Court of Quarter Sessions in the Western Division, submitting Copies of the Calendars of the Auxiliary Court of Malabar, for the 3d Quarter Sessions of 1842 and the translation of a Tuliva.

/Here enter F. C. No. 1425/

Read return dated the 8th Ultimo, from the Criminal Judge of Chittoor, to the precept of the Foujdaree Udalut of the 3d October 1841, submitting explanations to the remarks

remarks of the Foujdaree Udalut on the Criminal Reports for August 1842.

/Here enter F. C. No. 1430/

Read letter dated the 14th Ultimo from the 3d Judge on Circuit in the Southern Division, reporting the arrival of the Court of Circuit as well as the number of Cases on the Calendar and stating that the reply of the Acting Criminal Judge regarding Supplemental Calendar will be forwarded tomorrow.

/Here enter F. C. No. 1400/

Read letter dated the 15th Ultimo, from the 3d Judge on Circuit in the Southern Division, forwarding Copy of a letter from the Acting Criminal Judge of Combaconum with reference to this Court's letter of the 11th Ultimo, regarding the prospect of a Supplemental Calendar being presented.

(Here enter F. C. No. 1471)

Read letter dated the 15th Ultimo, from the Joint Criminal Judge of Trichinopoly, forwarding 3d Quarterly Statement for 1842 of the produce of the labor of the Prisoners

9th November 1842.

Prisoners.

/Here enter F. Vo. No. 1473/

Read letter dated the 15th Ultimo from the 1st Judge presiding at the 2d Sessions Western Division, reporting the opening of the 2d Sessions of 1842 at Mangalore, the state of the Calendar, and the number of Prisoners Committed &c.

/Here enter F. Vo. No. 1476./

Read letter dated the 17th Ultimo, from the 3d Judge on Circuit in the Southern Division, reporting that notice has been given to open the 2d Sessions of 1842 at Salem on the 3d Proximo.

/Here enter F. Vo. No. 1478/

Read letter dated the 18th Ultimo, from the 3d Judge on Circuit in the Southern Division, forwarding Statements of Batta received from the Acting Criminal and Officiating Joint Criminal Judges of Madura for the 2d Sessions of 1842.

/Here enter F. Vo. No. 1480/

Read letter dated the 19th Ultimo, from the Western Provincial Court of Circuit, transmitting

F. Vo.

9th November 1842. transmitting translations of the Criminal Reports for September last.

/Here enter F. Vo. No. 1495/

Friday 11th November 1842.

At a Court of the Provincial Adalut
Present
Henry Dickinson Esqre — 1st Puisne Judge
Malcolm Lewin Esqre — 2d Puisne Judge
Thos. Mortimer Lewin Esqre — 3d Puisne Judge

Read Return dated the 4th Octr
from the Provincial Court of Circuit in the
Western Division, forwarding with reference to
this Court's orders of the 27th September last,
a copy of an Extract from the Provincial Court's
Proceedings in Case No. 153 in the Criminal
file of the Zillah Court of Malabar —
(Here enter F. R. No 1485.)

1. From the Provincial Court's Proceed-
ings it appears, that the case No 153 was not
a committable one, but that the Prisoners
therein concerned, were deserving of more severe
punishment than that awarded to them for
a result by the Acting Criminal Judge of
Malabar —

2. The Court of Provincial Adalut have
of late frequently remarked the unfitness of cases
inadequate

inadequacy of the Acting Criminal Judge's Sentence; and they would take this opportunity of drawing the Provincial Court for the Western Division to point out to the Acting Criminal Judge the serious risk which may arise from his indiscreet clemency.—

Ordered, that Copy of these proceedings be forwarded to the Provincial Court of Circuit in the Western Division for their information and guidance, and for communication to the Acting Criminal Judge of Malabar.—

(Sent in No. 1181)

Read letter from the Centre Provincial Court submitting their remarks on Cases 108 and 119 on the Chittoor Criminal Report for August 1842.—

(Here enter No. 1486.)

Case No. 108.

In their remarks on this case the Provincial Court observe "that the Prisoner is a "confirmed thief." and in the Calendar it is stated "that he was formerly punished for Burglary and "theft" all the particulars demanded by Circular Order Judy Dated 6th September 1821 are omitted,

(and

and the Court are consequently unable to estimate the real character of the accused and to judge of his offence as these particulars are a necessary part of the proof and ought to have a prominent place in the Calendar, the Judges determine to point out the omission and to call for the information now wanting in the Calendar.—

Ordered, that extract of above proceedings be forwarded to the Provincial Court by them to be furnished to the Judge of Chittoor.—

(Sent in No. 1182)

Read letter dated the 27th Ultimo from the Criminal Judge of Madura, transmitting Copy of the Warrant issued by the Court of Circuit in Case No. 26 of the Madura Calendar for the 2d Sessions of 1839, which appears from some oversight not to have been previously forwarded for the orders of the Court of Sudder Adalut as to the disposal of the Prisoners.—

(Here enter Jail No. 1521.—)

1. It appears from the warrant that the 7 Prisoners therein mentioned, were convicted by the Court of Circuit of the crime of Gang Robbery.

11th November 1842.

Robbery and wounding, and were sentenced by them to 14 year's imprisonment with island banishment to such Zillah as the Court of Zeujdary Adalut might determine.—

2. The Criminal Judge states, that six of the Convicts have been transferred to Penambum, but that the remaining Prisoner "Yeroolandy" being a desperate character and unfit for employment on such works, is still in confinement in the Jail at Madura; and he requests the orders of the Court of Zeujdary Adalut as to his disposal.—

3. The Court of Zeujdary Adalut observe, that the Criminal Judge should not have sent any of the Prisoners to Penambum until the question of their banishment had been disposed of. With reference to the Prisoner "Yeroolandy," the Court are of opinion, that it would be inexpedient to remove him from his present place of confinement.—

Ordered, that copy of these proceedings be forwarded to the Criminal Judge of Madura for his information and guidance.—

(Sent in No. 1183.)

Read letter dated the 29th Ultimo from the

F. H.

4th December 1842.

the Criminal Judge of Madura - suggesting on the ground of age and infirmity the suspension of the Corporal punishment awarded against two Convicts in confinement in the Jail at that Station.—

(Vide Order F. H. No. 1622)

In consideration of the circumstances set forth in the above letter, the Court of Zeujdary Adalut resolve to direct that the Corporal punishment awarded to the Prisoners

Chedumbaram

and

Ragulingum

be in both cases remitted.—

Ordered, that copy of these proceedings be forwarded to the Criminal Judge of Madura for his information and guidance.—

(Sent in No. 1184.)

Read letter dated the 29th Ultimo from the 3d Judge on Circuit in the Centre Division submitting trial of the record in Case No. 9 of the Bellary Calendar for the 2d Session of 1842 for the final decision of the Court of Zeujdary Adalut.—

(Vide Order No. 1528.)

The

10th Nov.r 1842.

Mr Dickinson

and

Mr A. Lewin-

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

Chennapah

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.-

(And following letter No. 1185.)

Read letter from the 1st Judge late on Circuit in the Cuttack Division under date the 31st Ultimo, forwarding a death warrant in Case No. 45 of the Bellary Primary Calendar, together with copy of a letter from the Criminal Judge dated 26th October 1842.-

(Here enter Sr Ra No. 1519 of 1842.)

Read letter dated the 4th Instant from the 3d Judge on Circuit in the Southern Division, forwarding copy of Statements of Batta received from the Criminal Judge of Madura and Acting Criminal Judge of

Combaconum

11th November 1842.

Combaconum.-

(Here enter No. 1544)

Read letter dated the 31st Ultimo from the 1st Judge presiding at the 2d Sessions Western Division, reporting the execution of the Sentence of death passed on Covaundingul Kelso, alias Coolly Coony Velladen Nedoongady Prisoner in Case No. 2 on the Calcutt Additional Calendar 2d Sessions 1842, and forwarding the death warrant and copy of the letter from the Acting Criminal Judge of Malabar.-

(Here enter No. 1530.)

Read Order of Government dated the 3d Instant No. 649 - approving of the observations recorded in the Proceedings of the Sessions Adalut of the 4th Ultimo on the Circuit Report of the 1st Judge late on Circuit Northern Division for the 1st Sessions 1842.-

(Here) enter No. 1535.)

End

Monday 14th November 1842

At a Court of the Foujdaree Adalut

Present

Henry Pechtinsond Esqre 1st Puisne Judge

Act. Malcolm Lewis Esqre — 2d Puisne Judge

Wmd. F. H. Lewin Esqre — 3d Puisne Judge

Read Mirza Hussuns Petition presented 30th August 1842 by Chotalinga Pillay of Cuddalore, complaining that his Brother in law has been unjustly implicated in the right and left hand disputes at Cuddalore, and by means of false witnesses accused of being present when he was absent in Tanjore and he prays that the Court of Foujdaree Adalut after a perusal of the proceedings in Case No. 22 will order the release of his Brother in law, Parvaramkala Pillay —

(Vide enter. M. P. No. 286 of 1842)

Read further petition of the same party preferred on 15th October 1842, stating that his Brother in law

Mr. J

D. A.

Monday 14th November 1842

At a Court of the Tongdaree Adalut

Present

Henry Pechtinsdon Esqre 1st Puisne Judge

Alt. Malcolm Lewin Esqre 2d Puisne Judge

vmd. T. M. Lewin Esqre 3d Puisne Judge

Read Mirza Hurreem's Petition

presented 30th August 1842 by Cheetalinga

Pollay of Cuddalore, complaining that

his Brother-in-law has been unjustly

inflicted in the right and left hand

disputes at Cuddalore, and by means of

false Witnesses accused of being present

when he was absent in Tanjore and he

prays that the Court of Tongdaree Adalut

after a perusal of the proceedings in Case No. 22,

will order the release of his Brother-

in-law, Soorianarain Pollay —

Vide enter. M. P. No 286 of 1842

Read further petition by

the same party presented on 15th October

1842, stating that his Brother-in-law

has

has invariably rendered every assistance in suppressing the disputes amongst the right and left hand Castes, and complaining of the Chetty Brown Schoolmaster who, from motives of enmity, has fostered the present charges against Ponnambalam Pillay - and praying that Ponnambalam Pillay may be placed under the charge of the Court Nazir, rather than detained in the Jail, where his religious observances are seriously interfered with.—

(Hon'ble M. P. No 101 of 1842)

The Court of Sangdarce Modeliar having concurred in the sentence of the Judge on Circuit in Case No 22 on the Cuddalore Calendar dismiss these Petitions.

Ordered, that the above be communicated to the Petitioner on his application.—

Read Miscellaneous Petition presented on 25th October 1842 by Changel Reddy the brother of the Prisoner in Case No 7 of the Pettoor Supplemental Calendar for

for 3d Quarter Sessions 1842

(Hon'ble M. P. No 105 of 1842)

The above Petitioner states that his Brother was indicted for Perjury on perjury insufficient evidence, and sentenced by the Circuit Judge, Mr Lane to five years imprisonment, and he consequently prays that the Court, after investigating the case, will order the release of his Brother.—

The Court of Sangdarce Modeliar perceive no reasons to doubt the correctness of the Circuit Judges sentence in Case No 7, and they consequently refuse to interfere with it, and dismiss this Petition.—

Ordered, that a copy of the above be supplied to Petitioner on his application.—

Read petition presented on the 20th Ultimo with two enclosures by Kanniah Thamby formerly employed as a Peon on the Great Western Road but dismissed in consequence of the reduction in

in the strength of praying the Court of Tongdare Adalut to issue orders, directing the Deputy Superintendent of the said Road, to restore an appointment upon him. Petitioner

[Vernacular Ltr. M. P. No. 106]

The Court of Tongdare Adalut cannot interfere in the manner prayed for by the Petitioner. They direct that the Petitioner be instructed to apply to the Superintendent or the Board of Revenue.

The Petition is rejected.

Ordered, that a copy of these Proceedings be furnished to Petitioner on his application, and that the Certificate which accompanied his Petition be returned to him.

Read petition presented on the 26th Ultimo by Arunogacone of Tinnevelly.

[Vernacular Ltr. M. P. No. 110]

The Petitioner represents himself to be the elder brother of the Prisoner in Case No. 3 on the Tinnevelly Calendar for the 1st Session of 1842, who

who was convicted of the crime of Perjury and sentenced by the Acting 1st Judge on Circuit to Six years' imprisonment.

2. He complains of the injustice of the Sentence passed upon his younger brother, and prays the Court of Tongdare Adalut to order his release.

3. The Court of Tongdare Adalut see no cause for doubting the correctness of the Conviction of the Prisoner in the Case referred to in this Petition, and therefore refuse to disturb the Sentence.

4. The Petition is dismissed.

Ordered accordingly, and that copy of these Proceedings be furnished to Petitioner on his application.

Read return dated the 1st instant from the Criminal Judge of Salem, to the precept of the Tongdare Adalut of the 26th Ultimo explaining with reference to Case No. 145 that "tho' "the 1st Prisoner confessed before the Police "and a Bag of Wearing belonging to the 2nd "Prosecutor was found in the house of the

1st

14th November 1842.

14th Novem

"the Prisoner, upon, as he stated before the Court
"that he borrowed it from the 3rd Prisoner
"in No 1144 and the said Prisoner acknowledge
"that he lent it, the Criminal Judge was
"of opinion that the evidence was not
"sufficient for conviction and therefore
"required him to find security &c &c —

(Here enter No 1523)

The Court of Tongdarre Udalut
cannot but consider the above a very
unsatisfactory return, as it shews the
1st Prisoner in No 1145 to have been
clearly guilty; the offence offered for
having stolen property in his possession
being alone supported by the apportion
of another Prisoner his probable
accomplice — if, however, he was not
guilty, for the reason stated by the
Criminal Judge, he ought to have
been acquitted altogether —

Ordered that copy of the
above Proceedings be forwarded to the
Criminal Judge of Salem for his
information and guidance.

(Sent in No 1186)

Read

T. U.
14th November 1842.

Read Extract from the
Minutes of Consultation of dated 20th
September 1842 No 1145 transmitting
copy of a letter from the Collector and
Magistrate of Cuddalore and requesting
the Tongdarre Udalut to report how the
attached property of certain individuals
who had absconded can be legally
disposed of —

(Here enter No 1376)

Read also letter dated the
29th Ultimo from the Magistrate of South
Arcot, furnishing explanation regarding
the attachment of the property of Lava
Chetty Chitty of Cuddalore and others —

(Here enter No 1284 of Letter)

The Court of Tongdarre Udalut
are of opinion that Section XVII Regulation
IX of 1816, provides for the custody of
property, when the resistance has been
negatived — as when parties have fled
from justice, rather than encounter a
trial or refused to obey the summons
or other process of citation of a Magistrate

but

but that it does not convey authority
in the word "disposal" to appropriate
as if a forfeiture had been entailed.-

2 The Court of Foujdaree
Udalut are of opinion that Section XVIII
refers to positive resistance of the
authority of a Magistrate providing
different degrees of punishment
forfeiture 4rs 4rs according to the cir-
-cumstances.-

3 The Court of Foujdaree
Udalut having had occasion to address
the Magistrate for certain explanation
in the case of Sasachella Chitty one of
the parties mentioned in his letter to
the Government by to Submit his
reply dated the 29th Ultimo.-

4 From this letter it would
appear that the parties having all been
fined, absconded rather than comply
with a demand of Security made on them.
the Magistrate states "instead of giving
"the Security they concealed themselves and
"helped to cause all the rest secretly,

Thus

thus establishing the correctness of the intention
"of taking Security from them, and leaving
"little ground for treating them with
"leniency now."

5 It does not appear from
any thing before the Court of Foujdaree
Udalut that the proceedings of the Magis-
trate are founded on what occurred
subsequently to the adjudication of the
fine and the demand of Security which
took place (as appears from the proceedings
of the Assistant Magistrate which
accompanied the Magistrate's letter)
on the 3d December 1841.

6 From the letter of the
Magistrate 2d para: it appears that
the parties excepting Sasachella Chitty
paid the fine, and were allowed to
depart, having "undertaken to give
"the required Security before the Tahsildar"
instead of fulfilling their promise, they
absconded, and upon this warrants were
issued for their apprehension, and a
proclamation followed, "they did not

deliver

Secretary to Government for the purpose of being laid before the Most Honorable the Governor in Council.—

(Sent in No. 1187.)

Read letter dated the 31st Ultimo from the Acting 3d Judge on Circuit in the Northern Division forwarding his proceedings in the Case of Nicolas Tristan Row and others charged with conspiracy against Colonel Royles Maidon and submitting question on behalf of 3d Prisoner as to the legality of the order issued to the Criminal Judge by the Provincial Court to receive and take cognizance of a charge framed by themselves against persons who appears from certain judicial proceedings to lie under the imputations of being authors or abettors of a conspiracy yet without coming forward before any judicial tribunal as parties or witnesses to the charge said to have been procured or instigated by them in pursuance of the object of such conspiracy.

Vide order 7 Oct. No. 1526.

Before giving final orders on this

reference the Court of Inquiry would resolve to call upon the Provincial Court to report the nature of their proceedings in the case of the Moonsiff of Royal Maidon and the grounds of their committment of parties (to take their trial for conspiracy) who had not appeared before them and had an opportunity to cross examine the evidence while those who were immediately engaged in making false charge against the Moonsiff, do not appear among the parties committed.

Ordered that Extract from the proceedings be forwarded to the Provincial Court of Circuit in the Northern Division for their information and guidance by precept returnable in 5 days from and after its receipt.

(Sent following precept No. 1188.)

Read letter dated the 4th Instant from the Provincial Court of Circuit in the Western Division forwarding with reference to the Extract from the Proceedings of the Inquiry Board dated

the

14th November 1842

the 24th Ultimo copy of and Extract from their Proceedings regarding Case N.o 69 on the file of the Joint Criminal Court of Malabar.

(Here entered N.o 1551.)

Read letter dated the 7th Instant from the 3d Judge on Circuit for the Southern Division, Reporting the opening of the Session at Salem on the 3d Inst. a small as the number of Cases on the Calendar, and intimating the prospect of a Supplemental Calendar.—

(Here enter N.o 1552.)

Regd

Wednesday, 16th November 1842.

At a Court of the Sunjdaree Adalut.—

Present—

Henry Dickinson Esqre ——— 1st Puisne Judge.

Malcolm Lewin Esqre ——— 2d Puisne Judge.

Fredc Mortimer Lewin Esqre ——— 3d Puisne Judge.

Read again Letter dated the 24th September 1842 from the Acting 3d Judge on Circuit in the Northern Division, submitting for the consideration of the Court of Sunjdaree Adalut that a Petition has been received from Nulla Soobbaya and others of Guntoor complaining of an order of the Magistrate for the slaughter of all Stray Pigs found within the precincts of the town wandering about the Streets or trespassing on private enclosures.—

(Here enter N.o 1536.)

Also Read Letter dated the 4th Instant from the Acting 3d Judge on Circuit in the Northern Division making a further reference on the subject of the Slaughter of Stray Pigs.—

(Here enter N.o 1541.)

1. The Court of Sunjdaree Adalut are of opinion that under the Regulation and practice

practice of the Courts of Circuit, it is the duty of a Judge of Circuit to annul any order of a Magistrate, which may contravene the law, or be improper in itself as adverse to justice.-

2. The Order of the 16th May 1829 quoted by the Judge of Circuit, refers to a case where the jurisdiction of the Court of Circuit was denied, and where the Commission of acts involving a contravention of the regulations, had brought the conduct of the Magistrate into question.-

3. The Court of Tongataree Vealuet are not of opinion that a reference to them is on every case necessary as a preliminary to a Circuit Judge annulling the orders of a Magistrate - where the jurisdiction is not questioned by the subordinate and where acts involving personal misconduct are not disputed by the Circuit Judge.-

4. But admitting this procedure to be necessary, the Judge of Circuit has not acted up to the order quoted by him, which require that he should have suspended the order of the Magistrate before making the reference.-

5. The Judges of the Court of Tongataree

Vealuet

16th November 1842.

Vealuet are of opinion that the course now laid down has always been the practice of the Courts of Circuit, and they have no doubt that it is the correct practice. the reference to the Court of Tongataree Vealuet not being in all cases necessary but only incidentally so.-

6. The order of the Magistrate to slay stray pigs was obviously illegal and could not be carried into effect without a violation of the express provisions of the regulations; which render parties punishable for the slaying of cattle.-

7. The Court of Tongataree Vealuet will now take into consideration the letter addressed to them by the Judge of Circuit under date the 21st September last.-

8. In the 2d paragraph Mr Walker records his opinion of the illegality of the Magistrates order, but does "not feel at liberty to cancel "it, because the Government periodically authorize a similar proceeding in the case of dogs, "and because the state of the law of trespass "by cattle or the like is such as in some measure to justify the Magistrates order".-

After

16th November 1842.

9. After referring to the following paragraphs 4 and 5 to Strays, the 3d Judge expresses an opinion that there is no law except Section VII Regulation X of 1816 by which the owner of an animal can be fined for allowing it to go astray and proceeds "a Magistrate might perhaps venture to fine for "that as not under Section XXXII Regulation IX of "1816 but if the point were contested, I believe he "would be required to restore the fine as having gone "beyond the letter of the law."

10. On the distinction between the straying of dogs and pigs the Court of Foujdaree Adalut will remark that it is very wise and very obvious - dogs are slain for the benefit of the community - the custom is notwithstanding and the necessity acquiesced in - this is not the case in the general straying of pigs.

11. The question of strays the Court of Foujdary Adalut will have untouched as that is not the real point in discussion - the question to be dealt with as arising out of the present reference, concerns the power of a Magistrate to restrain by punishment the owners of cattle, who let them loose

3/ 5 H.
16th November 1842.

loose knowing that they will trespass and destroy.

12. On this point the Court of Foujdaree Adalut are not prepared to concur with the opinion expressed by the 3d Judge to the effect that a trespass committed by cattle with the knowledge of the owner is not punishable - they think on the contrary that when the owner sets loose his cattle, well knowing the habits of the cattle, and having been duly warned by the Magistrate to keep them up or not to allow them to wander unattended, and unguarded in parts where, left alone, their habits would lead them to destroy the property of those around him, that such party is liable to punishment by the Magistrate -

13. The Court of Foujdaree Adalut will conclude these observations with expressing their opinion that it is part of the duty of every Magistrate, to make such local rules as General Convenience, and the health and comfort of the community under his charge suggest - but such rules it is needless to add should not militate against the law, nor be opposed to justice and

in the exercise of his authority to enforce them, the Magistrate should be able to prove their necessity.—

Ordered, that Extract from these proceedings be forwarded to the Acting 3d Judge of Circuit in the Northern Division for his information and guidance.—

(Entered in No. 1189.)

Read Extract from the proceedings of the Provincial Court Eastern Division under date 5th November 1842 submitting their remarks in Case No. 122 on the Cuddapah Criminal Report No. V for August 1842.—

(Here enter No. 1538.)

1. The charge in this case was of false complaint and the Prisoner is punishable under Clause II Section XVII Regulation IX of 1822 which is not applicable.—

2. The Acting Criminal Judge ought to have referred to the Provincial Law Officer, in order to find how far the case was cognizable by Criminal Law.—

Ordered that Extract of above proceedings

proceedings be forwarded to the Provincial Court in the Eastern Division and thence to the Acting Criminal Judge of Cuddapah for his information and guidance.—

(Entered in No. 1190.)

Read letter dated the 5th Instant from the Acting Agent to the Governor of Fort St George in Vizagapatam submitting with reference to Clause Seventh Section II Regulation XV of 1803 for the final orders of the Court of Sudder Adalut, a report on the trial of the Prisoners charged with affrauit.—

(Here enter No. 1558.)

1. The Acting Agent reports that he considers the evidence in the case sufficient to prove the Prisoners guilty of an aggravated affrauit attended with severe bodily injury to the Prosecutors and he recommends that they be sentenced to imprisonment with hard labor for fifteen months.—

2. The Prosecutors in the case, the affrauit, recognized and identified the Prisoners as parties in the affrauit, and ascribed their enmity to the fact of their having given information to

the

the Police, that the Prisoners had participated in a Robbery perpetrated a short time previously.

3. Four witnesses corroborated the statement of the Prosecutors; and two of the four witnesses identified all the Prisoners as present at, and active in the assault.

4. The 5th Witness heard cries, and going to the rescue, apprehended the 4th Prisoner Chiffonda Ramadoo endeavouring to escape.

6. The Court of Fouzdaree Adalut concurring in the opinion expressed by the Acting Agent, resolve to confirm the punishment proposed by him, and accordingly sentence the Prisoners

1st Ekpaha Dandigaudoo

2d Boy Timmadoo

3d Chiffadoo Timmadoo

and

4th Chiffadoo Ramadoo

severally under Clause First Section V Regulation VIII of 1831, and Clause Third Section VII Regulation XV of 1803, to be imprisoned and kept to hard labor in irons, on the public roads or other public works, for and during the period of fifteen years.

Ordered

F.H.

16th November 1842.

Ordered, that a copy of these Proceedings be forwarded to the Acting Agent to the Governor of Fort St George in Vizagapatam for his information and guidance.

(Sent in No 1191)

Read letter dated the 31st Ultimo from the First Judge on Circuit in the Western Division - reporting that Monday the 21st Proximo has been appointed for opening the 2d Sessions of 1842 at Honore.

(Recorded No 1529)

Read letter dated the 11th Instant from the Joint Criminal Judge of Tellicherry replying to the observations and orders of the Fouzdary Adalut on the Reports of the Joint Criminal Court for the month of September 1842.

(Recorded No 1575)

Read letter dated the 9th Instant from the 1st Judge on Circuit in the Western Division submitting the 1st Judge's opinion in case No 91 of the Report No V of the Joint Criminal Judge of Calicut for the Month of August 1842.

(Recorded No 1576)

Read

16th November 1842.

Read letter dated the 9th Instant
from the 1st Judge on Circuit in the Western Division
reporting the close of the 2d Sessions 1842 at Tellicherry.
(Record Letter No 1577)

Read letter dated the 8th Instant
from the Provincial Court of Circuit in the Southern
Division - submitting copy of their decision on case
No 35 on the Sessions Criminal Reports for
the months of July 1842.
(Record Letter No 1578.)

Read letter dated the 9th Instant
from the Acting Criminal Judge of Malabar -
submitting certain explanations with reference to the
proceedings of the Tongdary Adalut of the 2d
Instant -
(Record Letter No 1581)

Read Letter dated the 9th Instant
from the Acting Joint Criminal Judge of Coimbatore
Coimbatore submitting the Criminal Reports
for the months of October 1842.
(Record Letter No 1583)

Adv

HH L

J. U.

Thursday
17th November 1842.

At a Court of the Tongdaree Adalut.

Present,

HH — Henry Dickinson Esqr. — 1st Puisne Judge,
ML — Malcolm Lewin Esqr. Actg 2d Puisne Judge,
JML — J. M. Lewin Esqr. — Actg 3d Puisne Judge,

Read letter dated the 22d Ultimo from the Acting 3d Judge on Circuit in the Northern Division transmitting the record of the Trial in Case No 6 on the Nellore Calendar for the 2d Sessions of 1842, called for by the Court of Tongdaree Adalut in their proceedings of the 27th August last -
(Record Letter HH No 1490 of 1842)

The Court of Tongdaree Adalut

Mr Dickinson
and
Mr M Lewin.

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

Verraballee Pelorgandoo alias
Ottevandoo

is sufficient to convict him of the crime of

Highway

17th November 1812

Highway Robbery, when single and unarmed do convict him thereof, and with reference to the provisions of the Mahomedan Law as declared in futwas of their Law Officers carrying the penalty of amputation of two limbs to that offence, and to the provisions of Section XXI 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 [14] fourteen years.

The Court of Foujdaree Udalut observe, that the proceedings of the Acting 3d. Judge in this case are most irregular throughout. He commences with questions to the Prisoner, and with reading over to him a deposition of the Criminal Court which ought to have been proved in evidence. He also puts questions to the Prisoner when on his defence.—

It is further observed, that the Acting 3d. Judge's sentence in the case is incorrect

The

17th November 1812

The Court of Foujdaree Udalut consider that the Crime was completely and satisfactorily proved against the Prisoner, both by the evidence which shows that he was taken with the Stolen property upon him, and by his own confession at the Criminal Court. Moreover the witnesses in the case gave clear and consistent evidence, but the Court observe, that the evidence of the best witnesses in the world might be rendered nugatory, if the Examining Officer sets about puzzling them and entangling them in their Statements in the determined manner evinced by the course pursued by the 3d. Judge.

The Court of Foujdaree Udalut regret, that they are obliged to repeat the instructions issued for the Acting 3d. Judge's guidance in their proceedings of the 18th August last, that "the question on the arraignment should be simply "are you guilty or not guilty?" and that on

reporting the result for the information of the Court of Foujdaree Udalut.—

3. These Reports do not appear to call for any further remarks from the Court of Foujdaree Udalut.—

Ordered that Copy of these proceedings be forwarded to the Provincial Court in the Centre Division for their information and guidance.—

/Sent in No. 1193/

Ordered also that Copy be sent to the Criminal Judge of Chingleput for his information and guidance.—

/Sent in No. 1194/

Read letter dated the 25th Ulto. from the Agent to the Governor of Fort St. George in Ganjam, submitting for the final orders of the Court of Foujdaree Udalut a report on the trial of two Prisoners in Case No. 21 of 1842 on the Criminal file of this Court, charged with Highway Robbery.—

/Here enter F.D. No. 1561 of 1842/

Under the circumstances

represented in the above letter, the Court of Foujdaree Udalut concurs with the Governor's Agent, in the conviction of the Prisoners, and resolve to confirm the Sentence proposed by him to be passed upon them.—

2. The Court of Foujdaree Udalut accordingly direct, under the provisions of Clause First Section V Regulation VIII of 1831, and Clauses Third and Fifth Section IV Regulation XIV of 1803, that the Prisoners

1st Bunka Naiko

and

2d Sardee Berah

be imprisoned and kept to hard labor in irons, on the public roads or other public works, for and during the period of (7) Seven years.—

Ordered that Copy of these proceedings be forwarded to the Agent to the Governor of Fort St. George in Ganjam for his information and Guidance.—

/Sent in No. 1195/

Read

18th November 1862.

Read returns from the Joint Criminal Judge of Malabar, to the precept of the Foujdaree Udalut of the 28th October directing him to forward translations of such papers as may appear to him to bear on the point of admitting Dharmadakaren Choy, alias Kelettumkandy Poleau, as an approver.—

/Here enter F.R. No 1549 of 1862/

Read again letter from the Joint Criminal Judge of Malabar applying for sanction to offer a conditional pardon to Dharmadakaren Choy in Consequence of his evidence being requisite for the conviction of the Prisoner Ismael Torambata Poddan who accompanied by the former for the purpose of stealing Cocoanuts, has been committed on the charge of Murder.—

/Here enter F.R. No 1552 of 1862/

After a perusal of the translations in this case it appears to the Court that there is no necessity for a pardon as the Prisoner Choy whom the Assistant Judge

2/ F.R.

18th November 1862

Judge wishes to make an approver, is evidently in no wise connected with the murder. He and the 1st Prisoner set out to steal cocoanuts and with no other object one of the prisoners was seized on the spot and used his knife, and death followed. but inasmuch as murder formed no part of the object with which the prisoner set out, and inasmuch as the prisoner alluded to as an approver did not aid in the murder, his offence does not go beyond the theft or attempt of theft of the Cocoanuts. for which offence the Court consider his punishment has already been adequate in the imprisonment he has undergone.

2. The Joint Criminal Judge may sentence Choy for the offence of taking or attempting to take the cocoanuts and then receive his evidence as a witness.

Ordered that Extract of the above proceedings be forwarded to the Joint Criminal Judge of Malabar for his information and guidance.—

/Sent in No 1196/

Read

Read letter dated the 4th Instant from the Acting 3d Judge on circuit in the Northern Division forwarding the record of the trial in case No. 7 of the Cuttack Calendar for the 2d Session of 1842.

(Here enter J. D. No. 153)

The Prisoner

Cuttoor Sobbeah

on his arraignment before the Court of Circuit pleads not guilty to the charge of wilful and corrupt perjury.

2 The Mahommedan Law Officer in his Futwah acquits the Prisoner - the Acting Criminal Judge differing in this opinion refers the record to the Court of Sudder Dewanny Adawlut, under Section XXII Regulation VII of 1802.

3. The Court of Sudder Dewanny Adawlut having maturely weighed all the evidence in this case cannot but express their opinion of its having been inadequately investigated, and they are unable

unable to concur with the Circuit Judge in the conviction of the Prisoner.

4 The Rahdaree book produced before the Court of Circuit contained strong evidence in favor of the Prisoner - the necessity of inquiring into the circumstances under which the record was kept, to ascertain whether the words noted in it had really occurred, or whether it were merely the depository of any idle rumour which might be afloat, would, it might be supposed, have immediately struck the Judge before whom it was produced: that, however, it did not so strike Mr. Walker is certain, for without asking a single question about the contents of the book he has pronounced it to be "of no weight "at all" "the testimony of the lowest officers "of Police and that not given on solemn declaration before the Court."

5 It is singular that in the above remarks the Circuit Judge should have

18th November 1862

have assigned such grounds for depreciating the value of the book as testimony for had Mr Walker, as was manifestly his duty, summoned the Head of Police and the writer of the book before him, and ex-amined them on oath as to its contents, he would not have had to complain of no-evidence having been offered regarding the book, before him.-

6 The witnesses against the prisoner the Court have not the least doubt are false-while the evidence that the prisoner was absent from Guntoor is they think quite conclusive.-

7 The 2 witnesses against the prisoner, depose to having seen Challamiah on the day Bhavaneshvara Row was appreh-ended- but the evidence before the Court does not prove what day that was- the statement of the witnesses regarding Bhavaneshvara Row's apprehension is hearsay- and the Case would fall to the ground were there no other defect with- It is true the Assistant Judge certi-fies to the date in his return to be the

28th

3

JM

18th November 1862

28th July but that is not evidence on a Cri-minal trial- the date of apprehension should have been shown by evidence before the Court if it were material on which to fix a date.

8 In consideration of the above circumstances the Court of Sessions Adalut acquit the Prisoner.-

Ordered that copy of these proceedings be forwarded to the Acting 3d Judge on Circuit in the Northern Division for his information and gui-dance by precept returnable in five days from and after its receipt.-

Sent following precept No 197

Ent'd.

J. C.

Saturday 19th November 1842.

At a Court of the Fouydaree Udalut.

Present,

Henry Dickinson Esqre — 1st Puisne Judge

Malcolm Lewin Esqre — Actg 2d Puisne Judge

J. M Lewin Esqre — Actg 3d Puisne Judge

Read Letter dated the 5th Instant from the 3d Judge on Circuit in the Centre Division, submitting for the consideration and final Sentence of the Fouydaree Udalut an English translation of the records of the trial in case No 14 on the Bellary Calendar for the 2d Session of 1842.—

(Here enter 301. No 1569 of 1842.)

The Court of Fouydaree 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

Chaya Dasere

is sufficient to convict him of the crime of Murder, do convict him thereof; and under the

Mr. M Lewin and Mr. J. M. Lewin

19th November 1842

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. 1199/

Read letter dated the 6th Instant from the 2d Judge of the Provincial Court of Circuit in the Western Division transmitting the Circuit Report prescribed by Section XXXVII Regulation VII of 1802 for the 3d Quarter Sessions of 1842.

/Here enter Sdr. No. 1850 of 1842/

The above Report not appearing to call for any remark from the Court of Sudder Adalut.—

Ordered that Extract from these proceedings together with a copy of the above Report be forwarded to the Acting Secretary to Government for the purpose of being laid before the Most Honorable the Governor in Council.—

/Sent in No. 1200/

Ent. H.

Ackn

Fb.

Monday 27th December 1842.

Present: The Court of Sudder Foujdaree Adalut.

Present: Henry Dickinson Esqr. — 1st Puisne Judge,
Malcolm Lewis Esqr. — Acting 2d Puisne Judge,
F. B. Lewis Esqr. — Acting 3d Puisne Judge,

Penal Petition presented on the 15th Instant by Agwin Hoodley Saha late Zemindar and Cultivator of Cuddalore.

(Here enter Extract No. 1850)

1. The Petitioners as representatives of the left Hand Caste, complain of various acts of violence committed against their party by certain individuals of the Right Hand Caste, and pray the Court of Foujdaree Adalut to order that they be furnished. The Petitioners further pray for the release of the Prisoners in Cases Nos. 19 and 20 on the Cuddalore Calendar for the 1st Sessions of 1842.

2. The Court of Foujdaree Adalut observe that they have already passed sentence in the cases alluded to in the foregoing petitions, and

and direct that the Petitioners be referred thereto—

Ordered, that petition be rejected and copy of these Proceedings furnished to Petitioners on their application.—

Read petition presented on the 20th Ultimo by Brazan Saib and Emambux the parents of the Prisoner in Case No. 13 on the Cuddapah Calendar for the 2d Sessions of 1842, who was sentenced by the 3d Judge on Circuit in the Centre Division, to 7 years' imprisonment on a charge of having cut and wounded the nose of the Prosecutrix in the said case—

(Here enter D. K. Ds. P. No. 108)

1. The Petitioners complain of the injustice of the Circuit Judge's sentence, and pray that the Court of Sudder Adalut will be pleased to call for and consider the whole record of the trial in Case No. 13, and order the release of their Son Causeem Saheb—

2 The Court of Sudder Adalut observe, that there cannot be the slightest doubt of the Prisoner Causeem Saheb's guilt—and they do therefore

therefore refuse to interfere in the manner prayed for by the Petitioners.—

3. The petition is dismissed—

Ordered accordingly, and that copy of these Proceedings be furnished to Petitioners on their application.—

Read Miscellaneous petition presented on the 2d Ultimo by Syd Dangiah of the Zillah of Guntoor, praying for the release of his father in Law Soobbiah, the Prisoner charged with Perjury in Case No. 7 on the Guntoor Calendar for the 2d Sessions of 1842.—

The Court of Sudder Adalut direct, that the Petitioner be informed, that the case above mentioned has been disposed of and the Prisoner Soobbiah released—

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

Read petition presented on the 15th Ultimo by Veroonda Pragada Ramachendra row of Vizagapatam—

(Here enter D. K. Ds. P. No. 109)

The

1. The Petitioner represents himself to be the elder brother of the 2d Prisoner, in Case No 10 on the file of the Auxiliary Court at Vizagapatam, who was charged with having falsified the public accounts regarding certain heaps of salt, and was sentenced by the Joint Criminal Judge to 8 Months imprisonment.

2. He states, that his younger Brother appealed to the Provincial Court against the decision of the Joint Criminal Judge, but that the Provincial Court without fairly investigating the case, confirmed the sentence of the Auxiliary Court — and prays, that the Court of Sujdarce Dedalut will be pleased to call for and consider all the Proceedings held in the case and to order the release of his Brother.

3. The Court of Sujdarce Dedalut direct that the Petitioner be instructed to produce for their consideration, a copy of the order of the Court of Circuit held on the petition presented to them —

Ordered, that copy of the Proceedings be furnished to Petitioner on his application —

Read again Petition presented on 26th September last, by Linga Reddy of Ellore Cuddapah

21st November 1842.

Cuddapah, complaining of a fine of 50 Rupees, imposed upon him by the Circuit Judge, in consequence of his not attending the Court as a Witness on the day fixed for the trial in No 15 and praying, since his delay was the result of indisposition, that the Court of Sujdarce Dedalut will issue an order directing the remission of the fine —

(Here enter Mr Sec's No 99 of 1842.)

Read also return dated 7th Instant from the 3d Judge on Circuit Centre Division to the precept of this Court under date 31st October 1842 and affording explanation of the circumstances under which a fine of Rupees 50 was imposed on Linga Reddy a witness in Case No 15 of the Cuddapah Calendar for not attending the Court on the day fixed for the trial —

(Here enter No 1566.)

In consideration of the circumstances detailed in the above return, the Court of Sujdarce Dedalut resolve to direct Mr Badington to remit so much of the fine imposed upon Linga Reddy

the petitioner in No. 99 as he may think proper.

Ordered, that Extract from these proceedings be sent to the 3d Judge on Circuit in the Centre Division for his information and guidance by precept returnable in 5 days from and after its receipt.—

(Sent following Precept No. 1901)

Ordered also, that copy of these proceedings be given to the Petitioner on his applica=tion.—

Read letter dated the 15th ult. letting from the 3d Judge on Circuit in the Southern Division, trans=mitting copies of the Gaoling Calendars for the 2nd Sessions of 1842, together with translation of the Entwahe=

(Recorder No. 1470.)

Case No. 2. 1. The Court of Conjoint Adalat would wish to obtain a further insight into this case, and accordingly resolve to call for a translation of the Prosecutor's and 1st & 2nd Petitioner's Depositions before the several authorities who examined them.—

Case No. 5. 2. The Judges do not concur in the reasons given by the Circuit Judge in the Extract from the Proceedings of the Court of Circuit under date 30th July 1842

continued

contained in Appendix A for not putting the 2d Prisoner in this case upon his trial, and are of opinion that the Presiding Judge erred in not doing so. The 2d Prisoner was clearly amenable to the Company's Courts. as the money given to save the Thieves from appre=hension was paid within the Company's Territories.—

3. The Court of Conjoint Adalat therefore direct that the 2d Prisoner

Arunachellam Sivaray

be again committed to take his trial before the Court of Circuit.—

Case No. 15. 4. The Circuit Judge was not justified in releasing the 2d Prisoner in this case. The Declaration of the Prosecutor and the Prisoner's own confession were sufficient for his conviction and the case should therefore have been referred to the Conjoint Adalat.

5. In the Note to this case entered in the Calendar it is stated that it appears from the Police Proceedings that the 1st Prisoner received 90 Lashes for stealing Pagl. 45 cash for stealing a Cloth and was imprisoned for 10 days for stealing another Cloth, all of which sentences were passed by the Cutcherry

Cri

6. This requires explanation as the Regulations so where not Calendar with the power of awarding of corporal Punishment. The Circuit Judge should therefore ascertain whether these Punishments were inflicted after reference to the Magistrates and also enquire why a Prisoner who appears to be an old and an offender were not committed to the Criminal Court for his latter offences, and report the results for the information of the Executive Directors.—

Case No. 5. 7. The Court disapproves of the Proceedings of the 3rd Judge in postponing this case for which no satisfactory reasons are given. When so many persons connected in the Trial were in attendance, they should not have been sent back without examination and it is to be regretted that the 3rd Judge did not proceed with the trial of the case.—

Case No. 18. 8. The Judges observe that all the arguments of the Circuit Judge in this case go to the mode of proof for conviction, not to the expediency of a mitigation, and therefore before giving their opinion in this case they resolve to call upon the Circuit Judge to state distinctly whether he considers the 2 Prisoners Cheyette alias Dara Carapheen guilty and if

if so of what crime?—

Cases Nos. 1. 2. 3 and 4. Supplemental Calendar. 9. The Court of Equitable Extent cannot concur in the reasons given by the Circuit Judge in his Extract from the Proceedings of the Court of Circuit under date 12th September 1842. for not trying Case No. 2. The Prisoners have not been sentenced in the other Cases in which they have been convicted to the full extent of Punishment to which they are liable for the crimes there proved against them but may yet be awarded to them for the offences charged in Case No. 3, and they should therefore have been put upon their trial on this indictment also.—

10. The Court of Equitable Extent therefore resolve to direct that the Prisoners in Case No. 3 of the Supplemental Calendar should be tried at the next Sessions on the charge therein preferred and that the Sentences respectively passed against them in Cases Nos. 1. 2. and 4 of the said Calendar do in the interim operate.—

Ordered, that Extract from these Proceedings be forwarded to the 3rd Judge on Circuit in the Southern Division for his information and guidance by first opportunity.

(Continued following Precedent No. 1202)

Read

7th. December 1842.

Read letter dated the 6th instant from the 1st Judge presiding at the second Sessions Western Division, enclosing a copy of Additional Prisoners Commit Calendar 2d Sessions 1842.—

(Here enter No. 1597 of 1842.)

Read letter dated the 11th instant from the Western Provincial Court of Circuit reporting with reference to the Extract from the Proceedings of the Zemindaree Adalut of the 22d instant, that the Judges of the said Court reviewed the proceedings in Case No. 162 of the Report V of the Zillah Court of Vizagapatam for September last, and recorded their opinion thereon on the 14th Instant, a copy of which was forwarded to the Zemindaree Adalut on that date.—

(Here enter No. 1600 of 1842) ers

4th D.

E. No.

Wednesday 23d. November 1842.

Present

Hy. Kerry Dickinson Esqr. — 1st Puisne Judge,

Mk. Malcolm Lewin Esqr. — Acting 2d Puisne Judge,

P.M.L. Eelbo Lewin Esqr. — Acting 3d Puisne Judge,

Read the Criminal Reports for the Month of October 1842 forwarded by the Court of Criminal Judge of Vizagapatam under date the 7th instant.—

(Here enter Vide No. 1556.)

These Reports do not appear to call for any remarks from the Court of Zemindaree Adalut.—

Ordered, that copy of these Proceedings be forwarded to the Court of Criminal Judge of Vizagapatam for his information and guidance.—

(Continue No. 1203.)

Read letter from the 3d Judge on Circuit Bellary, transmitting for the consideration of the Court of Zemindaree Adalut copy of a letter from the Assistant Surgeon at Chittoor dated 4th November

November, reporting that the Prisoner in Case No. 5. of the Chittoor Supplemental Calendar of the 4th Quarterly Sessions of 1841 has not manifested any symptoms of mental derangement during the last six Months.—

(Here enter No. 1570.)

Read again Proceedings of the Conjeveram Cutcherry under date 28th April 1842, directing that the above Prisoner should be placed under charge of the Assistant Surgeon, for a further period of 6 Months, according to rules prescribed in Para. 7 of Circular Order 7th June 1829.—

(Here enter Cs. Pros. 28th April)

On a review of the proceedings connected with this case, the Court of Conjeveram Cutcherry deem it unadvisable at once to release the Prisoner, and consequently determine to direct him to be detained 6 Months longer under the surveillance of the Assistant Surgeon.—

Ordered, that Extract of these proceedings

proceedings be forwarded to the 3d Judge on Circuit for his information and guidance.—

(Sent in No. 1204.)

Read the Criminal Reports for the Months of October last, submitted by the Joint Criminal Judge of Trichinopoly, under date the 5th instant.—

(Here enter Cs. Rs. No. 1584.)

Report No. V
Case No. 80.

1. The Prisoner in this case is charged with having at night entered the Prosecutor's shop by opening the padlock affixed thereto with a false Key, and with stealing therefrom property valued at Rupees 8 and 8 Fanams, and is ordered by the Joint Criminal Judge to receive 2 dozen Lashes, and to be kept in solitary confinement for three Months.—

2. The Prisoner is a boy of 13 years of age, and does not appear to have previously borne a bad character in the village where he lived with his Parents, and where he daily attended School. Under these circumstances the Court of Conjeveram Cutcherry are of opinion, that the infliction of the punishment proposed by the Joint Criminal Judge would be unjudicious, and calculated to harden and do evil rather

rather than to lead to the reformation of the Boy.—

3. The Court therefore directs that the Prisoner be made over to his Parents, and that they be desired to chastise and correct their son in a manner sufficient to deter him from the Commission of any similar grievous offence in future.—

Ordered, that copy of these proceedings be forwarded to the Joint Criminal Judge of Trichinopoly for his information and guidance.—

(Cent. iii. No. 1205.)

Read letter dated the 8th instant from the 3d Judge on Circuit in the Southern Division, transmitting the English translation of the Trial of Cases Nos. 3 of the Criminal Calendar 2d Sessions 1842.—

(Here enter No. 1555.)

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 Veriamaly Veeran

and

2d Vellaiaten alias Pullay

is sufficient to convict them of the crime of Robbery and

and Murder, do convict them thereof; and under the provision of Section X Regulation VIII of 1832, sentence them to suffer death, by them hanged at the usual time and place of execution.— and considering that the proof against the Prisoners

4th Coopsan

5th Erovlan

6th Vagooran

7th Vellian

8th Alagun

9th Goorooparadom pillay

10th Veera patra pillay

11th Loania pillay

12th Levanandy

13th Erooloo

and

14th Woodian

is sufficient to convict them of aiding and abetting in the commission of the crime aforesaid, do convict them accordingly; and under the provisions of Clauses first and fifth Section IV Regulation XV of 1803, do sentence the Prisoners

3d Erovlan

6th Vagooran, and

7th Vellian

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

4th. Coolpan

8th. Alagun

9th. Goorroopadoor pilly

10½ Veerapatra pilly

11½ Lemia pilly

12½ Levanamaly

13½ Erooten

and

14th. Woodian

to be imprisoned and kept to hard labor in irons, on the public roads or other public works, for and during the period of (7) seven years.—

(Vide following letter No. 1206).

Read return dated the 7th instant from the Criminal Judge of Chittoor to the address of Proceedings of the Cuddapah Adawlut on review of the Criminal Report for September 1842.

(Here enter C.P.C. No. 1646.)

1. With reference to para. 2 of the above return, it is observed that the fact of the case No. 93 ever having been disposed of

of by the Sub Assistant Surgeon on the 8th October last, did not escape the notice of the Court of Cuddapah Adawlut.—

2. From the Report under review in this Court Proceedings of the 4th instant, it appears that the case No. 93 arrived in the Criminal Court on the 11th July last, and that on the 3d and 15th September following, letters were written to the Magistrate of Chittoor, in order to procure the attendance of 2 witnesses whose evidence in the case was essential.—

3. The remarks of the Cuddapah Adawlut in their Proceedings above referred to, were founded on the excessive delay of nearly two months from the 11th July to the 3d September 1842, which would thus appear to have been allowed to take place before any investigation of the case was entered upon and which delay the Court of Cuddapah Adawlut observe, has not been satisfactorily accounted for.—

4. A Copy of the Case No. 93 as it was set forth in the Chittoor Criminal Reports for the Month of September last, transmitted to this Court under date the 18th ultimo, is herewith forwarded for the

the information of the Criminal Judge, and for any explanation he may wish to offer.—

Ordered, that copy of these Proceedings be forwarded to the Criminal Judge of Chittoor for his information and guidance.—

(Sent in No. 1207.)

Read letter dated the 7th. instant from the Principal Sudr Ameen & Station Jury forwarding Criminal Reports for the Month of October 1842.—

(Here enter No. 1612.)

Read letter dated the 16th. instant from the 3d Judge on Circuit Bellary forwarding Statement of Batta paid to the Parties who attended before the Court of Circuit at Cuddapah for the 2d Sessions of 1842, together with the explanation required by the Circular Order No. 131 of 1841.—

(Here enter No. 1627.)

Read letter dated the 7th. instant from the Provincial Court of Circuit in the Northern Division, forwarding copy of their Proceedings held upon Case No. 40 of 1842 on the Report of the Criminal Court of Rajahmundry for the Month of September last.—

(Here enter No. 1628.)—

4th. D.

No.

Thursday, 24th. November 1842.

At a Court of the Foujdaree Udalut.

Present,

Henry Dickinson Esqre. — 1st. Puisne Judge,
Malcolm Lewin Esqre. — Actg. 2d. Puisne Judge,
J. Mc. Lewin Esqre. — Actg. 3d. Puisne Judge.

Read the Rajahmundry Criminal Reports for the Month of October last, forwarded by the Criminal Judge under date the 4th. instant.—

(Here enter F.U. No. 1557 of 1842)

These Reports do not appear to call for any remarks from the Court of Foujdaree Udalut.—

Ordered that copy of these proceedings be forwarded to the Criminal Judge of Rajahmundry for his information and guidance.—

(Sent in No. 1210)

Read letter from the Acting Criminal Judge of Nellore dated 11th. Instant submitting the Criminal Reports for the month of October.

(Here enter F.U. No. 1573 of 1842) Rec

21th November 1842

Case No. 73.

1 The Court of Tongdaree Udalut see reason to doubt the correctness of the decision in this case and determine to direct the Provincial Court to call up the record and pass such orders upon it as they may deem suitable, reporting their proceedings for the information of the Tongdaree Udalut.—

Case No. 82.

2 In this case the Prisoners were charged with having committed Burglary and the 1st appears to have been "notoriously bad character" and to have been committed on several serious charges to the Criminal Court, and, on many occasions held to Security they ought consequently, under the provisions of Clause 2d Section II Regulation VII of 1822, to have been committed for trial before the Court of Circuit.—

No. 9

3. As the Court of Tongdaree Udalut think there was Sufficient evidence to convict some of the Prisoners in this case, they direct the Provincial Court to

24th November 1842

to call for the record and look into it, reporting their decision for the information of the Tongdaree Udalut.—

Ordered that copy of these proceedings be forwarded to the Provincial Court in the Northern Division by precept returnable with as little delay as possible.—

/Sent following precept No. 1211/

Ordered further that copy be furnished to the Acting Criminal Judge of Nellore for his information and future guidance.—

/Sent in No. 1,212/

Read letter dated the 8th Instant from the 1st Judge presiding at the 2d Sessions in the Western Division submitting for the consideration and final Sentence of the Tongdaree Udalut an English translation of the record of the trial in Case No. 3 on the Mangalore Calendar for the 2d Sessions of 1842.—

/Herewith Jail No. No. 1594 of 1842/

Mr. M Lewin and Mr. J. M. Lewin

The Court of Tongdaree Udalut on a deliberate consideration of all the circumstances

circumstances of the Case as evidenced before them, being of opinion that the proof against the Prisoner

Timmuppa Bhundary

is sufficient to convict him of the Crime of culpable Homicide, for which the penalty of Dayut is awardable under the Mahomedan Laws 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 1802, and Section XVIII Regulation VIII of 1802, do 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. 1213./

Ador

End. 1.

Friday
28th November 1862

At a Court of the Zoujdaree Adalut.

Present

Henry Dickinson Esqre — 1st Puisne Judge
Malcolm Lewis Esqre — Acting 2d Puisne Judge
F. L. Lewis Esqre — Acting 3d Puisne Judge

Mr. Dickinson

Read letter dated the 5th instant from the Acting 3d Judge on Circuit in the Northern Division forwarded with the Record in Case No. 6 of the Quarterly Criminal Calendar for the 2d Division of 1862 for the consideration and orders of the Zoujdaree Court.

(Vide ante No. 1568)

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

1st Petty Cotaiyah
2d Kaliapetty Cuttamah
3d Pasupolaty Cutchmoodoo
4th Pasupolaty Pannacadoo
5th Chaik Emam
6th Pasha Chaik Pelaur

and

7th Chinnia Chaik Pelaur

is sufficient to convict them of the crime of Assault, do convict them thereof; and under the provisions of Clause First Section V Regulation VIII of 1831, and Clause Third Section VII Regulation XV of 1853, sentence the Prisoners

1st Lally Cotachpah

2nd Inaleeatty Cheruvanah

3rd Kaspoolaty Puttemooroo

4th Kuspoolaty Pannacauloo

and

5th Chaick Emam

to be imprisoned and kept to hard labour in irons, on the public roads or other public works, for and during the period of (3) three years; and the Prisoner

6th Pudia Chaick Selaur

and

7th Cumalu Chaick Selaur

to be imprisoned and kept to hard labour in irons, on the public roads or other public works, for and during the period of (1) one year.—

(Sent following letter No. 1216)

Read the Criminal Reports for the Month of October last, forwarded by the Acting Joint

Joint Criminal Judge of Trincomalee under date the 15th instant.—

(Here enter C.C. No. 1880.)

Report No. V
Case No. 38.

The Court of Vice-Admiralty resolve to call upon the Acting Joint Criminal Judge to report for their information, whether the 4th, 5th, 6th and 7th Prisoners in this Case were young, and if not, to state upon what grounds they were considered liable to the punishment awarded to them by him.—

Ordered, that a copy of these Proceedings be forwarded to the Acting Joint Criminal Judge of Trincomalee for his information and guidance, by precept returnable in 5 days.—

(Sent following Precept No. 1217.)

Read letter dated the 15th instant from the 3rd Judge on Circuit in the Southern Division, submitting with reference to the Proceedings of the Vice-Admiralty Court of the 30th September last, his opinion on Criminal Cases Nos. 52 and 53 on the Supplemental Report of the Officiating Joint Criminal Judge of Trincomalee for the Month

of

25th November 1842.

of August 1842.—

(Here enter No. 1631 of 1842)

Read letter dated the 15th instant from the Criminal Judge of Bellary reporting the escape and non-apprehension of 5 Prisoners from the place where they were taken for the purpose of performing the offices of nature.—

(Here enter No. 1634 of 1842)

Adm

Eng. Vol. 2

No. 1

Saturday
26th November 1842.

At a Court of the Foujdaree Udalut

Present

Henry Dickinson Esqre. 1st Puisne Judge
Malcolm Lewin Esqre. Actg. 2d Puisne Judge
F M. Lewin Esqre. Actg. 3d Puisne Judge

Read letter dated the 10th Instant from the 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. 4 on the Bellary Calendar for the 2d Sessions of 1842.—

(Here enter F.U. No. 1626 of 1842)

M. M Lewin
and
W. F. M. Lewin

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

Mala Vobreegador

is sufficient to convict him of the crime of

Murder

26th November 1842.

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. 1220/

Read letter dated the 12th Instant from the Joint Criminal Judge of Malabar, submitting the Criminal Returns for the month of October 1842.—

/Here enter T.M. No. 1611 of 1842/

Read letter dated the 16th Instant from the Agent to the Governor of Fort St. George at Vizagapatam, submitting the Criminal Returns for the month of October 1842.—

/Here enter T.M. No. 1639 of 1842/

Read letter dated the 17th Instant from the Provincial Court of Circuit in the Southern Division, submitting their proceedings held in Case No. 140 on the Salem Criminal Return No. V for the month of September 1842.—

/Here enter T.M. No. 1648 of 1842/

Ent'd

Tuesday 28th November 1842.

Present

Henry Dickinson Esq. ——— 1st Puisne Judge,

Malcolm Lewin Esq. ——— Acting 2nd Puisne Judge,

T. M. Lewin Esq. ——— Acting 3rd Puisne Judge,

Read Miscellaneous Petition presented on the 26th ultimo by Sirca Case Ama of the Village of Pradaka, containing a repetition of the prayer as in several former petitions, for the release of Soorya, the Prisoner in Case No. 3 on the Cochin Calendar for the 1st Session of 1842 who was charged with Forgery and sentenced by the 3d Judge then on Circuit to 7 years imprisonment.—

(Here enter Order No. 8 of 1841)

The Court of Sudder Adawlut have again taken into consideration the Case abovementioned, and can see no ground for doubting the justice of the sentence awarded to the Prisoner Chatunatah Pokanda Gunon.—

They cannot therefore disturb the sentence. They direct that the Petitioner be informed, that

that these orders are final, and that no further
petitions on the subject will be received into Court.—

Ordered that petition be rejected
and that copy of these Proceedings be furnished to
Petitioner on her application.—

Read Miscellaneous petition presented
on the 26th ultimo by Chowry Nyker of the Zillah of
Chittoor.—

(Here enter Vol: Mr: P: No 113)

1. The object of this petition is, to obtain
the release of (Petitioners brother in law) the 3d Prisoner
in Case No 17 on the Chittoor Calendar for the 2nd
Quarterly Sessions of 1842 — who was sentenced by the
7th Judge Presiding to 14 years imprisonment for the
crime of Highway Robbery.—

2. The Court of Sudder Adawlut on a
reference to the Calendar see no reason to doubt the
correctness of the 3d Prisoner's conviction. They therefore
refuse to disturb the sentence passed upon him
by the Presiding Judge.—

Ordered that petition be rejected,
and

and copy of these Proceedings be furnished to
Petitioner on his application.—

The Court of Sudder Adawlut direct,
that Miscellaneous Petition No 119 of 1842 presented on the
31st ultimo by Armoor Venkatachelle Moodely Interpreter
Vakeel on behalf of Ramy Naicker of the Zillah of
Chittoor — Miscellaneous Petition No 121 of 1842 presented
on the same date by D. Carmichael Purroo of
Mootyar Vakeel on behalf of Lait Lal and Lucer
and Miscellaneous Petition No 123 of 1842 presented
by Soobaroy Pillay Mootyar Vakeel on behalf
of Venkatachellum do returned to the parties, and
that the Petitioners be informed, that they must
present their petitions, either in person, or through
a constituted Vakeel of the Court — A Mootyar
Vakeel may act through a constituted Vakeel of the
Court he may institute a Vakeel, but he cannot
present a petition to the Court direct in his
own name.—

Ordered accordingly.—

Read the Commitments Criminal
Reports for the Month of October last, forwarded
by

by the Acting Criminal Judge under date the 7th. instant

(Here enter Encl. No. 1838.)

Supplemental Report
Case No. 133.

1. The Court of Enquiry Galaduttorne, that it is not specified in the abstract of the charge in this case, whether the offence of entering into the Prosecutors house, was committed by the Prisoner in the day time or by night. They would draw the attention of the Acting Criminal Judge, to their Circular order of the 29th September 1838.—

Report No. V
Case No. 135.

2. It is required by the Court of Enquiry Galaduttorne, that an explanation be submitted for their information, of the cause of delay, from the 18th August to the 6th September last, in the disposal of this case before the Cooltaulum Cutcherry as well as of the necessity for the reference made to the Acting Joint Magistrate of Enjie.—

Ordered that copy of these Proceedings be forwarded to the Acting Criminal Judge of Coolaacoman for his information and future guidance by precept returnable in 7 days.—

(Sent following Precept No. 1221)

Read

Read the Criminal Report for the Month of October last, forwarded by the Joint Criminal Judge of Colombatore under date the 31st Ultimo.—

(Here enter Encl. No. 1839)

Report No. V Case No. 80. 1. In this case the Prisoners are charged with having entered, at night, the Prosecutors house in Cromoria, the Settlement, and with having stolen therefrom, Cloths &c. valued at Rupees (illegible) nine. A part of the stolen property is stated to have been found in the possession of the Prisoners, who were unable to account satisfactorily for the circumstance and were required by the Joint Criminal Judge to find security.—

2. The Court of Enquiry Galaduttorne see reason to doubt the correctness of the Joint Criminal Judge's decision in this case, and accordingly they direct, that the Provincial Court for the Southern Division be called upon to look into it, and to pass such orders thereon, as may appear to them necessary, reporting the result for the information of the Court of Enquiry Galaduttorne.—

Case No. 82. 3. The Court of Enquiry Galaduttorne doubt whether the evidence in this case was not sufficient to warrant the commitment of the Prisoner. They therefore resolve to direct the Provincial Court of to call

call for and disposal of this case also.—

Ordered, that copy of these Proceedings be forwarded to the Joint Criminal Judge of Comi = batore for his information and guidance.—

(Sent in No. 1222)

Ordered also that copy be sent to the Provincial Court in the Southern Division for their information and guidance.—

(Sent in No. 1223)

Read Order of Government dated the 22d Instant communicating copy of an Extract from the Minutes of Consultation in the Military Department for the opinion of the Coimbatore Sudder as to what further proceedings should be adopted in the case of Driver Sheik Imam alias Kunnoo belonging to No. 5 Parkhana who is under suspicion of the murder of the late Private Ramasawmy of the 3d Light Infantry.—

(Here enter No. 1652.)

The proceedings of the Court of Coimbatore Sudder of the 8th July last referred to in the letter of Colonel Anderson to the Adjutant General of the Army of date the 8th instant, were limited to the consideration of the Military jurisdiction, as

as far as holding an inquest over a dead body found within Military limits and the Court of Coimbatore Sudder were informed by the papers before them, noted in the margin copies of which are enclosed, that the murder charged in the case was committed "by some person or persons unknown".—

Letter from Joint Magistrate Mr. Ally to Register Coimbatore Court 17th June 1842.—
Letter from the same officer to Commanding officer of Coimbatore dated 15th June 1842.

From the papers now before them, the Court of Coimbatore Sudder are led to the conclusion that evidence had been adduced to implicate one Sheik Kunnoo, who had been apprehended on suspicion of the murder.—

Under these circumstances there can be no doubt as to the course of proceeding - which is clearly laid down in the 6th and 7th Sections of the 5th Regulation 1832 - according to which it will be the duty of the Commanding Officer to forward the prisoner to the Police Officer or Magistrate, in the manner prescribed in Section 3d.—

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

(Sent in No. 1224)

Read.

Read letter from the Provincial Court Southern Division dated 15th November 1842 submitting a reference from the Criminal Judge of Bradura, regarding the construction of a Regulation XV of 1811 regarding forgery.—

(Here enter No. 1629.)

1. The first question in the above letter is "whether proof of the forgery of a name to a blank "stampt paper, together with evidence to the purpose to which such a paper was intended to be appropriated is sufficient to support an indictment charging forgery of the entire instrument.—

2. The next question involves the point as to whether the counterfeiting or causing to be counterfeited the signature of a notter on a blank sheet of paper with a fraudulent view would come under Clause 7th Section II. Regulation XV of 1803.—

3. The Court of Foujdaree Adawlut concur in the opinion expressed by the Provincial Court as regards both the above queries — and considering the view taken in the 4th para of their letter to be the correct one, it is clear that the party so circumstanced should be tried and committed as the counterfeiting of

of the signature was obviously with a fraudulent intent and punishable under the provisions of Clause 7th Section II Regulation XV of 1803.—

Ordered, that Extracts of these Proceedings be forwarded to the Provincial Court in the Southern Division for their information.—

(Sent in No. 1225.)

Read letter from the Provincial Court in the Western Division dated 11th instant forwarding, at the request of the Magistrate of Canara, copy of a letter from the Acting Joint Magistrate.—

(Here enter No. 1630.)

1. From the above communication it appears that B. gave information to the effect that C. and D. in order to frustrate a Civil action entered into against them by A. had made arrangements for fabricating a deed, and had called in his (B's) assistance to transcribe the same, and would for that purpose resort to his house at an appointed hour — on receiving this intelligence A, accompanied by a Peon, went to B's house

and

and found him and C. with writing materials and the rough draft of a deed before them of the nature of which information had been given - in his cross-examination C. admits that he was seized when engaged in the attempt to fabricate a deed with the view of injuring &c.—

2. The Joint Magistrate requests to be informed whether the Head of District Police acted correctly in dismissing the case as not proved in consequence of no document having been actually forged, or whether he ought to have forwarded the accused to the Criminal Court on a charge of having been seized when engaged in the attempt to obtain the fabrication of a deed?—

3. The Court of Poojaree Adalut have no hesitation in answering the latter part of the above question in the affirmative.—

4. There can be no doubt that the party or parties engaged in the fabrication of a bond, were guilty of a misdemeanor tho' the forgery was incomplete, and that such of them should have been

been forwarded to the Criminal Court - it is clear that the fabrication of the paper pursuant to a design to injure another, tho' the act had not reached the crime of forgery is punishable as a misdemeanor and this seems to be the general opinion of English jurisdictions.—

Ordered, that copy of these proceedings be forwarded to the Provincial Court in the Western Division and that them to the Magistrate of Canara for his information and guidance.—

(Sent in No. 1226.)

Read letter dated the 24th. Ult.mo from the 1st Judge of the Centre Provincial Court submitting an English translation of the record in Case No. 180 of the Chittoor Calendar 2d Quarter Sessions 1842 as required in Para. 3 of the Proceedings of the Sudder Adalut dated 18th August last.—

(Here enter No. 1500 of 1842.)

Read letter dated the 23d instant from the Judges of the Centre Provincial Court, submitting their remarks in Case No. 147 of 1842 on the file of the Criminal Court of Cuddapah.—

(Here enter No. 1654 of 1842.)

Read letter dated the 23d instant from the Judges of the Centre Provincial Court

submitting

28th December 1842

submitting their remarks in Case No 1653 of 1842 on the file of the Criminal Court of Cuddapah—

(Here enter No 1655 of 1842)

Read letter dated the 14th instant from the Western Provincial Court of Circuit forwarding for the information of the Foujdaree Udalut translation of a communication from the Principal Sudder Ameen of Cuddapah reporting that agreeably to the said Court's order of the 25th February 1836 he has entertained two Extra Sons for the safe custody of the Prisoners in his Jail.—

(Here enter No 1632 of 1842.)

Read letter dated 17th instant from A. E. Angelo Esqre Criminal Judge of Chittoor submitting the Criminal Reports for October 1842—

(Here enter No 1640 of 1842.)

Entd.

Abr

F. D.

Tuesday
29th November, 1842

At a Court of the Foujdaree Udalut

Present

Henry Dickinson Esqre — 1st Puisne Judge,
Malcolm Lewin Esqre — Actg 2d Puisne Judge,
F. M. Lewin Esqre — Actg 3d Puisne Judge,

Abd

J. M. L.

Read letter dated the 8th November 1842 from the 1st Judge on circuit in the Western Division submitting for the consideration and final sentence of the Foujdaree Udalut an English translation of the record of the trial in Case No 4 on the Mangalore Calendar for the 2d Sessions of 1842—

(Here enter F. D. No 1595 of 1842)

Mr Dickinson and Mr F. M. Lewin

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, Busroa,

29th November 1842

is sufficient to convict him of the crime of "robbery by open violence," unattended by any act of Treason or Rebellion, do convict him there-of, and, under the provisions of Clause III Section IV Regulation XV of 1803 and Clause III Section III 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 Years.

Sent following letter No. 1227. per Ashe

End H.

No. 16

Wednesday, 30th November, 1842.

At a Court of the Sawjdaree Adalut.

Present

Henry Dickinson Esqre. — 1st Puisne Judge,
Malcolm Lewin Esqre. — Actg. 2d Puisne Judge,
F. M. Lewin Esqre. — Actg. 3d Puisne Judge.

Read again letter dated the 31st Ultimo from the Acting 3d Judge on Circuit in the Northern Division, forwarding his proceedings in the case of Vencatakristna Row and others charged with conspiracy against Cotum Royaloo Naidoo and submitting question on behalf of 3d Prisoner as to the legality of the order issued to the Criminal Judge by the Provincial Court to receive and to take cognizance of a charge framed by themselves against parties who appear from certain judicial proceedings to lie under the imputation of being authors or abettors of a conspiracy yet without coming forward before any judicial tribunal as parties or witnesses to the charge

charge said to have been procured or instigated by them in pursuance of the object of such conspiracy.—

/Here enter F.M. No 1526 of 1842/

Read also return dated the 21st Instant from the Provincial Court of Circuit in the Northern Division to the precept of the Foujdaree Adalut of the 14th instant calling upon them to report the nature of their Proceedings in the case of the Moonsiff Royal Haidon, and the grounds of their Commitment of parties (to take their trial for Conspiracy) who had not appeared before them and had an opportunity to cross examine the evidence while those who were immediately engaged in making false charges against the Moonsiff, do not appear among the parties committed.—

/Here enter F.M. No A 1657 of 1842/

In this case the Provincial Court have it appears sent certain parties guilty of a conspiracy in matters which

Came

came judicially before them, to the Joint Criminal Judge to be committed after the usual formalities to the Court of Circuit— the Judge on Circuit doubts whether two of the parties "who through "appearing from the evidence to be the "author and abettors of a conspiracy, have "not at any time come forward as such "before any judicial tribunal" can also be committed without the ordinary intervention of the Magistrate.—

2 The Provincial Court ought when holding their enquiry to have called before them, the parties referred to by Mr. Walker in view to satisfy themselves as to the grounds of commitment, but the circumstances of their having kept in the back ground, while promoting a conspiracy which developed itself in proceedings held before the Provincial Court, does not put them in a different position from the parties employed by them in their impro- -mous purposes— and if there are grounds to charge them with being "the authors

and

"and abettors" of the crimes which have brought the other prisoners before the Joint Criminal Judge, they can be committed in the same way as the other prisoners without the intervention of the Magistrate. But before their Committal to the Court of Circuit, the usual forms of investigation must be held before the Joint Criminal Judge in the case of all the prisoners. The parties having reached Guntoor, it does not seem advisable to send them back to the Provincial Court, and the Court therefore direct that the charges sent up by the Provincial Court be investigated by the Joint Criminal Judge with the ordinary forms and the Trial expedited.—

Ordered, that a copy of the return received from the Provincial Court of Circuit in the Northern Division be forwarded to the Acting 3d Judge on Circuit in the Northern Division.—

Ordered

J. U.

30th November 1842

Ordered also, that Extract from these Proceedings be forwarded to that Officer for his information and guidance.—

/Sent in No 1233./

Read the Criminal Reports for the Month of October 1842 submitted by the Officiating Joint Criminal Judge of Tinnevelly under date the 18th Instant—

/Here enter J. U. No 1614 of 1842/

Suppl. Report case No 76

The Court of Foujdaree Adalut are of opinion that there is strong evidence against the Prisoners in this Case—They therefore direct that the Provincial Court be called upon to look into the case and to pass such orders thereon as may appear proper, reporting the result for the information of the Foujdaree Adalut—

Report No V case No 75

2. The Court of Foujdaree Adalut observe, that as the Joint Criminal Judge is in doubt regarding the sentence of the 1st and 2d Prisoners in this Case, he must refer the records for

the

the decision of the Provincial Court. The
Court of Foujdaree Udalut are only called
upon to decide, finally, on references made
through the channel of the Provincial
Courts.—

Ordered that Copy of these
Proceedings be forwarded to the Officiating
Joint Criminal Judge of Tinnevelly
for his information and future guidance.

/Sent in No. 1234/

Ordered also that Copy
of these proceedings be sent to the Provin-
cial Court in the Southern Division for
their information and guidance.—

/Sent in No. 1235/

Read letter from the Acting
Judge of Malabar accompanying the
Criminal Report for October.

/Here enter F.D. No. 1607 of 1842/

In this case the value of pro-
perty stolen amounted to Rupees 84-15-9 and
the Prisoner is stated to have been "once
before

"before sentenced to Six Months imprison
-ment for theft" there were consequently
no reasons why the full extent of
authorized punishment should not
have been decreed, and the Court con-
-sider the present award inadequate
to the offence.

No. 172

2. Whenever a prisoner, as in
this instance, has been previously pu-
-nished the Court desire that the
former offence and punishment may
be particularly stated. and they
request that this information may now
be supplied.—

Ordered that Extract from
these proceedings be forwarded to the
Acting Judge of Malabar for his in
-formation and guidance.—

/Sent in No. 1236./

Read the Criminal Reports
for the Month of October forwarded by the
Criminal Judge of Madura under date
the 31st Ultimo.—

/Here enter F.D. No. 1637 of 1842/ The

30th November 1842

Suppl. Report
Case No. 85

The Court of Sawdarce Udalut do not see the object of the Criminal Judge's remark appended to the report on this case. They observe, that the Prisoner should be committed for Murder, and it will remain with the Circuit Judge and the Court of Sawdarce Udalut to decide, what the intention of the Prisoner may have been when he wounded the deceased Audy-naraianum.-

Ordered that copy of these proceedings be forwarded to the Criminal Judge of Madura for his information and future guidance.-

/Sent in No. 1237/

Read return dated the 17th Instant from the Criminal Judge of Bellary, to the precept of the Sawdarce Udalut dated the 4th November 1842, conveying their observations and orders on the Criminal Reports for the month of September 1842.-

/Here enter J.H. No. 1647 of 1842/

Read

J.H.

30th November 1842

Read letter dated the 16th Instant from the Provincial Court in the Western Division transmitting translations of the Jury Criminal Reports for the month of October 1842.-

/Here enter J.H. No. 1646 of 1842/

Suppl. Report
Case No. 37

It is observed that no explanation is given in the above reports of the difference between the charge and the finding in this case as regards the 1st Prisoner.-

The 1st Prisoner stands charged with having entered at night the Prosecutor's house by removing the Lock of the door, and with having stolen therefrom property valued at Rupees 32-9-8/ No. is convicted by the Principal Sudr Ameen of Theft, and Sentenced to 6 months imprisonment under Section VII Regulation X of 1816.-

The

30th November 1842

3. The Court of Toujdaree Udalut desire to be informed, whether the burglarious entry contained in the charge was or was not proved as in the former case the 1st Prisoner ought to have been sentenced under Clause Sixth Section II Regulation VII of 1822.—

Ordered that copy of these proceedings be forwarded to the Provincial Court in the Western Division for communication to the Principal Sudr Ameen at Sirey.—

(Sentence No. 1238.)

Ent'd

F.C.

Friday 2nd December 1842.

At a Court of the Toujdaree Udalut

Present

Henry Dickinson Esqre. 1st Puisne Judge

Malcolm Lewin Esqre. Ag. 2d Puisne Judge

F. M. Lewin Esqre. ——— Ag 3d Puisne Judge

Read letter from the 1st Judge presiding at the Second Sessions Western Division submitting copy of the Mangalore Calendar for the 2d Sessions of 1842 and translations of Futwahs.—

(Here Enter No. 1596.)

Case No. 6

1. The Circuit Judge for reasons assigned in the Calendar released the Prisoner

Dher Moondah

without having placed him upon his trial in order to be confirmed as to the correctness of this decision the Court of Toujdaree Udalut determine to call for the record of the case.—

Case No. 18.

2. The Prisoner in this case

Ammoo alias Appoo

is convicted by the Futwah, in which the Circuit

Circuit Judge concurs, of the crime of high-way robbery, and sentenced to 14 years' imprisonment under Section IV Regulation X of 1803. the Circuit Judge, for reasons mentioned in the Calendar, recommends a mitigation to 7 years. but in this view the Court of Sudder Adalut are unable to concur in consequence of the Prisoner being implicated in Case No. 19 and they with-hold their sanction to any mitigation of the 14 years awarded by the Circuit Judge.—

Case No. 19. 3. As this prisoner has been convicted of the more heinous crime in the preceding number, the Court consider it unnecessary that he should be tried on this the minor offence.—

4. The Court observe that the Circuit Judge seems to have taken an erroneous view of Circular Order No. 56, as robbery by an unarmed robber is punishable by 14 not 7 years imprisonment, as is specifically laid down in the very para: of the orders referred to.—

Ordered that Extract of these proceedings

proceedings be forwarded to the 4th Judge on Circuit in the Western Division by precept returnable in 5 days from and after its receipt.—

(Sent following precept No. 1242)

Read letter from the Magistrate of Canara dated the 12th Ultimo submitting an application from the Acting Joint Magistrate that certain persons named Baba and Soobah may be admitted as approvers against their Master Appaya Hebbar charged with being accessary to the death of his Cousin Nagoomah.

(Here enter No. 1622.)

1. The Magistrate in the above communication observes that the slaves on the Western Coast, if commanded by their Masters, seldom hesitate to commit murder, and suffer the extreme punishment of the Law, whilst the more guilty because more intelligent and wary inciter escapes altogether. the Magistrate in consequence recommends as a preventive measure that an application be

be made for some alteration in the present rules as respects the offer of conditional pardon, by which they would be rendered more suitable to the peculiar condition of Master and Servant as existing in Malabar.—

2. The Court observe that the parties on this occasion recommended for conditional pardon being Principals and not accessaries are precluded by Section XX Regulation VIII of 1802.—

3. The Court of Sudder Adawlut are not prepared to further the alteration proposed by the Magistrate. they conceive that such a Law would be unadvisable, by adding to the facility, now said to exist, of hiring persons to perform deeds of murder. the slaves are aware of the nature of murder, and they are not ignorant of its penalties and if they are regardless of its act and its consequences, it is to be imputed generally to their degraded condition which makes them more or less reckless on all subjects.—

Ordered that Extract from these proceedings be forwarded to the Magistrate of

Canara for his information and guidance.—

Sent in No. 1243.

Read letter dated the 15th Ultimo from the Criminal Judge of Canara requesting with reference to the remarks of the 1st Judge late on Circuit, sanction for the offer of a conditional pardon to the Prisoners Abdoola and Parmashry and, with certain contingencies, to Sakeera and Straim in case No. 1 on the Additional Calendar and returned to the Criminal Judge for further inquiry.—

Vide entry No. 1633.

The Court of Sudder Adawlut having maturely considered the circumstances represented in the above letter from the Criminal Judge of Canara with the remarks by the 1st Judge late on Circuit, resolve, under the authority vested in them by Section XII Regulation XIII of 1832 to sanction the offer of pardon to the prisoners

No. 1. Abdoola

and

No. 2. Parmashry

And

and, if necessary, to extend the same as proposed by the Judge on Circuit to

3rd Takeera

and

4th Straim

on the terms and conditions specified in Section XX Regulation VIII of 1802.—

Ordered that an Extract from these proceedings be sent to the Criminal Judge of Candia for his information and guidance.—

/Section in A°. 1244/

Read letter dated the 25th Ultimo from the Provincial Court in the Centre Division forwarding copy of a return from the Criminal Judge of Chittoor dated the 19th Ultimo explaining the penal character of the Prisoner in Case No. 119 of 1842 on his file as required in their proceedings of the 11th Ultimo.—

/Here Enter No. 1667/—

Adm

Ent'd 5th.

Saturday

3d December 1842.

F. H.

At a Court of the Foujdaree Adalut.—

—Present—

Henry Dickinson Esqre.—1st Puisne Judge.—

Malcolm Lewin Esqre.—2d Puisne Judge.—

& Fred: Mortimer Lewin Esqre.—3d Puisne Judge.—

Read letter dated the 2d Ultimo from the Agent to the Governor of Fort St. George in Council, submitting the record of Trial No. 30 of 1842 of the Criminal File of this Court.—

/Here enter A. H. No. 1625/

The Court of Foujdary Adalut

Mr. Dickinson on a deliberate consideration of all the circumstances of the case in evidence before them,

Case

Mr. M. Lewin.

being of opinion that the proof against the Prisoner

Modoo Naik

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

Execution.-

(Sent following Letter No. 1246.)

Read the Criminal Reports for the Month of October last, forwarded by the Criminal Judge of Canara under date the 4th Ultimo.-

(Here enter F. D. No. 1635.)

Suppl. Report Case No. 119.-

1. The Court of Foujdary Adalut see reason to doubt the correctness of the Criminal Judge's decision in this case. They therefore direct that the sentence awarded by him to the Prisoner be suspended, and that the Provincial Court be ordered to look into the case, and to dispose of it as may appear to them proper, reporting the result for the information of the Court of Foujdary Adalut.-

2. These Reports do not appear to call for any further remarks from the Court of Foujdary Adalut.-

Ordered, that copy of these Proceedings be forwarded to the Criminal Judge of Canara for his information and

guidance.-

(Sent in No. 1247.)

Ordered also, that Extract from these Proceedings (para 1.) be sent to the Provincial Court in the Western Division for their information and guidance.

(Sent in No. 1248.)

Read Letter dated the 25th Ultimo from the Provincial Court in the Western Division forwarding copy of a letter from the Criminal Judge of Canara, together with its accompaniments and requesting the orders of the Court (the 2d and 3d Judges differing in opinion) as to whether a person acquitted of the charge of having committed a robbery, can subsequently be tried on a separate one of receiving or having in his possession part of the stolen property.-

(Here enter F. D. No. 1687 of 1842.)

1. The question on which the Criminal Judge of Canara desires the opinion of the Court of Foujdary Adalut is "whether a person ac-
"quitted of the charge of having committed a
"robbery can be subsequently tried on a
"separate

"a parate one of receiving or having in his possession
"part of the stolen property."

2. The Judges of the Court of Sessions
Ordinary are of opinion, in as much as the
offences of receiving stolen property, and of holding
it, are distinct from the robbery by which the
property was acquired, that such party can be pro-
ceeded against, either as a receiver, or for the
offence of retaining property in his possession
(with the knowledge that it was acquired by
theft or robbery) notwithstanding that such
party was charged with the theft or robbery
and acquitted of the same.-

3. It is to be observed that the
receiver is an accessory, and it has been long
established that a party acquitted as a principal
may be proceeded against as an accessory.-
Blackstone 4th Volume page 40. Russell on
crimes page 53. "If however a man be
"indicted as principal and acquitted he may
"be indicted as accessory after the fact."
again "But it is clearly held that one
"acquitted as principal may be indicted
"as

J. 86.
3d December 1842.

"as an accessory after the fact."

4. Independently of this authority
the receiving of stolen property and holding it
in possession knowing its character, are pointed
out as distinct offences under the regulations.
See IV Clause IV Section VI Regulation of 1822.-

Ordered, that Extract from these
proceedings be forwarded to the Provincial
Court of Cronist in the Western Division for
communication to the Criminal Judge of Havana.

(Sent in No 1249)

Ed. N.S.

R.D.N
G. Regt.

F. W.

At a Court of the Tongdaree Udalut

Present:

Monday
5th December 1842

Henry Dickinson Esqre 1st Puisne Judge
Act
Malcolm Lewin Esqre Actg 2d Puisne Judge
Wm L.
F. M. Lewin Esqre Actg 3d Puisne Judge

Read petition presented on the 31st October 1842 by Goolam Mooden of the Zillah of Chittoor, requesting to be furnished with a Copy of the order passed by the Court of Tongdaree Udalut on their Proceedings of the 20th March 1840, for his release in Case No 5 on the Chittoor Calendar for the 2d Quarterly Sessions of 1839.

/Here enter F. W. M. P. No 116./

The Court of Tongdaree Udalut resolve to grant to the Petitioner a Copy of the Certificate of his acquittal in the Criminal Case above mentioned.

Ordered accordingly - and that Copy of these proceedings be furnished to Petitioner on his application.

Read Miscellaneous Petition presented on 31st October 1842 by N. Coopuck of the Zillah of Chittoor, reiterating the assertions made in his former petitions respecting a case of Forgery arising out of a Suit (No 494) of 1822 on the File of the Zillah Court of Chittoor, and praying the Court of Foujdaree Udalut to reconsider their Order of the 12th April last, and to issue instructions to the Lower Court to hear his witnesses and peruse his documents.-

/Here enter No 114/

Read again Foujdaree Proceedings dated 12th of April declining to interfere on the Ground of adequate proof of Forgery not having been adduced &c.-

/Here enter F. Pro. 12th April/

The Petitioner is referred to the order passed by the Court of Foujdaree Udalut on 12th of April last, as no Grounds are shewn in the present petition for their alteration.-

Ordered

that Copy of the above proceedings be granted to Petitioner on his application.-

Read again Miscellaneous Petition presented on the 8th August last, by Rachapulla Nanappa of the Zillah of Chittoor, complaining of the Order passed by the Court of Circuit in the Centre Division upon the Prisoners in Case No 18 on the Chittoor Calendar for the 2d Quarter Sessions of 1842 and praying the Court of Foujdaree Udalut to award to the said Prisoners the punishment authorized by the Regulations for the Crime of Murder.

/Here enter F. C. M. P. No 75/

Read also Counter petitions presented on the 12th and 19th September last by Woorrah Runguppah Chetty and Comsala Lutchmukkah the 3d and 1st Prisoners respectively, in Case No 18 above mentioned.-

/Here enter F. C. M. P. Nos 90 & 94/

Read also petitions presented

on

on the 22d and 30th August by D. Chengal=
=raya Chetty and Pacharla Seddapah
the 1st and 2d Prisoners respectively in the
same Cases.

/Here Enter F.U. M.P. Nos 81 to 85/

These Petitioners represent them=
=selves to be inhabitants of the Village of
Cudloor in the Chittoor District, and Complain
that in Consequence of acts of oppression
on the part of certain persons their Enemies
in the said Village, they have been obliged
to fly for safety to another village named
Paramoor - and pray, that the Court of Enj=
=dauee Udalut will be pleased to issue orders
for the punishment of their oppressors, and
for their return in safety to their own
Village.

The Court of Enjdauee Udalut
observe, that as the Case above alluded to,
has been finally disposed of, no orders are
necessary on any of the foregoing petitions -

The Petitions are dismissed -

Ordered accordingly - and that

Copy

F.U.

5th December 1842.

Copy of these proceedings be furnished
to the Petitioners on their application -

Read the Sudder Criminal
Reports, as prescribed by Section XXXV Re=
=gulation X of 1816, for the Month of
October 1842 -

/Here enter No. 1613/

Nos 162 & 163. 1. The Court of Enjdauee Udau=
=lut see reason to suspect the correctness of
the decision in these Cases, and point out
that the provision of the Law under which
the sentence is awarded is inapplicable -
they consequently determine to direct the
Provincial Court in the Southern Division
to look into and pass orders on them, report=
=ing the same for the information of the
Enjdauee Udalut.

2. The Sentence on the Prisoner
to be suspended during the investigation
held by the Provincial Court.

No 163. 3. From the circumstances
stated in the Report the Court of Enj=
=dauee Udalut consider the Case noted in
the

the Margin to be one of theft rather than fraud, in which case the imposition of a fine was irregular - they therefore determine to call upon the Provincial Court Southern Division to investigate the matter and pass orders thereon -

(Fo 175) 4. The Court of Faujdaree Udalut have ruled on a former occasion (Viz 20th April 1837) that the Regulations which authorize registration of Security do not apply to Cases of Suspicion of a breach of the Revenue Laws, and they resolve to direct that the Prisoner in this Case be released if in confinement, or that the Bail bond be cancelled in the event of its having been entered into. -

(No 180.) 5. The punishment awarded in this instance seems to the Faujdaree Udalut very inadequate to the Crime of Dinglary.

Ordered that Extract from these proceedings be sent to the Provincial Court Southern Division and to the Criminal Judge of Salem. -

/Sent in No 1252 4/1258/

Read the Criminal Reports for the months of October forwarded by the Acting Joint Criminal Judge at Cuddalore under date the 16th Ultimo

/Here enter Z. D. No. 1645/

Supplemental Report Case No. 98.

1. In this Case the Prisoner is charged with stealing a brass tumbak valued at 8 Annas. He is reported to be an old offender "having been three times sentenced for theft" - and is now sentenced, by the Sudr Ameen, to 2 years imprisonment, and to receive 100 Lashes. -

2. The Court of Faujdaree Udalut require, that all the former offences committed by the Prisoner be specified for their information - and direct, that the stripes awarded to him in this Case be meanwhile suspended.

Ordered that Copy of these Proceedings be forwarded to the Joint Criminal Judge at Cuddalore, for his information and Guidance, by precept returnable in 5 days, from and after its receipt - /Sent following precept No. 1254/

5th December 1842.

Read Miscellaneous Petition pre-
-sented on the 31st Ultimo by Vydalinga Pillay late
Jail Peon on the Reilgheries, stating his will-
-ingness, if allowed, to bring to light certain
frauds committed by the Tenadar and 7 Peons
attached to the Jail on the Reilgheries, and
also praying to be restored to his situation of
Jail Peon.

/ Here enter T. C. M. Pd. Rs. 115 & 118 /

The Court of Tanjadore Adalut
resolve to forward the above Petitions to Cap-
-tain Canning the Joint Magistrate in charge
of the Jail on the Reilgheries, for such report
and explanation thereon, as he may be able to
afford for the consideration of the Tanjadore
Adalut.—

Ordered that Copy of these
proceedings together with Copies of the above
petitions be forwarded to Captain Canning
the Officer in Charge of the Jail on the
Reilgheries for his information and
guidance.—

/ Sent in No. 1255. /

Read

7-16

5th December 1842.

Read Miscellaneous Petition pre-
-sented on 20th November last by the Reverend
A. Murray & Co.

/ Here enter R. P. No. 130 /

Read also Miscellaneous Petition
presented by the same on 28th November last.

/ Here enter R. P. No. 134 /

The Petitioner, who is a Roman
Catholic Priest and resident at Trichinopoly,
states that a certain tract of land was granted
by the Nabob of the Carnatic to a former
Portuguese Priest who erected a Chapel upon a
part of it and rented out the remainder for
building ground. Since the death of the first
incumbent the Minister of the Chapel has been in-
-ducted by the Bishop of St Thome, and the
land attached is left to the temporary disposal of
the Vicar, and the rentals thereof placed
under his immediate control.—

A person called Mottoo Swamy,
requested a piece of this Ground for the purpose
of building a house thereupon - but he was refused
in consequence of his bearing an indifferent
Character

character - Irritated at this refusal he, com-
plained to the Magistrate that Petitioner with the
assistance of a Mob had prevented his finishing his house
on ground which belonged to his uncle - the Magis-
trate referred the Case to the Police Ameen who
dismissed the complaint, - and Moottoosawmy ap-
pealed to the Circuit Judge who called up the pro-
ceedings, when the Magistrate, without assigning
any reason, reversed his former order and granted
permission to Moottoosawmy to proceed with his
house - this decision of the Magistrate was submitted
to and confirmed by the Circuit Judge.

Petitioner further states that he
memorialized the Circuit Judge to reconsider his
order, and the Magistrate was in Consequence
directed to ascertain the rights of the Claimants:
with this view the Case was again investigated
by the Police Ameen, before whom Moottoosawmy
and four Witnesses deposed "that the Ground be-
longed to the Chapel" - in opposition of the
result of this trial the Circuit Judge on 23d
August last, confirmed his previous order, and
directed Petitioner to institute an Appeal - The

Magistrate

Magistrate refused Petitioner's application for
authenticated Copies of the proceedings held in
the case unless they were required and demanded
by the Court before whom the Civil action was
instituted - He therefore prays that the Court of
Foujdaree Udalut will call for the whole
proceedings and reverse the order of the Ma-
gistrate and Circuit Judge.

The Court of Foujdaree Udalut
cannot interfere in this matter.

The Proceedings of the Court of
Circuit, of which the Petitioner produces Copies,
clearly shew that Moottoosawmy Pillay has
been in possession of the Ground on which
he is now building a house for some years
past -

It is not the province of the
Magistrate, the Court of Circuit or of the
Foujdaree Udalat to inquire into the title on
which Moottoosawmy Pillay holds this land.

The duty of the Magistrate
is to maintain him in peaceable possession
of this property until such time as a

Decree

Decree of Court shall declare that he is not entitled to hold it.—

Should the Petitioner consider himself entitled to the land he should seek by a Civil Suit to recover it.

Petition dismissed.

Ordered that Copy of the above proceedings be granted to the Petitioner on his application.—

Read Miscellaneous Petition presented on the 17th Ultimo by Parvathy Boye of the Zillah of Cuddapah.—

/Here enter 3 U. M. D. No. 124/

1. The Petitioner, referring to Case No. 23 on the Cuddapah Calendar for the 1st Sessions of 1841, in which the 5th Prisoner Narasooja /Petitioner's Son in law/ was sentenced, by the 2d Judge then on Circuit in the Centre Division to 14 Years imprisonment for having received stolen property to the Amount of 620 Rupees, asserts that this sum of Rupees /620/ was her own property amassed by traffic.

2. She states that this Amount was stolen out of a Godown in her house where

where she had deposited it during her absence at Belgaum, and prays the Court of Tanjore Udalut, to call for the record of the Case No. 23 above mentioned, and to order that the Money be restored to her.—

3. The Court of Tanjore Udalut observe, that the Prisoners in the trial referred to in this petition, were tried and Sentenced nearly two years ago.— Why so long a period was allowed by the Petitioner to pass, before she appeared and presented a Petition before the Court of Circuit is not stated.—

4. It is altogether impossible that the Court of Tanjore Udalut should, at this late date, take up the Case, and enquire into the right of the Petitioner to the Money delivered up by the 5th Prisoner, her Son in law.—

5. Moreover, the Court have carefully gone through the Case in the Calendar, as well as the Fatwa of the Law Officer, and the remarks of the Circuit Judge who presided at the trial, and they cannot entertain the slightest doubt, that the Money found

found in the house occupied by the 5th and 6th Prisoners, formed part of that plundered from the house of the Prosecutor Butcha Row.

6. The Court therefore dismiss this petition.

Ordered accordingly, and that Copy of these Proceedings be furnished to the Petitioner on her application.-

Read letter dated the 1st Novem: ber 1842, from the Chief Magistrate and Superintendent of Police at Madras, trans: mitting the Report of Cases tried under Act XXII of 1837 in the Month of October 1842.-

/Here enter F. Vo. No. 1691./

Read letter dated 24th November 1842, from the Third Judge on Circuit in the Centre Division, transmitting the Original death warrant in Case No 9 on the Bellary Ca: lendar for the 2d Sessions of 1842.-

/Here enter F. Vo. No. 1670./

Read Return dated the 28th from the 3d Judge on Circuit in the Centre Division Ultimo, to the precept of the Faujdaree Adalut, dated the 21st October 1842, directing him to

to remit so much of the Fine imposed upon Singareddy the Petitioner in No 99 as he may think proper.

/Here enter F. Vo. No. 1690/

Entd/ HH.

A.D.M.
ag. Regr

Tuesday
6th December 1842.

F. 16.

At a Court of the Fouzdaree Adalut.

Present:

Henry Dickinson Esqre 1st Puisne Judge.
Malcolm Lewin Esqre. Jg 2nd Puisne Judge.
P. M. Lewin Esqre Jg 3rd Puisne Judge.

Read the October Criminal Reports submitted by the Joint Criminal Judge of Guntoor under date the 16th Ultimo.-

(Here enter F. 16. N 1636.)

Supplemental Report 1. Case N 38.

The Joint Criminal Judge has omitted to specify in his report on this case, the Talook from which the Prisoners were brought before him. The Court of Fouzdaree Adalut would draw his attention to their Circular Order of the 17th January 1832.-

2 Moreover the Joint Criminal Judge has neglected to state in the abstract of the charge in this case, the date on which the crime was committed, and whether the entry into

6th December 1842.-

into the House was effected by night or in the day time.-

3 With reference to the 2d Prisoner in this case, the Court consider the evidence against him to be complete.-

Report No V
Case No 50.

4. In this case also the Joint Criminal Judge appears to have lost sight of the Fouzdaree Udalut Circular Orders of the 28th January and 29th September 1828.-

Ordered, that a copy of these Proceedings be forwarded to the Joint Criminal Judge of Guntoor for his information and guidance.-

(Sentence No 1256)-

Ent. Ld.

F. W. Reg.
of acct.

F. U.

Thursday, 8th December 1842.-

At a Court of the Fouzdary Udalut.-

-Present-

Henry Dickinson Esqre ——— 1st Puisne Judge.-
Malcolm Lewin Esqre ——— No 2d Puisne Judge.-
Fred: Mortimer Lewin Esqre ——— No 3d Puisne Judge.-

Read letter dated the 23d Ultimo from the Third Judge on Circuit in the Centre Division, forwarding translation of the trial of the Record in Case No 13 of the Calendar for the 2d Sessions of 1842 for the final adjudication of the Judges of the Court of Fouzdary Udalut.-

(Present Ld. No 1686.-)

The Court of Fouzdary 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 Dickinson-
and
Mr F. M. Lewin.-

1st Pooliapa.-
(guilty)
2d Yerree.-

is sufficient to convict them of the Crime of

of Perjury, do convict them thereof; and under the provisions of Clause First Section V Regulation VIII of 1831 sentence them to be imprisoned, without labor and without irons, for and during the period of four Months.-

(Sent following Letter No: 1262)

Read Letter dated the 25th Ultimo from the 1st Judge presiding at the 2d Sessions Western Division, submitting the record of a perjury case No: 14 in the Mangalore Calendar for the aforesaid Sessions, and recommending for reasons stated that the Prisoner be released.-

(Here enter F.H. No: 1663)

Mr Dickinson. The Court of Foujdary Adalut on a deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the Prisoner

João Loy.

is not convicted on presumptive proof, or on the evidence of credible witnesses, or on his own confession, of the crime of Wilful and corrupt perjury, do acquit him thereof; and under the

the provisions of Clause First Section V Regulation VIII of 1831, and Clause Fifth, Section II Regulation XV of 1803, direct that he be set at liberty.-

(Sent following Letter No: 1263)

No reply having been received from the Principal Sudr Ameen at Tchapoor to the Proceedings of the Court of Foujdary Adalut of the 31st August 1842. requiring him to explain the reason of 2 Peons being employed in excess of the prescribed complement during the Month of July 1842.-

Ordered, that the Principal Sudr Ameen at Tchapoor be directed to submit the required explanation without delay.-

(Sent in No: 1264.)

Read the Cuddapah Criminal Reports for the Month of October last, submitted by the Acting Criminal Judge under date the 19th Ultimo.-

(Here enter F.H. No: 1666.)

Suppl. Report Case No: 130.- The Court of Foujdary Adalut are

of

8th December 1842.

of opinion, that the Acting Criminal Judge erred in the disposal of this case of gross assault. The Prisoner's guilt is clearly established, and he ought to have been committed for trial before the Court of Circuit.-

Case No 173. 2. The Court of Foujdary Udalut observe, that the punishment awarded to the Prisoners in this case was insufficient. The amount of the property stolen should have been deemed, by the Acting Criminal Judge, a circumstance placing the case within the provisions of Clause Fourth Section III Regulation VI of 1822.-

Report No V Case No 179.- 3. The Magistrate of Cuddapah is directed to frame a charge against the parties concerned in the conspiracy against the Prisoner in this case, and to send it up together with the witnesses, in the usual form, to the Criminal Judge of the Zillah.-

Case No 189.- 4. The Prisoner in this case is found guilty, by the Acting Criminal Judge, of having prefered a false complaint, before the Cumbum Tahsildar, accusing a person of having

2/ F. H.

8th December 1842.-

having beaten, abused and robbed her of gold beads valued at Rupees 10.- She is sentenced to one Month's imprisonment.-

5. The Court of Foujdary Udalut consider this a very inadequate sentence: and observe, that lenient punishment for an offence so prevalent, and at the same time so difficult of proof, is injudicious and likely to be productive of great harm.-

Case No 194.- 6. The Court of Foujdary Udalut are of opinion, that the Acting Criminal Judge greatly erred in his mode of disposing of this case. The 2d Prisoner, as a participes criminis, ought to have been committed with the 1st Prisoner to take his trial before the Court of Circuit.-

Ordered, that a copy of these Proceedings be forwarded to the Acting Criminal Judge of Cuddapah for his information and future guidance.-

/Sent in No 1265/

Read the Dollary

Criminal

Criminal Reports for the month of October last, forwarded by the Criminal Judge under date the 21st ultimo.-

(Are entered F. R. No 1665.)

Supplemental Report Case No 98.- 1. The Criminal Judge is requested to submit, for the information of the Court of Foujdary Udalut, his opinion as to whether a conviction would follow the trial of the Prisoner

Madiga Gundoo.

for the crime of Murder with which he stands charged in this case. the Prisoner should in the mean time be detained at Bellary, until further orders are received.-

Report No V Case No 184.- 2. The Court of Foujdary Udalut are of opinion, that the Prisoner in this case ought to have been punished for the assault upon the Prosecutrix, or that at all events security should have been taken from him by the Criminal Judge.-

Case No 187 3. The Criminal Judge will be pleased to obtain from the Worshipfull Mad

of Police, and submit, for the information of the Court of Foujdary Udalut, an explanation of the delay in forwarding this case to the Criminal Court.-

Ordered, that copy of 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 1266.) Jm

Ex'd.

R D M
Ag. Regr.

F. U.

Friday
9th December 1842

At a court of the Tonjdaree Udalut

Present

H.D. — Henry Dickinson Esqre. — 1st Puisne Judge.

M.L. — Malcolm Lewin Esqre. Actg. 2d Puisne Judge

T.M.L. — T. M. Lewin Esqre. Actg. 3d Puisne Judge.

—

Read letter dated the 26th November 1842 from the 1st Judge on circuit in the Western Division submitting for the consideration and final sentence of the Tonjdaree Udalut an English translation of the records of the trial in Case No. 8 on the Mangalore Calendar for the 2d Sessions of 1842.

/Here enter F.U. No. 1694 of 1842/

M. M. Lewin and M. T. M. Lewin

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 prisoner

Malloo

is

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. 1269/

Read returns dated the 15th Ultimo from the Acting Joint Criminal Judge of Cuddalore, to the precept of the Fouzdaree Udalut of the 31st October 1842 conveying their observations and orders on the Criminal Reports for the Month of September 1842.—

/Here enter F.C. No. 1621 of 1842/.

Read letter dated the 18th Ultimo from the 1st Judge of the Provincial Court of Circuit in the Southern Division transmitting the Original Death warrant in Case No. 1 on the Trichinopoly Calendar for the 4th quarterly Sessions of 1842.—

/Here enter F.C. No. 1644 of 1842/

End 7th.

Saturday 10th December 1842.

F. C.

At a Court of the Fouzdaree Udalut

Present,

Henry Dickinson Esqre 1st Puisne Judge

Malcolm Lewin Esqre acting 2d Puisne Judge.

F. M. Lewin Esqre acting 3d Puisne Judge

Read letter dated the 22d Ultimo from the 3d Judge on Circuit in the Southern Division, transmitting the English translation of the Trial in Case No. 3 on the Combaconam Calendar for the 2d Sessions of 1842.

/Here enter F. C. No. 1660/

Mr. Dickinson
Mr. F. M. Lewin

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

"Palaniyanye"

is sufficient to convict her of the Crime of Murder, do convict her thereof, but considering that there are circumstances in the Case which justify them in passing a less severe sentence

sentence than that towhich the Prisoner is liable under the provisions of Section X Regulation VIII of 1802, the Court of Foujdaree Udalut under the provisions of Clause Second Section VII Regulation I of 1825, do sentence her to be transported, to such place or places beyond Sea as the Governor in Council shall appoint, there to be imprisoned and kept to labor suitable to her sex, for and during the period of her natural life.

The Court of Foujdaree Udalut direct that the Circuit Judge be called upon to explain for their information, why he did not examine the Gillah Surgeon before the prosecution in the above case had closed, instead of deferring to do so until four days after the Law-Officer had given in his Fuleah.

Ordered, that Copy of these Proceedings be forwarded to the 3d Judge on Circuit in the Southern Division for his information and Guidance.

/ Sent following letter No 1270. /

F. Uc.

Monday, 12th December 1842.

At a Court of the Foujdaree Udalut.

Present,

H.P. Henry Dickinson Esqre 1st Puisne Judge,

A.L. Malcolm Lewin Esqre Actg 2d Puisne Judge,

J.M.L. J. M. Lewin Esqre Actg 3d Puisne Judge,

Read letter dated the 22d Ultimo from the Criminal Judge of Salem submitting Medical opinions and correspondence relative to the Prisoner Colundapien, who was charged with the murder of his wife in Case No 5 on the Salem Calendar for the first Sessions of 1839 - and requesting the orders of the Court of Foujdaree Udalut as to his disposal.

/ Here enter Ffc No 1656 of 1842 /

It does not appear from the opinions of the Medical Officers herewith submitted, that the Prisoner Colundapien

The Court of Foujdaree Udalut direct that the Petitioners be referred to their orders passed upon her former petitions above mentioned, which are final.-

The petition is dismissed

Ordered accordingly, and that copy of these Proceedings be furnished to Petitioner on her application.-

Read petition presented on the 14th Ultimo by Vencata Lutch-mummah of the Zillah of Cudda-pah.-

/Hereunto F.M.M.P. No. 127 of 1842/

The petitioner is the mother of Condareddy a Prisoner in Case No. 23 on the Cuddapah Calendar for the 1st Sessions of 1841, who was Sentenced by the Judge then on Circuit in the Centre Division to 7 years im-prisonment for robbery.-

2. She states that the Court of

is a confirmed Lunatic.-

2. The Court of Foujdaree Udalut therefore resolve to direct, that he be confined for a further period in the Hospital attached to the Jail under charge of the Zillah Surgeon, and to that reports be periodically submitted respecting his State of mind, for the information of the Foujdaree Udalut.-

Ordered that copy of these proceedings be forwarded to the Criminal Judge of Salem for his information and guidance.-

/Sentence No. 1274/

Read petition presented on the 7th Ultimo by Ankola Naraiah-summah of the Zillah of Cuddapah, repeating the prayer urged in her former petition, No. 157 of 1840, for the release of the Prisoner in Case No. 24 on the Cuddapah Calendar for the 2d Sessions of 1838.-

Here enter F.M.M.P. No. 126 of 1842.

The

of Tonjdaree Adalut have upon con-
-sideration of all the circumstances of
the case, mitigated the Sentence
awarded to one of the Prisoners, and
released another Prisoner, and the
prays that the Court will take con-
-passion upon her and order the release
of her son.-

3. The Court of Tonjdaree
Adalut, having referred to the Calendar
as well as to the report of the Circuit
Judge who presided at the trial of
the abovementioned Case, can entertain no
doubt that the Prisoner was justly
convicted and Sentenced.-

4 The Court, therefore, refuse
to interfere in the Case.

Ordered that this petition
be rejected, and Copy of these Proceedings
be furnished to Petitioner on her appli-
-cation.-

Read again petition presented
on

on the 26th September last by Amroye
complaining of the Sentence passed
upon her husband the Prisoner in
Case No. 6 on the Combaconum Ca-
-lendar for the 2d Sessions of 1841 by
the Judge then on Circuit, and
praying the Court of Tonjdaree
Adalut to call for and peruse the
record and pass a just decision in
the case.-

/Here enter F.A. M.O. No. 95 of 1842/

Read also returns dated
the 25th ultimo from the 3d Judge late
on Circuit in the Southern Division,
to this Court's precept of the 9th ultimo,
directing the transmission to them of
the original Complaint preferred by
the Prosecutor in Case No. 6 on the
Combaconum Calendar for the 2d
Sessions of 1841 as well as all the
proceedings held in the said Case which
may affect the Prisoner.-

/Here enter F.A. No. 1679 of 1842/ From

12th December 1842

1 From a perusal of all the papers connected with the case above mentioned, the Court of Zoujdaree Udalut are quite satisfied that the Sentence passed upon the Prisoner was correct.—

2 The foregoing petition is therefore dismissed.—

Ordered accordingly and that copy of these proceedings be furnished to Petitioner on her application.—

Read return from the 3d Judge on Circuit in the Southern Division to the precept of the Zoujdaree Udalut of 7th November last directing him to explain whether the Statement of Govinda Chetty and R Kristnen Chetty of the Combaconum Zillah, to the effect that the 3d Judge refused to take any notice of their petitions and threatened to fine them if they presented any more to him is true, and if so the ground of his refusal and threat &c.

[Here enter S.C. No. 1630 of 1842] Read

12th December 1842

Read again Miscellaneous Petition presented on 15th October by Govinda Chetty and Kristnen Chetty — together with the orders of the Zoujdaree Udalut thereon under date 7th November last.—

[Here enter S.C. No. 1031 of 1842]

The Circuit Judge in his explanation refutes the assertions of Petitioners and states that "they have gratuitously averred what is totally false" "that they were directed to present to the "Circuit Judge a petition divested of "all irrelevant and calumnious matter as otherwise it would only cause unnecessary embarrassment to the Magistrate and retard the required redress &c.

The Court of Zoujdaree Udalut feel so confident that the assertions in the above Petition are incorrect, and that the 3d Judge has done every thing that was requisite that they determine to dismiss

12th December 1842

dismiss the petition.—

Ordered that copy of these proceedings be granted to Petitioners on application.—

Read Miscellaneous petition presented on the 7th ultimo by Nauranday of Tinnivelly repeating the complaints urged in former petitions, against a sentence passed by the Court of Circuit against her husband a prisoner in Case No. 7 on the Tinnivelly Calendar for the 1st Sessions of 1836 - and praying the Court of Foujdaree Udalut to order his release.—

/Here enter F.U. M.P. No. 122 of 1842/

The Petitioner was instructed

1 to Foujdaree Udalut's Proceedings of the 21st February last, that the Court could not entertain an appeal against a sentence passed so far back as the year 1836, and was referred, under date the 11th March last, to the said Proceedings as final.—

2 The Petitioner is again referred to

F.U.

12th December 1842

to the orders of the Court passed upon her former petitions.—

Ordered that the foregoing petition be rejected and copy of these proceedings be furnished to Petitioner on her application.—

Read letter dated the 21st November 1842 from the 3d Judge on Circuit in the Southern Division, reporting that notice has been given to open the 2d Sessions of 1842 at Coimbatore on the 15th Instant.—

/Here enter F.U. No. 1649 of 1842/

Read letter dated the 21st November 1842 from the 2d and 3d Judges of the Provincial Court in the Western Division forwarding copy of a Communication from the Acting Criminal Judge of Malabar having reference to the Extract from the Proceedings of the Foujdaree Udalut of the 11th ultimo remarking on the mildness and inadequacy of that Officer's Sentence

12th December 1842.

Sentence -

/Here enter F.H. No. 1668 of 1842/

Read letter dated the 16th November 1842 from the Provincial Court of Circuit in the Northern Division, forwarding their Proceedings held upon Case No. 25 on the Report of the Joint Criminal Court at Vizagapatam for the Month of September last.

/Here enter F.H. No. 1669 of 1842/

Read return dated the 25th November 1842 from the Acting 3d Judge on Circuit in the Northern Division to the Precept of the Fouzdaree Adalut of the 18th Ultimo directing the release of the Prisoner Guntoor Soobiah in Case No. 7 on the Guntoor Primary Calendar for the 2d Sessions of 1842.

/Here enter F.H. No. 1672 of 1842/

Ent'd

Ag. Regr.

F.H.

Tuesday 13th December 1842.

Set

F.M.L.

At a Court of the Fouzdaree Adalut.

Present -

Henry Dickinson Esqre ——— 1st Puisne Judge.

Malcolm Lewin Esqre ——— 2d Puisne Judge.

Ted: Mortimer Lewin Esqre ——— 3d Puisne Judge.

Read letter from the Acting Criminal Judge of Nellore under date the 3d Instant stating that the 1st Prisoner in Case No. 82 on the Criminal Reports for October 1842 was "suspected", but not proved to be a notoriously bad character &c.

(Here enter No. 1702.)

1. The Court of Fouzdary Adalut observe that if all that is recorded in the Calendar against the Prisoner is correct, notorious bad character is clearly established.

2. The Court will not however disturb the sentence of the Acting Criminal Judge.

Ordered, that Extract from these proceedings be forwarded to the Acting Criminal

13th December 1842.

Criminal Judge of Nellore for his informa-
tion and guidance.-

/Sent in No. 1278./

Read return dated the 26th
Ultimo from the Provincial Court of Circuit
in the Southern Division - submitting with
reference to the Proceedings of the Sonjdar-
Adalut of the 1st November 1842 - copy of the Order
passed by them in Cases Nos. 62 and 63 on the
Sicchinopoly Supplemental Report for the
Month of September 1842.-

(Here enter F. U. No. 1698.)

Read letter dated the 5th Instant
from the 2d Judge of the Centre Provincial Court -
reporting that the 1st Sessions of 1843 - will be
opened at Cuddapah on the 7th January 1843.-

(Here enter F. U. No. 1705.)

Read letter dated the 6th Instant
from the Criminal Judge of Chingleput - forward-
-ing Criminal Report 8s for November 1842.-

(Here enter F. U. No. 1709.)

4 P. D.

F. U.

Thursday.
15th December 1842.

At a Court of the Sonjdaree Adalut.

Present,

Henry Dickenson Esqre. ——— 1st Puisne Judge,
Malcolm Lewin Esqre. ——— Actg 2d Puisne Judge,
J. M. Lewin Esqre. ——— Actg 3d Puisne Judge,

The Criminal Reports due
from August 1841 to November 1842 and
the Calendars from the 2d quarter of
1841 to the 3d quarter of 1842 not having
as yet been received from the Agent
to the Governor of Fort St. George at
Ganjam.-

Ordered that the Agent to
the Governor of Fort St. George at Ganjam
be required by Precept returnable in 15 days
from and after its receipt, to submit
the required Reports without further
delay, and to explain, for the informa-
-tion of the Sonjdaree Adalut the
causes which have prevented him earlier
complying

complying with the requisition contained
in this Court's letter of the 26th May
1840.

/Sent following precept No. 1281/

Read return from the Acting
Joint Criminal Judge of Masulipatam to
the precept of the Foujdaree Udalut of the
25th Ultimo regarding Case No. 38 in the
Criminal Reports for the Months of October

/Here enter Fld. No. 1697/

The Acting Joint Criminal
Judge in his return states that the Prison-
-ers in the above case "were not Peons but
"employed as village watchers, and as such
"had temporary charge of the Prisoner who
"escaped, and were, consequently considered
"liable to punishment under Section VII Regu-
"lation X of 1816."

The Foujdaree Udalut observe
that the Regulation quoted is inapplicable
the prisoners being merely "village watchers"
were not liable, for wilful neglect of duty,

to

to other punishment than dismissal
from the public service - and the
Court consider "village watchers" as
altogether unfit to be intrusted with
the charge of prisoners.

Ordered that Extract from
these proceedings be forwarded to the Acting
Joint Criminal Judge for his future gui-
-dance. Vide

/Sent in No. 1282/

Read communication dated the 28th
Ultimo from the Criminal Judge of Chittoor
explaining with reference to the proceedings of
Foujdaree Udalut dated the 23d November 1842
that no delay was allowed to take place
before any examination of Case No. 93 of
1842 was commenced upon.

/Here enter Fld. No. 1685 of 1842/

Read letter dated the 22d
Ultimo from the 1st Judge on Circuit in
the Western Division, transmitting a State-
-ment received from the Criminal Judge of

Canara

15th December 1842

Canara, of batta paid to Prosecutors and Witnesses during the 2d Sessions of 1842.-

/Here enter F.U. No. 1681 of 1842./

Read letter dated the 22d Ultimo from the 1st Judge on Circuit in the Western Division, reporting the opening of the 2d Sessions of 1842 at Honore, and the state of the Calendars.-

/Here enter F.U. No. 1682 of 1842/

Read letter dated the 5th Instant from the Provincial Court of Circuit in the Centre Division, submitting their remarks in case No. 38 of 1842 on the file of the Criminal Court of Chingleput.-

/Here enter F.U. No. 1713 of 1842/

Read letter dated the 6th Instant from the Provincial Court in the Northern Division reporting that the 1st Sessions of 1843 will be opened at Nellore on the 9th January 1843.-

/Here enter F.U. No. 1718 of 1842/-

End 16

Abm

F.U.

Saturday,
17th December 1842

At a Court of the Foujdaree Udalut.

Present:

Henry Dickinson Esqre. — 1st Puisne Judge,
Malcolm Lewin Esqre. Actg. 2d Puisne Judge,
F. M. Lewin Esqre. Actg. 3d Puisne Judge,

Read letter dated the 29th Ultimo from the 3d Judge on Circuit in the Southern Division submitting proceedings connected with the State of mind of the Prisoner Mahomed Alif in Case No. 1 on the Combaconum Calendar for the 1st Sessions of 1842, who was committed for Trial before the Circuit Court on a charge of wounding a Barber with a razor with intent to kill, but was discharged from trial in consequence of undoubted insanity and placed under the care of the Medical Officer in charge of the Jail - and requesting the

orders

orders of the Sunjdaree Udalut regarding
the future disposal of the Prisoner.—

/Here enter F.H. No. 1695 of 1842/

Under the circumstances represented in the Proceedings submitted with the above letter, the Court of Sunjdaree Udalut direct that the Prisoner

Mahomed Alif

be kept for a further period of 6 months under the charge of the Tellah Surgeon, and that a report as to his state of mind be then submitted by the Criminal Judge of Combaconum for the consideration and orders of the Court of Sunjdaree Udalut.—

Ordered that copy of these proceedings be forwarded to the 3d Judge on Circuit in the Southern Division for communication to the Acting Criminal Judge of Combaconum.—

/Sent in No. 1285/

End. 1 W.

Read letter dated 24th November from the 1st Judge presiding at the 2d Sessions Western Division submitting two

two transportation Warrants and reporting the failure of the process of Godna in two instances Viz.

/Here enter F.H. No. 1688 of 1842/

1. The Tellah Judge of Malabar in his return to the 1st Judge's warrant accounts for the failure of the process of Godna "to want of proper assistance in the marking the prisoner's foreheads, in the first place, with ink."—

2. The Court of Sunjdaree Udalut lament that the operation of Godna should have failed, and the prisoners been put to unnecessary pain, thro' the inefficient establishment of the Tellah Courts.

3. The operation cannot be repeated, and if fit persons for its performance are not obtainable at Calicut it ought in future to be done at Chinglepute.—

Ordered that Extract from these proceedings be forwarded to the 1st Judge on Circuit in the Western Division and that Copy be communicated to the Acting

17th December 1842.

Acting Zillah Judge for his future information and guidance.—

/Sent in Nos 1286/1287/

Read letter dated the 30th November 1842 from the 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 1 on the Bellary Supplemental Calender for the 2d Sessions of 1842.—

/Here enter F.U. No 1720 of 1842/

The Court of Foujdaree Udalut

Mr Dickinson and Mr M Levin

on a deliberate consideration of the circumstances of the case in evidence before them and concurring with the Judge on Circuit that the proof against the prisoner

Bheemah

is sufficient to convict him of the crime of Murder, do, under the authority with which they are vested by Clause I Section II Regulation I of 1818 convict him thereof, and sentence him to suffer death, as prescribed by Section XV Regulation VIII of 1802, by being hanged

F.U.

17th December 1842.

hanged at the usual time and place of execution.—

/Sent following letter No 1288./

Read letter dated the 1st Instant from the Joint Criminal Judge of Vizagapatam, submitting the Monthly Criminal Returns of his Court for the month of November 1842 as prescribed by Section XXXV Regulation X of 1816 and stating that the Returns No VIII and IX and the Statement required by Circular Order No 80 have not been sent there being no entry to be made in them.—

/Here enter F.U. No 1724 of 1842/

Read letter dated the 5th Instant from the Acting Criminal Judge of Malabar, submitting the information required by the Foujdaree Udalut in their proceedings of the 30th ultimo on a review of the Criminal Returns for October last.—

/Here enter F.U. No 1732 of 1842/

Read letter dated the 10th Instant from the Criminal Judge of Madura submitting explanation relative to

Case

17th December 1842

Case No. 85 of the Criminal Reports for the month of October 1842

/Here enter F.H. No. 1736 of 1842/

Read further return dated the 12th Instant from the Criminal Judge of Ballary to the precept of the Foujdaree Udalut dated 4th November 1842, forwarding translation of an Urzee from the Head of Police of Adonie in Criminal case No. 28 of 1842

/Here enter F.H. No. 1749 of 1842/

Read return dated the 14th Instant from the Acting Criminal Judge of Combaconum, to the precept of the Foujdaree Udalut of the 28th ultimo, on the review of the Criminal Reports for the month of October 1842.-

/Here enter F.H. No. 1752 of 1842/

Read letter dated the 12th Instant from the Provincial Court in the Western Division reporting that the 1st Sessions of 1843 will commence at Calicut on the 2d January ensuing.-

/Here enter F.H. No. 1754 of 1842/

F. H.

At a Court of the Foujdaree Udalut,

Present,

Monday 19th December 1842

Henry Dickinson Esqre 1st Puisne Judge

Malcolm Lewin Esqre Acg. 2d Puisne Judge

J. M. Lewin Esqre Acg. 3d Puisne Judge

Read petition presented on the 14th Ultimo by Manakayporje of the Jillah of Cuddapah.

/Here enter F.H.M.P. No. 128/

The petitioner represents herself to be the Wife of the 5th Prisoner in Case No. 23 on the Cuddapah Calendar for the 1st Sessions of 1841, and prays, for the release of her husband, and of her Mother in law the 6th Prisoner in the same Case, who were sentenced respectively to 14 and 2 years' imprisonment, by the 2d Judge then on Circuit in Centre Division, for having received stolen property.

2. The Court of Foujdaree Udalut direct, that the Petitioner be referred to their order of the 5th Instant passed on M.P. No. 124

Ord 3

cember 1842.

of 1842 - They observe, that there can be no doubt but that the Money alluded to in both these petitions formed part of that plundered from the house of the Prosecutor Bulcha Row and that the Prisoners were justly convicted and punished -

3. The Petition is dismissed -

Ordered accordingly, and that Copy of these Proceedings and of the Courts order on M. P. No. 124 of 1842 be furnished to Petitioner on her application -

Read petition presented on the 21st Ultimo, by Arumoogacone of the pillah of Tennerelly -

/Here enter T. C. M. P. No. 132/

1. The Court of Foujdaree Udalut on the 14th November last recorded an opinion, on a former Petition of Petitioners /No. 110 of 1842/ similar to this, that they saw no cause for doubting the correctness of the sentence passed by the Court of Circuit, on the Trial referred to in it.

2. The Petitioner is informed that no other order will be passed on the subject -

Ordered that petition be rejected and Copy of these Proceedings be furnished to Petitioner

cember 1842.

Petitioner on his application -

Read Petitions presented on the 7th and 28th Ultimo, by Garedass Venkummah of Guntoor, complaining of an order of the Provincial Court for the Northern Division directing the committal of Hanumiah Government Vakeel in the Auxiliary Court of Guntoor for trial before the Court of Circuit on a charge of Conspiracy against Colonel Royalon Naidoo the District Moonsiff of Chabrole - and praying the Court of Foujdaree Udalut to order his release from Committal and his re-employment in the Office of Government Vakeel -

/Here enter T. C. M. P. Nos. 125 & 126 of 1842/

The Court of Foujdaree Udalut observe, that directions have already been issued by them for the trial of the Case of Conspiracy referred to in the above Petitions - No further orders therefore are necessary on these petitions -

Ordered that Petitions be dismissed and Extract from these Proceedings be furnished to Petitioner on his application -

Read letter from the Acting Judge in Circuit Northern Division - of date the 9th

the 24th November 1842, submitting a remonstrance against certain remarks of the Court on his proceedings at the trial of Case No. 6 on the Nellore Calendar 2d Sessions 1842.-

/Here enter No. 1671/

1. Since the receipt of the foregoing letter the Judges have again considered the proceedings of the 3d Judge in Case 6 of the Nellore Calendar, also the record of the Case, and find no cause to modify the opinions expressed in their letter addressed to the 3d Judge under date the 17th Ultimo.

2. The Case /6/ was a simple Case of highway robbery, the prisoner was seized with the property upon him, by two Witnesses, who deposed to the facts. On his trial at the Criminal Court the prisoner when arraigned pleaded "Had drunk toddy "that day". I fell on the prosecutor who was "going on the road, but I do not remember "whether or not I robbed him of property".-

3. After the Evidence had been heard, part of which proved that the prisoner was not drunk; the prisoner was on the same day put on his

No. 26.
19th December 1842.

his defence, as follows:

Q. "What have you to state in defence "regarding the charge brought against You?"

A. "What I have to State, for "want of Sense I committed the Crime".-

4. Notwithstanding that the Case was of so simple a character, as above set forth, and that there was a perfect freedom of all suspicion, as to the evidence, a series of needless questions marks the trial, and the Witnesses are so confused by idle discrepancies being pointed out to them, that one of them answers in despair when questioned as follows.

Question 50. "In the deposition given by you before "the Criminal Court, on the 14th May 1842 you "stated thus. we then apprehended the Prisoner with "a head Cloth which contained a bundle, and "brought them without speaking any thing and de-"livered them to the Village Moonsiff - on open-"ing and examining the bundle at that time the "Rupees which are here were found in the purse "Half duits also were found in it; being questioned "by the Village Moonsiff as to whose were the "said Articles, he was saying that they are the

"same

"same things which he robbed from the prosecutor,
"we then delivered them and went away" whereas
"you have stated here that you did not open
"and examine the head Cloth. what will you
"say to this contradiction?"

Answer.

"The words which I stated before
"the Criminal Court formerly are true, here
"I am questioned topsytuvy, and, I stated
"so from ignorance."

5. There were 61 questions put to this witness, by the Judge on Circuit.—

6. Having concluded the trial, the Circuit Judge, misapprehending the intent of the Futwah, sentenced the prisoner for an assault to 6 months imprisonment, and Labor, a punishment far exceeding the justice of the case, if the act of the prisoner were limited in the opinion of the Circuit Judge to falling on the prosecutor, in the helpless state of drunkenness.

7. The comments of the Moofdaree Adalut in this case were not however intended, to indicate an opinion that the proceedings of the Judge on Circuit resulted from

from a desire to do injustice, but that they shewed that he had failed to do justice.

8. In the 9th paragraph of his letter, the Circuit Judge objects to the comments of the Moofdaree Adalut, on the irregularity of his proceedings in Case 7. Inasmuch those comments refer to proceedings which had not reached the Judge of Circuit they did not apply.— but the Court are not on that account induced to cancel the censure alluded to, which did not regard that Case alone— the proceedings which convey the censure notice a number of errors— the peculiar manner of noticing them, is not the result of those errors only, but of Mr. Walker's entire proceedings on Circuit, which are but a series of errors, such as suggested to the mind of the Court to enquire whether consistently with their duty,— they could avoid bringing Mr. Walker before the Government.

9. Mr. Walker observes that this is his first Circuit, but the Court find nothing in this plea to excuse the errors into

19th December 1842.

into which he has fallen -

10. The Court will notice the proceedings (as examples of the absence statement) of Mr. Walker in two other cases which came before him -

11. No. 1. Nellore Calendar was a case of Murder - in this Mr. Walker's remarks on the trial were founded on the opinion that there was no proof of a Murder having been committed "as yet the actual death of "Bangara is not undeniable" - Such being the Case, it was to no purpose putting the party accused of the Murder on his trial -

12. The Faujdaree Court observed in their proceedings of date the 27th August, that the prisoner should have been sent back to the Criminal Judge, when, if grounds sufficient existed he might have been held to security in Contemplation of further evidence being obtained when he might be tried hereafter -

13. In answer to this Mr. Walker entered on a long argument to justify the Course he had taken, and to prove that the prisoner might

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might be again tried, notwithstanding his acquittal at the Court of Circuit, although had he been acquainted with his duty, and with the practice which as a Criminal Judge he ought to have acquired, he would have seen that an acquittal by a Court of Circuit is final and has always been considered so - Circular Order 20th July 1829 - says "But a prisoner "should never be committed for trial unless "there are reasonable grounds to believe that "the evidence forthcoming will be found "sufficient for his conviction - A committal "on insufficient evidence has the most mischievous "public consequences - a Criminal that puts on "his trial, is necessarily acquitted, and though "the clearest evidence may afterwards be found "against him, he cannot be tried again" -

14. In Case 7 of the Guntoor Calendar, the Circuit Judge referred the trial, differing from the law Officer as to the conviction of the prisoner -

15. In conducting the trial of this prisoner the Circuit Judge displayed an extreme ignorance of his duty, and lastly his

his letter of reference, in neglect of what is required by Circular Order 14th March 1834 and other orders does not recommend the amount of punishment.-

16. On the evidence of two witnesses obviously false, and whose testimony if true, is founded on a fact not within their own knowledge, and depends on a date not proved before the Court, the Circuit Judge considered the charge against the prisoner proved - while the most important evidence in favor of the prisoner, was rejected without examination on the following Grounds "That the Koridary "book is of no weight at all - It is the "testimony of the lowest Officers of police, and "that not given on solemn declaration before "the Court - were it so given the Mahomedan "Law Officer would probably have declared "it unworthy of credit."-

17. This document if genuine was capable of clearly establishing the prisoner's innocence - and was opposed to the evidence on which the Judge of Circuit founded his opinion, in favor of the prisoner's

prisoner's guilt.-

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

/Sent in A° 1289./

Read petition presented on the 21st Ultimo, by Moochammah of the Zillah of Cuddapah.

/Here enter P.C. No. P. A° 131/

The Petitioner complaining of ill treatment from her husband and brother in law - She states that she presented a petition of plaint to the Collector and Magistrate of Cuddapah, but that that Officer has passed no orders thereon, and prays the Court of Foujdaree Udalut to grant her justice.

2. The Court of Foujdaree Ud[alut] but direct, that a Copy of this petition be forwarded to the Judge on Circuit in the Centre Division, who will be pleased to make enquiries regarding the circumstances therein

December 1842

therein set forth, and submit a report thereon for the information of the Court of Foujdaree Adalut.-

Ordered, that Copy of these Proceedings and of the above petition be sent to the Judge on Circuit in the Centre Division, for his information and Guidance and that Copy be furnished to Petitioner, on her application.-

/ Sent in No. 1290. /

Read petition presented on the 21st Ultimo, by Dasey Reddy Nangappah of the Zillah of Bellary, complaining of the sentence of 14 years imprisonment passed upon his son the 9th prisoner in Case No. 8 on the Bellary Calendar for the 1st Sessions of 1842, by the Court of Foujdaree Adalut, and praying for his release.

/ Here enter F. Vol. M. P. No. 133. /

The Court of Foujdaree Adalut direct, that a Copy of this petition be sent to the 3d Judge on Circuit in the Centre Division - and that he be called upon

F. 16.

19th December 1842

upon to state, in letter any of the circumstances related in it induce him to reconsider the sentence proposed by him in the Case of the 9th Prisoner.

Ordered, that Copy of these proceedings and of the above petition be forwarded to the 3d Judge on Circuit in the Centre Division, for his information and Guidance - and that Copy of these proceedings be furnished to the Petitioner on his application.

/ Sent in No. 1291. /

Read Extract Minutes of Consultation under date the 22d Ultimo, with Extract from the Minutes of Consultation in the Military Department dated the 1st and 8th Ultimo and their enclosures "communicated to the Judges of the Foujdaree Adalut for any observations they may desire to offer, as to the legality of Captain Ricketts' proceedings under the authorities granted by him".

/ Here enter No. 1653. /

1. On the 2d and 3d paras of his

his letter to this Court of date the 12th August last, Mr. Freese referring to the orders of Government communicated to this Court under date the 17th March 1842, observes "These Merchants have since
" brought to my notice the following circumstances
" calling upon me for protection, from the fines
" imposed upon them by the Officer in charge of
" Police, they not being Camp Followers."-

"It appears that after the receipt
" of the late orders of Government the Grain
" Merchants remained unmolested for a short
" period when the Cutwal desired them to report
" daily at his office the price of Grain" after stating that he had desired the Merchants to furnish all necessary information for Commissarial purposes. Mr. Freese proceeds
" These Merchants have now represented that a
" few days since a Peon waited upon them
" by the order as he stated of the Cutwal,
" and desired them hereafter to lodge daily
" at his Office, a small sample of Grain,
" with a Memorandum of the price of the day,
" and on their refusing to comply with that
" requisition

" requisition they were summoned to appear before the
" Officer in charge of Police and fined by him
" 5 Rupees each, being in the aggregate 25 Rupees"
"These Merchants have also complained of
" the seizure of certain measures, which they
" had caused to be verified and stamped as
" correct at the Cutcherry of the Sydapet
" Tahsildar because they did also bear the
" stamp of the Cantonment police".-

2. In his letter of date 5th October 1842 to Brigadier Ritchie Captain Ricketts asserts "The Grain dealers referred
" to are undoubtedly Sutlers" and as such
" are subject to trial by Military Courts Martial
" for disobedience of orders and Contempt
" of authority" &c.

3. The 14th Section of Regulation 8 of 1832 states "at Military bazar stations
" every Military bazar man registered according
" to Section V. shall be subject
" to all Regulations established by the Com-
" manding Officer under the orders of the Govern-
" ment for the maintenance of good order

and

"and fair dealing". The jurisdiction of the police officer would therefore depend, on the merchants being registered bazar-men - if they are not Captain Ricketts' order of June was illegal - and his demand on them for a daily supply of grain was equally so.

4. On Mr. Freese's allegation concerning the measures the Court of Tanjore Udalut observe that the 2d Clause 6th Section of 7 Regulation 1832, permits officers in charge of Police to take cognizance of the offence of "using false weights or measures" such persons are to be summoned, and if they refuse to attend may be apprehended by warrant - after this they must as required by the 7th Section, "be delivered over by the Commanding Officer as provided in Section 34 to the "Magistrate, Joint Magistrate or Assistant "Magistrate, or in their absence to the nearest "native officer of police under them".

5. It is obvious from the foregoing that the officer in charge of the police had no jurisdiction beyond apprehending the party

party in question - The Officer in charge of Tanjore police as observed in the proceedings of the Court under date 26th August 1836 has no jurisdiction over parties not subject to Military law, merely because resident within Military limits.

6. As to the offences itself, it is described in the list of punishments before the Tanjore Court received from Captain Ricketts - "For having in their possession false improper "and unstamped weights, contrary to Regulations" - the Court of Tanjore Udalut observe that under the Madras presidency there is no legal standard of weight and measurement: the offences connected with false measures is referred to in 5th Section 11 Regulation of 1816 as follows: "Magistrates shall have authority "to receive Complaints regarding frauds committed "in using false weights and measures, &c."

7. As the law does not prescribe the particular measure to be used, and as there is reason to conclude from the fact of the measure in question being stamped by the Tahsildar, a practice generally in use for

while Captain Ricketts, asserts that the matter is limited to the enforcement of local regulations which he quotes. Captain Ricketts speaks only of the system and it may be that the facts alluded to by Mr. Freese have not fallen under his notice.

13. The Court of Foujdaree Udalut are not acquainted with any regulation which requires that a party bearing arms for his protection or for purposes of state should have a passport to accompany them, on all occasions.

14. Under the Regulations of the Government, the importation of Military stores is forbidden (See 34 Section 9 Regulation of 1803) and by the 15th Section of 1 Regulation of 1812. Military Stores cannot pass a Chokey without being "accompanied by Regular "Certificates conformably to the General Orders "which have been or may be published by the "authority of the Governor in Council respecting the transit of Stores of that description" in the list which follows arms of the description

19th December 1842

description mentioned appear. The 1st Clause however of the Section, declares that the foregoing provision is not to apply to certain "specified arms" in the possession of individuals "for private use".

15. The legality or otherwise of seizing the arms of travellers would seem to depend on whether the regulation above quoted has been kept in view.

16. As a measure of police the Court of Foujdaree Udalut are not able to decide on the proceedings of Captain Ricketts, supposing them to have been exactly as represented by himself, as they are ignorant of the occasion which called for the enforcement of the system of requiring "passports" and as a consequence, whether it is justified by necessity.

Ordered, that Extract from these proceedings, together with the Original Enclosures which accompanied the above Minutes of Consultation be forwarded to the Acting Secretary to Government, for the purpose of

19th December 1842.

of being laid before the Most Honorable the Governor in Council.-

/ Sent in H° 1292. /

Offg Regr

Read letter dated 16th ultimo from the Provincial Court in the Northern Division reporting their proceedings in Case N°. 65 of 1840 on the file of the Criminal Court at Rajahmundry.-

(Here enter N°. 1658.)

P.M.

Tuesday
20th December
1862.

At a Court of the Foujdaree Udalut

Present

Hy
Act
P.M.L.

Henry Dickinson Esqre 1st Puisne Judge
Malcolm Lewin Esqre 2d Puisne Judge
P. M. Lewin Esqre 3rd Puisne Judge

Read letter dated the 30th Ultimo from the 3rd Judge on Circuit in the Western Division, submitting for the final sentence of the Foujdaree Udalut the proceedings in Case No. 1 of the 2nd Additional Calendar of the Joint Criminal Judge of Malabar for the 4th Quarterly Sessions of 1862.-

(Here enter P.M. No. 1716)

Mr. Dickinson and Mr. P. M. Lewin.

The Court of Foujdaree Udalut on a deliberate consideration of the circumstances of the case in evidence before them, concurring in opinion that the proofs against the prisoner Pothoo Coody Coomanbily Chatoo is sufficient to convict him of the crime of murder, do. under the authority with

with which they are vested by Clause 1st Section II Regulation I of 1818 convict him thereof and sentence him to suffer death, as prescribed by Section X Regulation VIII of 1802, by being hanged at the usual time and place of execution.

(Sent following letter No 1297)

Read letter dated the 20th Ultimo from the Agent to the Governor of Fort Saint George at Ganjam, submitting the record of the Trial in Case No 31 of 1812 for the orders of the Court of Foujdaree Udalut.

(Here enter F.C. No 1723.)

Mr Dickinson. and Mr McLeavin. The Court of Foujdaree Udalut on a deliberate consideration of the circumstances of the case in evidence before them concurring in opinion that the proof against the prisoner

Ragoo Khohurah

is sufficient to convict him of the crime of murder, do, under the authority with which they are vested by Clause 1st Section II Regulation I of 1818 convict

him thereof and sentence him to suffer death, as prescribed by Section X Regulation VIII of 1802 by being hanged at the usual time and place of execution.

(Sent following letter No 1298)

Read letter dated the 29th Ultimo from the 1st Judge on Circuit in the Western Division, submitting the records of two robbery cases No 15 and 16 on the Mangalore commitment Calendar for the 2nd Sessions of 1812.

(Here enter F.C. No 1708.)

Mr F McLeavin. The Court of Foujdaree Udalut on a deliberate consideration of all the circumstances of the case in evidence before them are of opinion that the proof against the prisoner

Doogunna

is sufficient to convict him of the crime of robbery and robbery by open violence do convict him thereof and under Clause second Section IV Regulation XV of 1803 sentence him to be transported to such place or places beyond

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. 1299)

Read the Criminal Reports for the month of September last, submitted by the Officiating Joint Criminal Judge of Tinnevelly under date the 1st October 1842.-

(Here enter Fl6. No. 11,163)

Read letter dated the 15th Instant from the Acting Criminal Judge of Cuddapah, offering an explanation to the Extract from the Proceedings of the Foujdaree Udalut dated 8th December 1842 regarding the Criminal Report for the month of October last.-

(Here enter Fl6. No. 11,753.)

Ack.-

Thursday.
22nd December 1842.

Fl6.

At a Court of the Foujdaree Udalut.

Present

Henry Dickinson Esqre. 1st Puisne Judge.
Malcolm Lewin Esqre. 2d Puisne Judge.
P. M. Lewin Esqre. 3rd Puisne Judge.

Read return dated the 10th Instant from the Joint Criminal Judge at Cuddalore to this Court's precept of the 5th Instant requiring a Statement of all the former offences committed by the Prisoner in Case No. 98 of the Criminal Reports for the month of October 1842.-

(Here enter Fl6. No. 11,733.)

The Court of Foujdaree Udalut direct, that the whole sentence awarded by the Sudr Ameen to the Prisoner in the abovementioned case, be carried into effect.-

Ordered, that copy of these Proceedings be forwarded to the Joint Criminal Judge at Cuddalore for his

22nd December 1842.

his information and guidance.-

(Sent in Nº 1302)

Read the Rajahmundry Criminal Reports for the month of November last submitted by the Criminal Judge under date the 1st Instant.-

(Here enter J. No. Nº 1725.)

Report Nº V Case Nº 46.

1. From the statement of this case it is observed that the 1st and 4th Prisoners, are charged with having at night burglariously entered the Prosecutor's house and stolen therefrom property to the value of Rupees 2(45), and are sentenced by the Moofty Sudr. Ameen to 12 months' imprisonment for the crime of Robbery-

2. The Court of Foujdaree Udalut direct, that the Criminal Judge be called upon to state for their information, whether the burglary, and theft (not robbery) are proved against the 1st and 4th Prisoners in this case.-

Ordered

22nd December 1842.

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

(Sent following precept Nº 1363)

Read return dated the 17th Instant from the Criminal Judge of Bellary to the precept of the Foujdaree Udalut of the 8th Instant remarking on the Criminal Reports for the month of October 1842, and forwarding translation of the explanation in Case Nº 187.-

(Here enter J. No. Nº 1769)-

End 7th

Adv

Thursday
23rd December 1842.

P. M.

At a Court of the Fouzdaree Adalut

Present

Henry Dickinson Esqre — 1st Puisne Judge
Malcolm Lewin Esqre — 2d Puisne Judge
F. M. Lewin Esqre — 3d Puisne Judge.

Read the Criminal Reports for the month of November last, submitted by the Acting Criminal Judge of Malabar under date the 9th instant.-

(Here enter F. M. No 1741.)

These Reports do not appear to call for any remarks from the Court of Fouzdaree Adalut.-

Ordered, that a copy of these Proceedings be forwarded to the Acting Criminal Judge of Malabar for his information and guidance.-

(Sent in No 1307)

Read letter under date 2d December from the Acting 3d Judge

on

on Circuit in the Northern Division, forwarding the Primary and Supplemental Calendars for the 2nd Sessions of 1842 at Juntoor.

(Here enter No. 1961.)

Primary Calendar. Case 8.

In his remarks on this case, the Presiding Judge states that the Futwah of the Law Officer appears to be erroneous inasmuch as it does not contain any opinion as to the guilt or innocence of the Prisoners on a very important part of the charge namely, taking part in an affray, and he therefore proposes to submit the Futwah and Proceedings on this trial for the orders of the Foujdaree Udalut.

2. The Court of Foujdaree Udalut observe that if the Futwah does not embrace the necessary points, the Presiding Judge should put to the Law Officer questions capable of eliciting the necessary information. They therefore desire that the 3rd Judge will now pursue this course and so refer the

trial until the questions have been put and it has been ascertained that a necessity exists for the reference.

Ordered, that Extracts from these Proceedings be forwarded to the Acting 3rd Judge on Circuit in the Northern Division for his information and guidance.

(Sentence No. 1308.)

Read letter dated the 9th Instant from the Principal Sudr Ameen at Hetapoor, forwarding the Criminal Reports for the month of November 1842.

(Here enter File. No. 1763.)

Read letter dated the 15th Instant from the 3rd Judge on Circuit in the Southern Division, reporting the arrival of the Court of Circuit at Hoomberee as well as the number of Cases on the Calendar, and states that there is a prospect of a Supplemental Calendar being laid before the Court of Circuit in the event of evidence being sufficient

to

23rd December 1842.

to warrant committal.-

(Here enter Flo. No 1762.)

Read letter dated the 17th Instant from the 1st Judge Jaffna on Circuit in the Western Division, forwarding the Statement of Costs paid to the Prosecutors and Witnesses during the 2nd Sessions of 1842 at Mannar.-

(Here enter Flo. No 1767.)

Read letter dated the 17th Instant from the 3rd Judge on Circuit in the Southern Division, forwarding copies of letters from the Criminal Judge of Madura reporting the execution of the 1st and 2nd Prisoners in Case No 3 of the Madura Calendar 2nd Sessions 1842-together with the Original Warrant.-

(Here enter Flo. No 1767.)

Read letter dated the 15th Instant from the Provincial Court in the Western Division, transmitting translations of the Sinhalese Criminal Reports for November last.-

(Here enter Flo. No 1768.)

Fo. 1.

Fo. 16

Saturday 24th December 1842.

At a Court of the Fouzdaree Adalut.

Present.

The Hon. Dickinson Esqre 1st Puisne Judge
Malcolm Lewin Esqre Actg 2nd Puisne Judge
F. M. Lewin Esqre Actg 3rd Puisne Judge.

Read Petition presented on the 31st October last by Kanagie Naick of the Cummawar Caste in the Zillah of Chilaw.-

(Here enter Fo. Ma. D. No 117 of 1842.)

1. The Petitioner complains that certain of his relatives have been unjustly fined, by the Joint Magistrate of Chilaw, in consequence of a Caste dispute-and prays the Court of Fouzdaree Adalut to order that the fines be remitted, and the dispute be referred for decision by persons of the Cummawar Caste.-

2. The Court of Fouzdaree Adalut direct, that the petitioner be instructed to appeal to the Court of Circuit for the Northern Division, and

to

to produce before this Court any order he may wish to Complain against.

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

Read Miscellaneous Petition presented on the 28th November 1842 by Ramasing of the Pallah of Chingleput.

(Vide order M. D. No. 135.)

Petitioner States that his father having served as a Jail Peon for upwards of 30 years was virtually Compelled by the infirmities of age, to discontinue his customary duties, which Captain Worster permitted to be performed by Petitioner last - when his Father died - Captain Worster ordered a reduction in the establishment and dismissed him (the Petitioner) who in consequence prays the Court (of Sudder) Foujdaree Adalut to direct Captain Worster to entertain him in the situation of his late Father.

The Petitioner is informed

that he must apply to the Board of Revenue.

Petition Dismissed.

Ordered, that copy of these Proceedings be granted to the Petitioner on his application.

Read Miscellaneous Petitions presented on the 31st October and on the 12th instant by Annajee Row of Madras complaining of the Proceedings of the Acting Assistant Judge of Guntoor, who refusing to receive security, has replaced his cousin Sungum Rowmudo in confinement - and further stating in his petition of the 12th Instant that when a Petition was presented to the Acting 3d Judge on Circuit he neglected to take any notice of the same - Petitioner therefore prays that the Court of Sudder Adalut will call for the proceedings in the case and pass orders thereon, allowing his Cousin in the interim to be released on Security

(Vide orders Nos 120 and 138 of 1842.)

The

24th December 1842.

The Court of Foujdarry Adalut determine to call upon the Acting 3d Judge of Circuit to State whether it be true that a Petition was presented to him touching this matter and that he refused to take notice of it and if so the grounds of such refusal.—

2. The Court of Foujdarry Adalut desire moreover that a copy of the Petition presented to him and the order passed thereon may be submitted.—

Ordered, that Copy of these Proceedings be forwarded to the Acting 3d Judge on Circuit in the Northern Division by precept returnable in 5 days from and after its receipt.—

(Vide following precept No 1309)

Ordered further, that Copy of these Proceedings be granted to Petitioner on application.—

Ent. No 1

F. 20.

Monday 26th December 1842.

At a Court of the Foujdary Adalut.

—Present—

Henry Dickinson Esqre — 1st Puisne Judge.

Malcolm Lewis Esqre — 2d Puisne Judge.

And Fred: Mortimer Lewis Esqre acting 3d Puisne Judge.

Read the Criminal Reports for the month of November last forwarded by the Acting Joint Criminal Judge of Masulipatam under date the 12th Instant.—

(Here enter P. A. No 1746.)

Report No V. Case No 41.—

1. The Court of Foujdary Adalut are of opinion that the punishment awarded to the Prisoner in this case by the Sub Assistant exceeds the offence with which he is charged.—They therefore direct that the Provincial Court for the Northern Division be called upon to look into the Case, and to pass such orders thereon as may appear necessary, reporting the result for the information of the Foujdary Adalut.—

2. These Reports do not appear to call for any further remarks from the Court

7th December 1842.

Court of Foujdary Adalut.

Ordered, that copy of these proceedings be forwarded to the Acting Joint Criminal Judge of Maculipatam for his information and guidance.

/Sent in No. 1310/

Ordered also, that Extract from these proceedings (para 1.) be sent to the Provincial Court for the Northern Division for their information and guidance.

/Sent in No. 1311/

Read letter dated 8th December from the Acting Joint Criminal Judge of Cochin, submitting the Criminal Reports for the month of November 1842.

/Here enter No. 1731/

These Reports do not appear to call for any remarks from the Court of Foujdary Adalut.

Ordered, that Extract from these Proceedings be forwarded to the Acting Joint Criminal Judge of Cochin for his information.

/Sent in No. 1312./

26th December 1842.

Read Record of Trials & Cases

in the Chittoor Calendar for the 3d Quarterly

Sessions of 1842 and disposed of by the 2d Judge

of Circuit.-

Here enter 1659

In this instance the Prisoners

1. Ottapully Cudaveddy-

and

2. Cumsaloo Roodroo Doo.

were severally convicted, the 1st of having to Wit

Sir Rar money by force, and the 2d as accessary

after the fact in receiving and concealing the

same:-

2. The Judges of the Court of Foujdary Adalut having attentively perused the entire proceedings in this case are confident that the charge is false. The charge is the result of a feud subsisting between the parties, neither of whom are from their condition in life, likely to commit an offence of the nature laid against the Prisoners. There is also a strong feeling of animosity between them arising out of a charge of murder of the prosecutor's brother preferred against some of the prisoners on a former occasion, which terminated in

Case No. 9

2 to the December 1842 -

in their acquittal -

3. The same Evidence which was adduced to support the charge of Murder, was brought forward in support of the present charge - a circumstance so striking, that it seems remarkable, the Circuit Judge should not have been led to suspect the truth of the latter. Both parties moreover preferred their respective complaints to different authorities -

4. The Court of Inquiry Adultet resolved to direct the immediate release of the prisoners -

Case Nº 10. 5. The Prisoner in this case Chinnien alias Vincalassamy - had been acquitted of the charge of having in the night time, inflicted a wound in the belly of the Prosecutrix by stabbing her with a knife -

6. The reasons assigned for acquitting the Prisoners are - that the evidence of the Witness for the Prosecution is insufficient - and that no person saw the wound inflicted -

7. The Judges of the Court of Inquiry Adultet consider that there has been a great failure of justice in this case, the proof against the Prisoner being

Encl.

F 11

26th December 1842 - being indubitably clear - the Prosecutrix declared that it was the person who wounded her - She pointed him out immediately - a motive is assigned for his conduct - he was seen to go to a Godown whence the knife was stolen, and there to be done near the Prosecutrix - The mere supposition that no person saw the Prisoner commit the deed ought not to have weighed against such a chain of circumstantial and presumptive evidence sufficient for the conviction of any Prisoner -

8. The Judges cannot close their remarks without expressing their hopes that Mr Lair will observe more caution for the future and by a strict attention save them from the disagreeable but imperative duty of communicating their sentiments regarding his proceedings to Government and submitting the question if whether he can be safely trusted with the important interests which devolve on a Circuit Judge -

Ordered, that Extract from these Proceedings be forwarded to the 2d Judge of the Provincial Court of Circuit in the Eastern Division for his information -

(Sent in Nº 1313.)

RDM
Ch. Sec.

F. C.

Wednesday 28th December 1842.

At a Court of the Sessions Vedalia.

Present

Hon. Henry Dickinson Esq^re — 1st Puisne Judge.

Malcolm Lewin Esq^re — 2nd Puisne Judge.

Fred. Mortimer Lewin Esq^re — 3rd Puisne Judge.

Read the Nellore Criminal Reports for the Month of November last submitted by the Acting Criminal Judge under date the 10th Instant.

(Here enter F. C. Vol 17 p. 35.)

Report No. V.

Case No. 93.

The Court of Sessions Vedalia see no opinion that this case should have been sent up to the Criminal Court.

Case No. 95.

2.

The Court of Sessions Vedalia observe a delay of one Month in forwarding this Case to the Criminal Court: however it is not stated in the Report what circumstances hindered the reference in the case to the Acting Head Assistant Magistrate necessary.

Ordered, that copy of these Proceedings be forwarded to the Acting Criminal Judge of Nellore for his information

(can

8th December
1842

and future guidance.-

[Sent in No. 1315.]

Read the Criminal Reports
for the Month of November last forwarded
by the Joint Criminal Judge of Malabar
under date the 10th Instant.-

[Hd under P. M No. 1718.]

Suppl. Report 1. The Court of Sudder Adawlut see
Case No. 76.- reason to doubt the correctness of the Joint
Criminal Judge's proceedings in this case.
They resolve therefore to direct the Provincial
Court for the Western Division to call for and
dispose of the case as may seem to them proper,
and report the result for the information of
the Sudder Adawlut.-

Case No. 83.- 2. The Court of Sudder Adawlut observed,
that no mention is made in the Report of
the punishment awarded to the 1st and 3d
Prisoners who are stated to have been convicted
of the charges preferred against them in
this case.-

Case No. 86.- 3. The Court doubting the correctness of

28th December 1842.

of the decision in this case, direct the Provincial
Court to call for the Proceedings held thereon,
and to pass such orders as may appear necessa-
ry, reporting the result for the information of
the Sudder Adawlut.-

Report No. V 4. For the same reasons, the Provin-
Case No. 91.- cial Court are called upon to dispose of this
case also, and to report the result for the
Court's information.-

Ordered, that copy of these
Proceedings be forwarded to the Joint Criminal
Judge of Malabar for his information and
guidance.-

[Sent in No. 1316.]

Ordered also, that Extract
from these Proceedings (Paras 1, 3. and 4.)
be sent to the Provincial Court in the Western
Division for their information and guidance.-

[Sent in No. 1317.]

Read letter dated the 15th
Instant from the 1st Judge of the Provincial
Court of Circuit in the Southern Division
forwarding

28th December 1842.-

forwarding copy of the Trichinopoly 1st Supplemental Calendar of the 4th Quarterly Sessions of 1842.-

(Here enter No. 1757.)

Case No. 1.- The 1st Judge in Circuit in referring this case states that "he has thought it right to abstain from committing certain Witnesses on a charge of perjury until he had an opportunity of hearing the opinion of the Court of Foujdary Adalut."-

2. The Court of Foujdary Adalut observe that it is at the discretion of the Circuit Judge to order the charge to be preferred, but that not having the whole case before them, the Court of Foujdary Adalut are unwilling by an expression of opinion, to prejudge the matter.-

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.-

(Sent in No. 1318.)

Read the Criminal Reports

for

2/ F. H.

28th December 1842.-

for the Month of November last submitted by the Officiating Joint Criminal Judge of Tinnevelly under date the 9th Instant.-

(Here enter F. H. No. 1758.)

Report No. V Case 1. No. 91.- The Court of Foujdary Adalut observe, that no reason is assigned for the delay in forwarding this Case to the Criminal Court.- They direct, that an explanation be obtained, from the Shenmandavoy Tahsildar, and submitted, for the information of the Foujdaree Adalut, by the Criminal Judge in his next Monthly Report, of the circumstances which caused the detention of this case in the Talook.-

Case No. 92. 2. The Court of Foujdary Adalut being of opinion, that the Prisoner in this petty case of Cattle Stealing, has been in confinement a sufficiently long period to satisfy the ends of justice, Resolve to direct that he be forthwith set at liberty.-

Ordered, that copy of these Proceedings be forwarded to the Officiating Joint

28th December 1842

Joint Criminal Judge of Tipperary for his information and guidance

(Sent in No 1319 /s

Ent'd

WDL

T. Cy.

Thursday. At a Court of the Longford Adalat.

29th December 1842.

Present

Henry Dickinson Esqre — 1st Puisne Judge.

Mk — Malcolm Lewin Esqre — 2d Puisne Judge

WmL — T Mc Lewin Esqre ——— 3d Puisne Judge

Read letter dated the 1st Instant from the 3d Judge on Circuit forwarding copies of the Bellary primary and supplemental Calendars for the 2d Sessions of 1842 (Here enter No 1719)

Case No 1. In the opinion of the Judges this Case ought to have been referred to the Longford Adalat, since the Prisoner is guilty of Murder, if the Medicine given to procure abortion produced death.

No 2. 2. The Judges observed that the Prisoner in this Case ought not to have been examined against her husband and having been examined, the ought

29th December 1862

Report Dr. V. 1. The Court of Tongdared Udalut
Case Dr. 147 observe, that the delay on the part of the
Muncurgoody Tahsildar in forwarding
this Case to the Criminal Court is not
satisfactorily accounted for.

Case Dr. 151 2. The Prisoner in this Case is
reported to be an old offender. The Court
of Tongdared Udalut direct that a statement
of the former offence or offences committed
by the Prisoner, be submitted for their
information.

Ordered, that Copy of these
proceedings be forwarded to the Acting
Criminal Judge of Combaconum for
his information and guidance.

(Sent in Dr. 1323.)

Read the Criminal Reports
for the Month of November last, forwarded
by the Joint Criminal Judge at Cuddalore
under date the 15th Instant.

(Recorded in T. Gr. Nr. 1764.)

Supplemental Report Cases Nos. 100 & 105 The Court of Tongdared Udalut doubt the correctness of the proceedings held

T. U.

29th December 1862.

Report Dr. V. 2 Case Dr. 102.

held in these Cases. They direct that the Provincial Court for the Central Division be called upon to look into and dispose of the Cases as may appear to them proper and to report the result for the information of the Tongdared Udalut.

The Court of Tongdared Udalut consider the period of confinement already undergone by the Prisoner to be sufficient punishment for the offence with which he is charged in this Case. They direct that the Prisoner be forthwith set at liberty, and that a report regarding the torture stated to have been inflicted upon him, be submitted by the Joint Criminal Judge for their information.

Ordered, that Copy of these Proceedings be forwarded to the Joint Criminal Judge at Cuddalore for his information and guidance by precept returnable in 7 days, from and after its receipt.

(Sent following precept Nr. 1324.)

Read

Read letter dated the 23d Ultimo from the 3d Judge on Circuit in the Southern Division, transmitting a copy of the Commencement Calendar for the 2d Session of 1842.

/Here enter No 1664/

Case No 16. 1. The Court of Fouzdaree Adawlut consider that there was ample suspicion against the 2d Prisoner in this case to have authorized the requisition of security.

Case No 17. 2. The Court of Fouzdaree Adawlut see reason to doubt the correctness of the judgment in this Case and consequently determine to call for the record.

Case No 20. 3. As the full amount of punishment was not adjudged in the preceding number, this case ought to have been tried and punishment awarded, but as the Prisoner has already been punished in part, it cannot now be tried.

Case No 22. 4. The Court concurs with the view taken by the Circuit Judge in this Case, and for the reasons assigned by

by him and under Clause 3d Section III Regulation I of 1825 sanctions the mitigation of punishment to 18 months imprisonment with hard labor in irons.

Ordered, that Extract from these proceedings be forwarded to the 3d 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 1325.

E.H.D.

A.D. Reg.

information and guidance.

(Sent in N° 1327.)

Read letter dated the 13th instant from the Acting Governor's Agent at Vizagapatam, submitting the Criminal Reports for the Months of November last.

(Here enter F. O. N° 1759)

Read letter dated the 16th instant from the Provincial Court in the Western Division, forwarding with reference to the Extract from the Proceedings of the Zeyldaree Adawlut dated the 3d instant copy of an Extract from the Proceedings of the Provincial Court of Circuit regarding Case N° 119 on the file of the Criminal Court of Canara.

(Here enter F. O. N° 1784)

Read letter dated the 1st instant from the 3d Judge on Circuit in the Ceded Division, forwarding the Original death warrant in Case N° 16 on the Bellary Calendar for the 2d Session of 1842.

(Here enter F. O. N° 1789)

Read letter dated the 21 instant from the 3d Judge on Circuit in the Southern Division, forwarding copy of the Statement of Batta received from the Criminal Judge of Salem for 2d Sessions of 1842.

(Here enter F. O. N° 1790)

Read letter dated the 19th instant from the Agent to the Governor of Fort Saint George at Ganjam, reporting the execution of Moodoo Naik the prisoner in trial N° 30 of 1842.

(Here enter F. O. N° 1796)

Read letter dated the 27th instant from the 3d Judge of Circuit in the Centre Division, forwarding Statement of Batta paid to the parties who attended the Court of Circuit for the 2d Sessions of 1842, together with the explanation required by the Circular Order N° 131 of 18th January 1841.

(Here enter F. O. N° 1799)

Ent'd H.

Ackr